WEBSTER COUNTY ORDINANCES

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ORDINANCE 004 AS AMENDED

AN ORDINANCE AMENDING ORDINANCE NO. 004 OF THE ORDINANCES OF WEBSTER COUNTY, IOWA, BY AMENDING THE PREAMBLE AND ADDING A DEFINITION TO INCLUDE THE TERM CATS, AND BY AMENDING EXISTING SECTIONS TO PROVIDE FOR THE IMPOUNDING AND DESTRUCTION OF CATS.

BE IT ORDAINED BY THE WEBSTER COUNTY BOARD OF SUPERVISORS:

SECTION 1. PURPOSE

That the purpose of this Ordinance is to amend existing Ordinance 004 by amending the preamble and adding a definition to include the term cats, and by amending existing sections to provide for the impounding and destruction of cats; and

SECTION II

The Preamble of Existing Webster County Ordinance No. 004 is amended to read as follows:

> An ordinance providing for the licensing, impounding, immunization, and keeping of dogs within certain areas of Webster County;
>
> And providing for the impounding and keeping of cats within certain areas of Webster County;
>
> Authorizing the impounding and destruction of dogs and cats and providing penalties.

LIMITATION ON ORDINANCE

The provisions of this Ordinance shall apply only to the unincorporated areas of Webster county which are zoned R-1.

SECTION III.

Section 1 of Webster County Ordinance No. 004 containing definitions is amended to read as follows:

Section I. Definitions.

For use in this ordinance, the following terms are defined:

1. The terms "dogs or animals" shall mean both male and female animals of the canine species, whether altered or not.

2. The term "cats or animals" shall mean both male and female animals of the feline species, whether altered or not.

3. The term "at large" shall mean any licensed or unlicensed dog or cat found off the premises of its owner, not restrained within a motor vehicle, not housed in a veterinary hospital or kennel. A dog or cat shall be deemed to be running at large when off or away from the premises where it normally resides and not under actual physical restraint of a human being.

4. The term "premises" shall mean that property owned, leased, or rented by the dog or cat owner.

5. The term "owner" shall mean any person or persons, firm, or association, or corporation owning, keeping, sheltering or harboring a dog or cat.

6. The term "costs" or "costs of impoundment" shall mean and include long distance telephone calls, veterinary fees, mileage, postage, laboratory fees, medical bills, damage to property and any other costs reasonably and necessarily incurred in the treatment of and disposition of a person's dog or cat.

7. The term "abandonment" shall mean the placing, leaving or abandoning of a dog or cat at any location with the intention to leave said animal to fend for itself.

SECTION IV

Section XII of Webster County Ordinance 004 is amended to read as follows:

SECTION XII. RIGHT TO KILL A DOG OR CAT

It shall be lawful for any person to kill a dog or cat when such dog or cat is caught in the act of chasing, maiming or killing any domestic animal or fowl, or when such dog or cat is attacking or attempting to bite a person or animal.

Section XIII of Webster County Ordinance 004 is amended to read as follows:

SECTION XIII. LIABILITY

The owner of any dog or cat is responsible for all damages and injuries caused by said dog or cat.

SECTION V

Section XVIII of Webster County Ordinance 004 is amended to read as follows:

SECTION XVIII. Apprehension and Impoundment

Any dog or cat found running at large shall be apprehended and impounded. When such dog or cat has been apprehended and impounded, the pound shall give written notice to the owner if known. If the owner does not claim the dog or cat within five (5) days, the dog or cat may be humanely destroyed according to law. An owner may obtain his dog only by having immediately vaccinated and by paying the cost of impoundment. An owner may obtain his cat by paying the cost of impoundment. If the owner of an impounded dog or cat cannot be found within five (5) days, the animal may be humanely destroyed or otherwise disposed of in accordance with law.

SECTION VI

Section XIX of Webster County Ordinance 004 is amended to read as follows:

SECTION XIX. OWNER'S DUTY

It shall be the duty of the owner of any dog or cat or other animal which has bitten or attacked a person or any person having knowledge of such bite or attack, to report this act to the County Board of Health or enforcement official. It shall be the duty of physicians and veterinarians to report to the County Board of Health the existence of any animal known or suspected to be suffering from rabies.

SECTION VII

Section XX of Webster County Ordinance 004 is amended to read as follows:

SECTION XX. Confinement

A. WHERE OWNERSHIP OF ANIMAL IS KNOWN

When any person has been bitten by any dog, cat or other animal, or when any dog, cat or other animal is suspected of having rabies, the County Board of Health or enforcement officer shall order the animal to be confined on a veterinarian's premises or at the owner's premises for a period of not less than ten (10) nor more than fourteen (14) days. If the owner fails to confine such animal in the manner directed, the animal shall be apprehended and impounded by the Board or enforcement officers. If such animal is determined not to have rabies, it shall be returned to its owner and the owner shall pay the costs of impoundment.

If said owner fails to pay said costs within thirty (30) days, the Auditor shall enter a Judgement against said owner after said costs have been duly certified to the Auditor. If, after the minimum ten (10) day period, it is determined that the animal has rabies, the Board of Health may humanely destroy the animal and assess the costs of impoundment and disposal against the owner. If it is determined that the animal does not have rabies, the animal shall be returned to its owner and the owner shall pay the costs of impoundment. If the owner fails to pay said costs within thrity (30) days of confinement in either of the foregoing situations, the Auditor shall enter a judgement against said owner after the costs have been duly certified to the Auditor.

B. WHERE OWNERSHIP OF ANIMAL IS UNKNOWN

When any person has been bitten by a dog, cat or other animal, or when any dog, cat or other animal is suspected of having rabies, and where the ownership of said animal is unknown, the Board of Health or enforcement officer shall order it to be confined on a veterinarian's premises for a period of ten (10) days. After the ten (10) day period has expired, any animal of unknown ownership may be tested for rabies at the direction of the Board of Health or enforcement officers. The costs of such impoundment and testing shall be at the expense of the County.

SECTION VIII

Section XXII of Webster County Ordinance 004 is amended to read as follows:

SECTION XXII. RUNNING AT LARGE

It is unlawful for the owner of any dog or cat to allow such dog or cat to run at large at any time. A violation of this section shall be penalized in accordance with Section XXVI of this Ordinance, and in addition, the Board of Health or enforcement officer shall have the authority to impound such dog or cat until ownership of said animal has been established, and the owner has paid for the costs of impoundment. If the owner of the animal is also going to be charged with Cruelty to Animals under the Code of Iowa, the Board of Health and enforcement officer shall have the authority to impound such animal for a period of up to ten (10) days.

SECTION IX

Section XXIII of Webster County Ordinance 004 is amended to read as follows:

SECTION XXIII. Animal Trespass

It is unlawful for the owner of any dog or cat to cause or permit such animal to go upon the premises of another against the wishes of such other person. A violation of this section shall be penalized in accordance with Section XXVI of this Ordinance, and in addition, the Board of Health or enforcement officer shall have the authority to impound such dog or cat until ownership of said animal has been established, and the owner has paid for the costs of impoundment. If the owner of the animal is also going to be charged with Cruelty to Animals under the Code of Iowa, the Board of Health and enforcement officer shall have the authority to impound such animal for a period of up to ten (10) days.

SECTION X

Section XXIV of Webster County Ordinance 004 is amended to read as follows:

SECTION XXIV. DOGS AND CATS DISTURBING THE PEACE

It is unlawful for any person owning or harboring a dog or cat to allow, or permit such dog or cat to cause serious or habitual disturbance, or annoyance to any person by frequent or habitual howling, yelping, barking, meowing, or otherwise noisesome conduct.

SECTION XI

The remaining sections of Webster County Ordinance 004 which are not amended by this Ordinance are hereby reaffirmed and validated as though fully set out in this Amending Ordinance as originally written.

s/Leonard Hansch
CHAIRMAN, Board of Supervisors, Leonard Hansch

s/Elmer Pliner
BOARD MEMBER, Elmer Pliner

s/Floyd A. Magnusson
BOARD MEMBER, Floyd A. Magnusson

s/Jill Messerly Kirkberg
BOARD MEMBER, Jill Messerly-Kirkberg

s/John Russell
BOARD MEMBER, John Russell

I, V. M. Gudmonson, being duly sworn under oath, hereby state that I am the Auditor for Webster County, Iowa, and that this is a true and accurate copy of the Webster County Ordinance No. 004, as amended, passed by the Webster County Board of Supervisors on May 24, 1988.

s/V. M. Gudmonson
V. M. GUDMONSON
Webster County Auditor

First Reading 5-10-88

Second Reading 5-17-88

Third Reading 5-24-88

Final Passage 5-24-88

Published June 16, 1988

WEBSTER COUNTY ORDINANCE NO. 008

Title. An Ordinance Establishing the Area Service "B" Road Classification in Webster County, Iowa.

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

SECTION 1. Purpose. The purpose of this ordinance is to classify certain roads on the Area Service System in Webster County as Area Service "B".

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

1. "Area Service System" includes those public roads outside of municipalities not otherwise classified.
   a. Area Service "A" roads shall be maintained in conformance with applicable state statutes. All Area Service roads not classified as Area Service "B" roads shall be Area Service "A" roads.
   b. Area Service "B" roads shall not require standards of maintenance equal to Trunk, Trunk Collector, or Area Service "A" roads. Area Service "B" roads shall not mean what is construed in a normal sense as a driveway or a private lane to a farm building or dwelling.
2. "Board" shall mean the Board of Supervisors of Webster County.
3. "Engineer" shall mean the County Engineer of Webster County.

SECTION 3. Powers of the Board. All jurisdiction and control over Area Service "B" roads as provided by this ordinance shall rest with the Board of Supervisors of Webster County.

SECTION 4. Authority to Establish. The Board of Supervisors of Webster County is empowered under authority of Chapter 309 of the 1985 Code of Iowa, Section 309.57 may classify the Area Service System into two classifications, termed Area Service "A": and Area Service "B".

SECTION 5. Area Service "B" Designation. The Board, after consultation with the Engineer, shall by resolution establish the termini of the roads classified as Area Service "B" roads.

SECTION 6. Maintenance Level. Only the minimum effort, expense, and attention will be provided to Area Service "B" roads. Bridges may not be maintained to carry legal loads, but will be posted as appropriate to advise of any load limitations. The minimum maintenance on Area Service "B" roads will be as follows:

Blading: Blading and dragging will not be performed on a regular basis.

Snow Removal: Snow will not be removed.

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

Weeds & Brush: Mowing, spraying, or cutting of brush will not be performed.

Structures: Bridges and cluverts may not be maintained to carry legal loads. Upon failure or loss the structure may not be replaced. If replaced, the replacement structure will be appropriate for the traffic thereon.

SECTION 7. Exemption of Liability. As provided in Chapter 309 of the 1985 Code of Iowa, Section 309.57, County and officers, agents, and employees of the County are not liable for injury to any person or for damage to any vehicle or equipment or contents of any vehicle or equipment, which occurs proximately as a result of the maintenance of a road which is classified as Area Service "B", if the road has been maintained to the level required for roads classified as Area Service "B".

SECTION 8. Administration. The Engineer shall maintain an accurate record of all segments of roads classified by the Board as Area Service "B" and shall cause the necessary signs to be erected at every public road access on those roads so classified as Area Service "B".

SECTION 9. Severability Clause. If any section provision, or part of this ordinance shall be adjedged invalid or unconstitutional, such adjudation shall not effect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 10. Effective Date. This ordinance shall be in effect upon publication in the county newspaper following final approval.

Read First Time and Passed:

Read Second Time and Passed:

Read Third Time and Finally Passed:

Date of Publication:

s/Jill L. Messerly
CHAIRMAN, Board of Supervisors

s/John Russell
Board Member

s/Elmer Pliner
Board Member

s/Myron G. Groat
Board Member

Board Member

I, V. M. Gudmonson, being duly sworn under oath, hereby state that I am the Auditor for Webster County, Iowa, and that this is a true and accurate copy of the Webster County Ordinance No. 008, passed by the Webster County Board of Supervisors on December 3rd, 1985.

s/ V. M. Gudmonson
V. M. Gudmonson
Webster County Auditor

First Reading: 11-26-85

Second Reading: 12-3-85

Published: 12-12-85

ORDINANCE NO. 011

FLOOD PLAIN MANAGEMENT ORDINANCE

SECTION I - Statutory Authority, Findings of Fact and Purpose

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

B. Findings of Fact

1. The flood hazard areas of Webster County are subject to preiodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare of the community.
2. These flood losses, hazards, and related adverse effects are caused by: (i) the occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the flood plain causing increases in flood heights and velocities.

C. Statement of Purpose

It is the purpose of this ordinance to protect and preserve the rights, privileges and property of Webster County and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in Section IB2 with provisions designed to:

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

SECTION II - General Provisions

A. Lands to Which Ordinance Apply.

The provisions of this ordinance shall apply to all areas having special flood hazards within the jurisdiction of Webster County. For the purpose of this ordinance, the special flood hazard areas are those areas designated as Zone A onthe Flood Insurance Rate Map for Webster County, as amended, which is hereby adopted and made a part of this ordinance.

B. Rules for Interpretation of Flood Hazard Boundaries

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

C. Compliance

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

D. Abrogation and Greater Restrictions

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

E. Interpretation

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

F. Warning and Disclaimer of Liability

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

G. Severability

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

SECTION III - Standards for Flood Plain Development

All uses shall meet the following applicable performance standards. Where needed, the Department of Natural Resources shall be contacted to compute 100-year flood elevation and floodway data.

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

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

B. Structures:

1. New or substantially improved residential structures shall have the first floor (to include basement) elevated a minimum of one (1) foot above the 100-year flood level.

2. New or substantially improved non-residential structures shall have the first floor (including basement) elevated a minimum of one (1) foot above the 100-year flood level, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure below the 100-year flood level is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to the National Geodetic Vertical Datum) to which any structures are floodproofed shall be maintained by the Administrator.
3. All new and substantially improved structures:
   a. Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
      i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
      ii) The bottom of all openings shall be no higher than one foot above grade.
      iii) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
   b. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of bouyancy.
   c. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Factory-built homes:
   1. Factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement.
   2. Factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.

D. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damage and shall provide adequate drainage to reduce exposure to flood hazards. Development associated with subdivisions shall meet the applicable standards of this section.

E. Utility and Sanitary Systems

1. All new and replacement sanitary sewage systems shall be designed to minimize and eliminate infiltration of floodwaters into the system as well as the discharge of effluent into floodwaters.
2. On-site waste disposal systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
3. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
4. Utilities such as gas and electrical systems shall be located and constructed to minimize or eliminate flood damage to the systems and the risk associated with such flood damaged or impaired systems.

F. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion.

G. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or:

1. Not be subject to major flood damage and be anchored to prevent movement due to flood waters, or
2. Be readily removable after flood warning.

Section IV - Administration

A. Appointment, Duties and Responsibilities of Flood Plain Administrator

1. The Zoning Administrator is hereby appointed to implement and administer the provisions of this ordinance and will herein be referred to as the Administrator.
2. Duties of the Administrator shall include, but not necessarily be limited to the following:
   a. Review all flood plain development permit applications to assure that the provisions of this ordinance will be satisfied.
   b. Review flood plain development applications to assure that all necessary permits have been obtained from federal, state and local governmental agencies including approval when required from the Department of Natural Resources for flood plain construction.
   c. Record and maintain a record of the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures in the special flood hazard area.
   d. Record and maintain a record of the elevation (in relation to National Geodetic Vertical datum) to which all new or substantially improved structures have been floodproofed.
   e. Notify adjacent communities/counties and the Department of Natural Resources prior to any proposed alteration or relocation of a water-course and submit evidence of such notifications to the Federal Emergency Management Agency.
   f. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this ordinance.

B. Flood Plain Development Permit

1. Permit Required - A Flood Plain Development Permit issued by the Administrator shall be secured prior to any flood plain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving excavation or drilling operations), including the placement of factory-built homes.
2. Application for Permit - Application shall be made on forms furnished by the Administrator and shall include the following:
   a. Description of the work to be covered by the permit for which application is to be made.
   b. Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.
   c. Indication of the use or occupancy for which the proposed work is intended.
   d. Elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of buildings.
   e. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
   f. For developments involving more than 5 acres, the elevation of the 100-year flood.
   g. Such other information as the Administrator deems necessary for the purpose of this ordinance.
3. Procedure for Acting on Permit - the Administrator shall make a determination as to whether the flood plain development, as proposed, meets the applicable provisions of Section III and shall approve or disapprove the application. In reviewing proposed development, the Administrator shall obtain, review and reasonably utilize any available flood plain information or data from Federal, State or other sources.

C. Subdivision Review

The Administrator shall review all subdivision proposals within the special flood hazard areas to assure that such proposals are consistent with the purpose and spirit of this ordinance and shall advise the Board of Supervisors of potential conflicts. Flood plain development in connection with a subdivision (including installation of public utilities) shall require a Flood Plain Development Permit as provided in Section IV B1. For proposals greater than 50 lots, the subdivider shall be responsible for providing flood elevation data.

Section V - Definitions

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

BASEMENT — Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."

DEVELOPMENT	Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
FACTORY-BUILT HOME	Any structure, designed for residential use, which is wholly or in substantial part, made, fabricated, formed or addembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this Ordinance, factory-built homes include mobile homes, manufactured homes and modular homes and also include park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.
FACTORY-BUILT HOME PARK OR SUBDIVISION	A parcel (or contiguous parcels) of land divided into two or more factory-built home lots for sale or rent.
FLOOD	A temporary rise in stream's flow or stage that results in water overflowing its banks and inundating areas adjacent to the channel or an unusual and rapid accumulation of runoff or surface waters from any source.
FLOODPROOFING	Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.
FLOODWAY	The channel of a river or stream and those portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not result in substantially higher flood levels and flow velocities.
LOWEST FLOOR	The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met: a) The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section III B3.a and b) The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and

c) Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least 1.0 ft above the 100-year flood level, and

d) The enclosed area is not a "basement" as defined in this section.

In cases where the lowest enclosed area satisfies criteria a,b,c, and d above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

SPECIAL FLOOD HAZARD AREA — The land within a community subject to a one percent or greater chance of flooding in any given year. This land is identified as Zone A on the Flood Insurance Rate Map.

STRUCTURE — Anything constructed or erected on the ground or attached to the ground including but not limited to buildings, factories, sheds, cabins, factory-built homes, storage tanks and other similar uses.

SUBSTANTIAL IMRPOVEMENT — Any improvement to a structure which satisfies either of the following criteria:

a. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (i) before the improvement or repair is started, or (ii) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use.

b) Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after October 1, 1985 shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

100-YEAR FLOOD — A flood, the magnitude of which has a one percent chance of being equalled or exceeded in any given year or which, on the average, will be equalled or exceeded at least once every 100 years.

Section VI - Code of Ordinances

Copies of the Code as adopted herein shall be on file and available for public inspection in the office of the County Auditor.

Section VII - When Effective

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

The adoption of Ordinance No. 011 supercedes and replaces Ordinance No. 001 which was the prior Flood Plan Ordinance for Webster County, Iowa. Ordinance No. 001 is hereby abolished with the adoption of this new Ordinance No. 011.

ADOPTED AND PASSED by the Board of Supervisors of the County of Webster County, Iowa, this 14th day of April, 1987.

s/Elmer Pliner
Chairman

s/Floyd A. Magnusson
Supervisor

s/Jill Messerly Kirkberg
Supervisor

s/John Russell
Supervisor

s/Leonard Hansch
Supervisor

I, V. M. Gudmonson, being duly sworn under oath, hereby state that I am the Auditor for Webster County, Iowa, and that this is a true and accurate copy of the Webster County Ordinance No. 011, passed by the Webster County Board of Supervisors on April 14th, 1987.

s/V. M. Gudmonson
County Auditor

First Reading 4-14-87
Second Reading waived
Third Reading waived
Final Passage 4-14-87
Published 4-27-87

WEBSTER COUNTY ORDINANCE NO. 012

ALARM TRANSMISSION TELEPHONE DEVICES--REGULATIONS

PURPOSE: The purpose of this ordinance is to provide a means to regulate the use of automatic alarm transmission devices in connection with the 911 emergency system for Webster County, Iowa.

1. Any person desiring to install or use any automatic, electrical, or mechanical device or attachment to any telephone system that reproduces any taped or prerecorded message to report any police, fire or other emergency to any official emergency reporting telephone number, namely 911, shall obtain permission in writing from the Webster County Tele-Communications Board prior to the installation of any such device.

2. Persons requesting such permission shall first make application in writing to the Webster County Sheriff for non-incorporated areas in the County, or through the Police Chief, or Fire Chief of the Municipality having the appropriate jurisdiction. The Sheriff, Police Chief, or Fire Chief shall forward the request to the Webster County Tele-Communications Board for final decision. The Sheriff, Police Chief, or Fire Chief shall make a recommendation in writing to the Webster County Tele-Communications Board concerning under what conditions, if any, a device or attachment may be connected.

3. The Webster County Tele-Communications Board shall have the final right to approve or disapprove any and all connections into the 911 emergency system. This determination shall be made based upon recommendations by the Sheriff, Police Chief or Fire Chief, the reasonableness of such request in accordance with local conditions and whether the proposed device or attachment complies with the rules and regulations of the Iowa Public Utilities Commission and the Webster County Tele-Communications Board.

4. Whenever the Webster County Sheriff, or any police or fire chief within the County has knowledge of the use of any such attachment or device not operated or maintained in accordance with the provisions of this section, that fact will be immediately communicated to the Webster County Tele-Communications Board. The Board shall immediately order that such device or attachment be removed pending compliance with this ordinance.

5. Remote automatic alarm systems and other related devices shall not be installed in such a manner that an automatic alarm signal is connected to the 911 trunk lines.

6. Violations of any of the provisions of this ordinance shall constitute a simple misdemeanor, punishable by a fine not to exceed $100.00 or a jail sentence not to exceed thirty (30) days at length.

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

ADOPTED AND PASSED by the Board of Supervisors of Webster County, Iowa, this 2nd day of June, 1987.

s/Elmer Pliner
Elmer Pliner, Chairman

s/John Russell
John Russell, Supervisor

s/Jill Messerly Kirkberg
Jill Messerly Kirkberg, Supervisor

I, V. M. Gudmonson, being duly sworn under oath, hereby state that I am the Auditor for Webster County, Iowa, and that this is a true and accurate copy of the Webster County Ordinance No. 012, passed by the Webster County Board of Supervisors on June 2, 1987.

s/V. M. Gudmonson
County Aduitor

First Reading 5-19-87
Second Reading 5-26-87
Third Reading 6-2-87
Final Reading 6-2-87
Published 6-12-87

WEBSTER COUNTY ORDINANCE NO. 014

PAWNBROKERS

The general purpose of this Ordinance is to set forth rules to govern persons operating pawnbroker's businesses.

1. GENERAL PROVISIONS

a. No persons shall engage in, or carry on the business of a pawnbroker in the County without first paying the fee and procuring the license provided for in this Ordinance, nor shall any person carry on such business in any manner contrary to its provisions.

b. Every clerk, agent or employee of any pawnbroker shall be subject to and bound by this Ordinance, and liable to the same penalties and to thesame extent as his or her employer or principal for any violation thereof.

2. DEFINITION

Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this Ordinance, have the meanings in this section.

"Pawnbroker." Every person who makes loans or advancements upon pawn, pledge or deposit of personal property, or who receives actual possession of property as security for loans, with or without a mortgage, or bill of sale thereon, or who by advertisement, sign or otherwise holds himself or herself out as a pawnbroker, is a "pawnbroker."

3. LICENSE FEES

Every pawnbroker shall pay each year to the County Auditor a license fee of $200.00 if the license is issued during the first quarter of the year, $150.00 if it is issued during the second quarter of the year, $100.00 if it is issued during the third quarter of the year and $50.00 if it is issued during the last quarter of the year. License renewals are due on January 2 of each succeeding year.

4. ISSUANCE AND CONTENTS OF LICENSE.

Upon receiving the license fee, the County Auditor shall issue a license to the person applying thereafter. The license shall state the name and place of residence of the person licensed, the business to be transacted and the place where it is to be carried on, the date when issued, and the time when it will expire.

5. EXPIRATION DATE OF LICENSE

All pawnbrokers' licenses shall expire on the last day of December next after they are issued.

6. NUMBERING OF LICENSE; RETENTION OF STUB

All licenses issued under the provisions of this subchapter shall be numbered in the order in which they are issued, and the County Auditor shall keep a duplicate therefor.

7. SEPARATE LICENSE FOR EACH PLACE OF BUSINESS

Any person conducting several or separate places of business shall pay the license fee and procure a license for each place. The proprietor's license shall be sufficient for all clerks, agents, and employees engaged or employed at the place named in the license.

8. NOTIFICATION OF COUNTY ATTORNEY UPON NONPAYMENT OF LICENSE FEE

When any person shall engage in business as a pawnbroker without paying the fee provided for and imposed in section 3 of this Ordinance, the County Auditor shall notify the County Attorney.

8. SUSPENTION OF REVOCATION OR LICENSE

Any license issued pursuant to this Ordinance may be suspended or revoked, or its renewal denied, for violations of this Ordinance. The procedures for such suspension, revocation or denial shall be a hearing before the Board of Supervisors after service of notice on the license holder, by personal service or certified mail providing for a minimum of 10 days notice. A majority vote of the supervisors shall govern, and the matter is appealable to District Court.

10. RECORDS

a. Every pawnbroker shall keep a book in which he or she shall accurately and intelligently enter, in ink, in the English language, at the time of purchasing or receiving any personal property:
   1. The name of the person from whom the property is purchased or received and his or her place of residence;
   2. A particular, detailed and accurate description of each article, including serial numbers where available;
   3. The estimated value of each article;
   4. The amount paid, advanced or loaned;
   5. The date and hour of transaction;
   6. The date and hour when the article is to be redeemed or brought back;
   7. Any mortgage or bill of sale taken, or receipt or pawn ticket given, and a copy of same shall be retained;
   8. When, and by whom, an article was bought back or redeemed;
   9. When, to whom, and how an article was disposed of, if not redeemed;

b. The pawnbroker's license and book shall, at all times, be open to examination by any sheriff, deputy sheriff, police officer or the county attorney.

c. Any person shall be guilty of a simple misdemeanor who shall:
   1. Fail to keep such records;
   2. Fail to make the required entries therein;
   3. Intentionally or knowingly make any false or unintelligible entry, or any entry which he or she has reason to beleive is untrue;
   4. Fail to make the inquires necessary to enable him or her to make such entries or any of them;
   5. Fail to produce his or her license or book when requested by an officer having authority to examine it;
   6. Destroy or negligently permit such book to be destroyed or lost.

d. The records required by this section shall be open to examination at any time and shall be kept on file for a period of five (5) years.

11. DAILY REPORTS TO SHERIFF; INFORMATION TO BE SHOWN

Every pawnbroker who shall purchase or receive from any person any old waste, discarded or secondhand copper, brass, lead, zinc or babbit metal, or articles made therefrom, any article or jewelry or precious stones, or any second hand sheet copper or brass, copper, or brass wire, lead (sheet or pipe), zinc (sheet or pipe),plumbing ot plumbing materials or fixtures; electric wire, apparatus or fixtures, door locks, knobs, bolts, plates, bells, hinges, or other door fixtures, window locks, bolts, weights, curtain rods and hook, and other window fixtures, nickel or nickel-plated articles, silver-plated articles, car or railroad brasses or any guns, pistols, tools, instruments or implements, or parts thereof, or any used bicycle, motorcycle or automobile, or parts thereof, or who shall purchase or receive, except from the manufacturer thereof, any bicycle, motorcycle or automobile tube, tire or other accessory, shall within 24 hours after purchasing or receiving such articles report the same in writing to the Sheriff or his designee stating fully and correctly:

1. The name and residence of the person from whom received or purchased;
2. A full and accurate inventory and description of each article, including serial and VINs (Vehicle Identification Numbers);
3. The value or amount paid for each article;
4. The weight or other quantity of each article;
5. From whom, and at what hour and place the same was obtained by the person from whom it was bought or received.

12. DESTROYING, DISPOSING OR DISMANTLING ARTICLES FOR 15 DAYS

No person purchasing or receiving any article described in Section 11 shall melt, destroy or dispose of the same without making the report required in Section 11 or within 15 days after the report is made, except upon written permit from the Sheriff or his designee. No person purchasing, or receiving any used bicycle, motorcycle, automobile, or any bicycle, motorcycle or automobile, tube, tire or other accessory shall sell or dispose of the same without making such report, or within 15 days after such report is made, except upon written permit from the Sheriff or his designee. Every bicycle, motorcycle or automobile purchased or received shall be kept intact for a period of 15 days unless permission to dismantle the same has been obtained in writing from the Sheriff or his designee.

13. CHANGE OR MUTILATION OF JEWELRY

No article of jewelry shall be changed in its form or altered or mutilated in any way within that time fixed for sale or redemption.

14. PURCHASES FROM MINORS

No pawnbroker shall purchase or receive any personal property from any minor without first receiving the consent in writing of the parent or guardian, a copy of which must be filed with the Sheriff at the time of filing the report required in section 11 of this Ordinance.

15. CONCEALING ARTICLES TO PREVENT IDENTIFICATION NUMBERS OR SERIAL NUMBERS

No pawnbroker shall conceal, secrete alter or destroy for any purpose of concealing, any article purchased or received by him or her for the purpose of preventing identification thereof by an officer or any person claiming to own the same, nor shall any pawnbroker conceal, secrete, alter or destroy for thc purpose of preventing identification.

16. NON-ACCEPTANCE OF ITEMS WITH CONCEALED, ALTERED OR OBLITERATED SERIAL OR IDENTIFICATION NUMBERS

No pawnbroker shall purchase, possess, offer for sale or accept as security for a loan, advancement, pledge or deposit, any item that has a concealed, altered or obliterated serial or identification number.

17. SALES DURING REDEMPTION PERIOD

No pawnbroker shall sell or otherwise dispose of any article during the time any person has the right to buy back or redeem the same.

18. HOLDING ARTICLES OF CLOTHING

All articles of clothing taken in pawn or purchased outright shall be held in the same condition in which they were received for 15 days following, and during this period shall not be cleaned, repaired, dyed or altered in any manner whatsoever.

19. SEARCH FOR PROPERTY HELD IN VIOLATION OF THIS ORDINANCE

Whenever any police officer, sheriff, deputy sheriff or county attorney shall have reason to believe that any pawnbroker has in his or her possession or on his or her premises any property held in violation of this ordinance or stolen property, he or she shall have the right and duty to enter and search the entire premises of such person for the purpose of discovering such property, without warrant.

20. EXAMINATION OF PREMISES BY OFFICERS

No pawnbroker or any other person shall refuse, resist or attempt to prevent any sheriff, deputy sheriff, police officer or county attorney with or without warrant, from examining the premises occupied by the pawnbroker at anytime for the purpose of discovering property held in violation of this ordinance or stolen property.

21. RELEASE OF PROPERTY

Second-hand goods dealers shall release to the police department or sheriff any property determined by the officer to be stolen property or property held in violation of this section. The officer, upon receiving such stolen items, shall issue to the second-hand goods dealer in possession of the items, a receipt particularly describing the item, the date and time it was released to the department and the name and signature of the officer making receipt therefor.

22. DISPOSING OF STOLEN GOODS OR GOODS FOR WHICH THERE IS AN ADVERSE CLAIM

No pawnbroker shall sell, or permit to be redeemed, or otherwise dispose of any article which he or she has reason to believe has been stolen, or which is adversely claimed by any person, or which he or she has been notified not to sell release or otherwise dispose of by any sheriff, deputy sheriff, police officer or county attorney, without first obtaining a permit in writing from the sheriff or his designee.

23. Any person operating a business as defined in this Ordinance without the necessary permit, or on an expired permit, shall be guilty of a simple misdemeanor.

24. Any person violating any provision of sections 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21 or 26 of this Ordinance, shall be guilty of a simple misdemeanor.

25. A simple misdemeanor violation under this Ordinance shall carry a maximum penalty of a fine of $100, plus surcharge and costs, or a sentence not to exceed 30 days in the county jail.

26. Reporting forms required to be used under this Ordinance shall be supplied to the Pawnbroker by the Sheriff. Failure to use the supplied forms shall constitute a simple misdemeanor violation.

27. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the vaildity of the remaining portions of this Ordinance.

ADOPTED AND PASSED by the Board of Supervisors of Webster County, Iowa, this 25th day of August, 1987.

s/Elmer Pliner
ELMER PLINER, CHAIRMAN

s/John Russell
JOHN RUSSELL, SUPERVISOR

s/Jill Messerly Kirkberg
JILL MESSERLY-KIRKBERG, SUPERVISOR

s/Floyd Magnusson
FLOYD MAGNUSSON, SUPERVISOR

s/Leonard Hansch
LEONARD HANSCH, SUPERVISOR

I, V. M. Gudmonson, being duly sworn under oath, hereby state that I am the Auditor for Webster County, Iowa, and that this is a true and accurate copy of the Webster County Ordinance No. 014, passed by the Webster County Board of Supervisors on August 25, 1987.

s/V. M. Gudmonson
County Auditor

First Reading 8-11-87
Second Reading 8-18-87
Third Reading 8-25-87
Final Passage 8-25-87

Published Sept. 2, 1987

WEBSTER COUNTY ORDINANCE NO. 015
SECOND-HAND GOODS DEALERS

The general purpose of this Ordinance is to set forth rules to govern persons operating businesses dealing with second-hand goods.

1. SECOND-HAND GOODS DEALER DEFINED

The term "second-hand goods dealer" means any person, firm or corporation, other than a pawnbroker or licensed auctioneers, who purchases, collects, trades, sells or deals in any second-hand goods, antiques, or used articles whatsoever.

2. EXEMPTION

This Ordinance shall not apply to:

a. Any person, firm or corporation selling new, unused articles and receiving or taking in used articles or trade from the purchasers of the new articles against the purchase price of said new articles, where such new articles are sold for their market value;

b. Any person collecting antique items for personal use only;

c. Casual and occasional sales of used household goods by the owner thereof to the public, on a non-receiving basis, if the seller, at the time of sale, is not engaged for profit in the business of selling goods of that or a similar nature; this category includes those sales commonly referred to as "garage sales";

d. Articles received by a second-hand goods dealer for which no consideration is given or promised.

e. Used vehicle dealers licensed by the Iowa Department of Transportation.

3. SCREENING REQUIREMENTS FOR SECOND-HAND DEALERS

All second-hand dealers storing any goods or articles outside or in any yard or lot other than used operable motor vehicles or other large mobile machinery shall completely surround such outside storage area, yard or lot with a solid opaque fence of uniform design and color not less than six feet in height which substantially screens the area in which such goods or articles are stored. Such fence shall be constructed and completed by December 31, 1987, shall be kept in good repair and not used for any advertising, signs or displays, and shall have a suitable gate, likewise opaque, which shall be closed and locked when the owner or his or her agent is not in attendance. No goods or articles shall be stacked higher than the height of the fence nor shall they be stored or deposited outside the fence.

3a. Reporting forms required to be used under this Ordinance shall be supplied to the dealer by the Sheriff. Failure to use the supplied forms shall constitute a simple misdemeanor violation.

4. RECORDS

a. Every second-hand goods dealer, except professional numismatists and philatelists shall keep records in which he or she shall accurately, intelligently and ligibly enter, in the English language at the time of purchasing, or receiving any article or item:

1. The value of the article.

2. The amount paid for the article

4. The article's serial number and model number, if any.
5. The name of the person from whom the article is purchased or received, his or her residence address, social security number, height, age, and race.
6. The date, time and place of the transaction.

b. Every second-hand goods dealer, except professional numismatists and philatelists, shall also record the date of disposition of the sold article or any part or portion thereof and to whom disposed or redeemed, including said person's address. Said disposition report shall be located in the same book and at the same place where the receiving records for said article are located.

c. The records shall, at all times, be open to examination by any police officer, sheriff, deputy sheriff or county attorney, and shall be kept on file for a period of five (5) years.

d. Any person who shall fail to keep such records, or fail to make the required entries therein, or shall intentionally or knowingly make any false or unintelligible entry, or any entry which he or she has reason to believe is untrue, or who shall fail to make the inquiries necessary to enable him or her to make such entries or any of them, or who shall fail to produce his or her records when requested by an officer having authority to examine it, or who shall destroy or negligently permit records to be destroyed or lost, shall be guilty of a simple misdemeanor.

e. Professional numismatists and philatelists:
1. Whenever any peace officer has knowledge of stolen coins or stamps he or she shall provide a list of such coins and stamps to professional numismatists and philatelists. In the event such coins or stamps are presented for sale to any numismatists or philatelists having such list he or she shall attempt to obtain the identity of the seller and notify the sheriff or his designee.
2. Any professional numismatist or philatelist having reason to suspect the authenticity of an attempted sale of coins or stamps shall promptly notify the sheriff or his designee and shall attempt to obtain the identity of the seller.

5. EXAMINATION OF PREMISES BY OFFICERS

No second-hand goods dealer shall refuse, resist or attempt to prevent any police officer, sheriff, sheriff deputy or county attorney from making examinations, with or without warrant, of the premises occupied by such second-hand goods dealer at any time for the purpose of discovering stolen property or property held in violation of this Ordinance.

6. SEGREGATION OF SUSPECTED STOLEN GOODS

Each second-hand goods dealer shall, upon the request of a police officer, sheriff, deputy sheriff or county attorney, segregate items or categories of items which said officer reasonably suspects may be stolen goods. All segregated items shall be so held for 30 days unless sooner released from segregation by the officer ordering such segregation or his or her designee.

7. CONCEALING ARTICLES TO PREVENT IDENTIFICATION OR CONCEALING IDENTIFICATION NUMBERS OR SERIAL NUMBERS

No second-hand goods dealer shall conceal, secrete, alter or destroy for the purpose of concealing, any article purchased or received by him or her for the purpose of preventing identification thereof by an officer or any person claiming to own the same, not shall any second-hand goods dealer conceal, secrete, alter or destroy any identification number or serial number on any item for the purpose of preventing identification.

8. NON-ACCEPTANCE OF ITEMS WITH CONCEALED, ALTERED OR OBLITERATED SERIAL OR IDENTIFICATION NUMBERS

No second-hand goods dealer shall purchase, possess, offer for sale or accept as security for a loan, advancement, pledge, deposit or consignment, any item that has a concealed, altered or obliterated serial or identification number.

9. RELEASE OF PROPERTY

Second-hand goods dealers shall release to the police department or sheriff any property determined by the officer to be stolen property or property held in violation of this section. The officer, upon receiving such stolen items, shall issue to the second-hand goods dealer in possession of the items, a receipt particularly describing the item, the date and time it was released to the department and the name and signature of the officer making receipt therefor.

10. SEARCH FOR PROPERTY HELD IN VIOLATION OF THIS ORDINANCE

Whenever the police officer, sheriff, deputy sheriff or county attorney have substantial reason to believe that any second-hand goods dealer has in his or her possession or on his or her premises any stolen property or property held in violation of this ordinance he or she shall have the right, and it shall be his or her duty to enter and make search and examination of premises of such dealer for the purpose of discovering such property.

11. SAME - PREVENTION

It shall be unlawful for any person to knowingly hinder, obstruct, prevent or attempt to prevent any officer operating pursuant to section 10 of this Ordinance from entering upon or making examination of the premises of any second-hand goods dealer, for the purpose of discovering property held in violation of this Ordinance.

12. DISPOSING OF STOLEN GOODS OR GOODS FOR WHICH THERE IS ADVERSE CLAIM

No second-hand goods dealer shall sell, melt up, break up or otherwise dispose of any article which he or she has reason to believe has been stolen, or which is adversely claimed by any person, or which he or she has been notified not to sell or otherwise dispose of by any police officer, sheriff, deputy sheriff or county attorney without first obtaining a permit, in writing, from the sheriff or his designee.

13. CHANGING OR MUTILATING JEWELRY

No article of jewelry of any type shall be changed in its form or color, or altered or mutilated in any way prior to the time fixed by section 3 of this Ordinance for disposition.

14. DISPOSAL OF ARTICLES

No second-hand goods dealer, except professional numismatists and philatelists, shall sell or otherwise dispose of, dismantle, destroy, or melt any article until after seven days after receiving such property.

15. PURCHASES FROM MINORS

No second-hand dealer shall purchase or receive any personal property from any minor without first receiving legible written consent from the parents or guardian of such minor.

16. Any person violating any provision of sections 3a, 4, 7, 8, 9, 11, 12, 13, 14, 15 of this Ordinance shall be guilty of a simple misdemeanor.

17. A simple misdemeanor violation under this Ordinance shall carry a maximum penalty of a fine of $100, plus surcharge and costs, or a sentence not to exceed 30 days in the county jail.

18. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

ADOPTED AND PASSED by the Board of Supervisors of Webster County, Iowa, this 25th day of August, 1987.

s/Elmer Pliner
ELMER PLINER, CHAIRMAN

s/John Russell
JOHN RUSSELL, SUPERVISOR

s/Jill Messerly Kirkberg
JILL MESSERLY-KIRKBERG, SUPERVISOR

s/Floyd Magnusson
FLOYD MAGNUSSON, SUPERVISOR

s/Leonard Hansch
LEONARD HANSCH, SUPERVISOR

I, V. M. Gudmonson, being duly sworn under oath, hereby state that I am the Auditor for Webster County, Iowa, and that this is a true and accurate copy of the Webster County Ordinance No. 015, passed by the Webster County Board of Supervisors on August 25th, 1987.

s/V. M. Gudmonson
COUNTY AUDITOR

First Reading 8-11-87
Second Reading 8-18-87
Third Reading 8-25-87
Final Passage 8-25-87

Published Sept. 2, 1987

WEBSTER COUNTY HAZARDOUS WASTE AND HAZARDOUS SUBSTANCE ORDINANCE

ORDINANCE NO. 020

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

Be it ordered by the Webster County Board of Supervisors of Webster County, Iowa:

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

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

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

1. "Hazardous waste" means a waste or combination of wastes that, because of its quantity, concentration, biological degradation, leaching from precipitation, or physical, chemical or infectious characteristics, has either of the following effects:

(a) Causes, or significantly contributes to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.

(b) Poses a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. "Hazard waste" may include but is not limited to wastes that are toxic, corrosive or flammable or irritants, strong sensitizers or explosives.

2. "Hazard waste" does not include:

(a) Agricultural wastes, including manures and crop residues that are returned to the soil as fertilizers or soil conditioners.

(b) Source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.

3. "Hazardous substance" means any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that generates pressure through decomposition, heat, or other means. "Hazardous substance" may include any hazardous waste identified or listed by the administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under section 307 of the federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under Section 311 of the federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the secretary of transportation under the Hazardous Materials Transportation Act.

4. "Hazardous condition" means any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous waste or hazardous substance into the land, into a water of the state, or into the air or atmosphere, which creates an immediate or potential danger to the public health or safety or to the environment. For purposes of this division, a site which is an abandoned or uncontrolled disposal site as defined in Section 455B.411, subsection 1, is a hazardous condition.

5. "Person having control over a hazardous substance or hazardous waste" means any person, corporation, partnership, firm, associate, cooperative or government agency of any kind who at any time produces, handles, stores, uses, transports, refines, or disposes of a hazardous substance or hazardous waste, the release of which creates a hazardous condition, including bailees, carriers, and any other person in control of a hazardous substance or hazardous waste when a hazardous condition occurs, whether the person owns the hazardous substance or hazardous waste or is operating under a lease, contract, or other agreement with the legal owner of the hazardous substance or hazardous waste.

6. "Cleanup" means actions necessary to contain, collect, control, identify, analyze, cleanup, treat, disperse, remove or dispose of a hazardous substance or hazardous waste.

7. "Treatment" means a method, technique, or process, including neutralization, designed to change the physical, chemical or biological character or composition of a hazardous substance or hazardous waste so as to neutralize it or to render the substance nonhazardous, safer for transport, amenable for recovery, amenable for storage, or to reduce it in volume. Treatment includes any activity or processing designed to change the physical form or chemical composition of hazardous substance or hazardous waste to render it nonhazardous.

SECTION 4. CLEAN UP REQUIRED. Whenever a hazardous condition is created in Webster County by the deposit, injection, or dumping, spilling, leaking or placing of a hazardous waste or hazardous substance, so that the hazardous substance or hazardous waste or a constituent of the hazardous waste or hazardous substance may enter the environment or be emitted into the air or discharged into any waters, including ground waters, the person having control over the hazardous substance or hazardous waste shall cause the condition to be remedied by a clean up, as defined in the preceding section, as rapidly as feasible to an acceptable, safe condition. If that person does not cause the clean up to begin in a reasonable time in relation to the hazard and circumstances of the incident, the County may by an authorized officer give reasonable notice, based on the character of the hazardous condition, said notice setting a deadline for accomplishing the clean up, and stating that the County will proceed to procure clean up service and bill the person having control over a hazardous substance or hazardous waste. If the bill for those services is not paid within thirty (30) days the Board of Supervisors may authorize the County Attorney to proceed to obtain payment by all legal means. The authorized officer shall report the nonpayment to the Board of Supervisors and may immediately seek any state or Federal funds available for said clean up. The Board of Supervisors may at any time authorize the County Attorney to seek injunctive relief concerning the hazardous condition from a Court or agency.

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

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

2. The reasonable costs incurred by the County to evacuate people from the area threatened by the hazardous substance or hazardous waste involved in the hazardous condition.

3. The reasonable damages to the County for the injury to, destruction of, or loss of any and all County property, including parks and roads, caused by the hazardous substance or hazardous waste involved in a hazardous condition. The reasonable damages may also include the costs of assessing the injury, destruction or loss.

4. All other reasonable costs or damages incurred by the County caused by the hazardous substance or hazardous waste involved in a hazardous condition or the cleanup of it.

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

SECTION 6. NOTIFICATIONS.

1. A person having control over a hazardous substance or hazardous waste shall notify the Webster County Disaster Services Coordinator and the Webster County Sheriff of the occurrence of a hazardous condition as soon as possible, but not later then six (6) hours after the onset of the hazardous condition or discovery of the hazardous condition. The Webster County Disaster Services Coordinator shall notify the proper state office in the manner established by the State of Iowa.

2. Any County employee or any member of a law enforcement agency who discovers a hazardous condition shall notify the Webster County Disaster Services Coordinator and the Webster County Sheriff. The Webster County Disaster Services Coordinator shall notify the appropriate County departments and the proper state office in the manner established by the state.

SECTION 7. POLICE AUTHORITY. If the circumstances reasonably so require, the Webster County Sheriff or the Webster County Disaster Services Coordinator or any other peace officer or law enforcement officer may:

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

2. Order the establishment of perimeters or other boundaries at or near the the site of a hazardous condition and limit access to cleanup personnel.

3. Issue any other reasonable order to ensure the safety of persons or property or the containment of the hazardous condition.

No person shall disobey a lawful oral or written order issued under this section by the Webster County Disaster Services Coordinator, Webster County Sheriff or any other peace officer or law enforcement officer issued under this section.

SECTION 8. Any person, corporation, partnership, firm, associate, cooperative

or government agency of any kind who violates the provisions of sections 6 or 7 of this Ordinance shall be guilty of a simple misdemeanor. A simple misdemeanor violation under this Ordinance shall carry a maximum penalty of a fine of $100, plus surcharge and costs, or a sentence not to exceed 30 days in the county jail.

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

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

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

SECTION 12. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

ADOPTED AND PASSED by the Board of Supervisors of Webster County, Iowa, this 17th day of April, 19 90 .

s/Jill Messerly-Kirkberg
JILL MESSERLY-KIRKBERG, Chairperson

s/John Russell
JOHN RUSSELL, Supervisor

s/Elmer Pliner
ELMER PLINER, Supervisor

s/Floyd Magnusson
FLOYD MAGNUSSON, Supervisor

s/Norman Mundie
NORMAN MUNDIE, Supervisor

I, V. M. Gudmonson, being duly sworn under oath, hereby state that I am the Auditor for Webster County, Iowa, and that this is a true and accurate copy of Webster County Ordinance No. 020, passed by the Webster County Board of Supervisors on April 17 , 19 90 .

s/V. M. Gudmonson
COUNTY AUDITOR

First Reading April 10, 1990
Second Reading April 17, 1990
Third Reading Waived
Final Passage April 17, 1990
Published May 1, 1990

ORDINANCE NUMBER 024

ZONING ORDINANCE FOR THE UNINCORPORATED PORTION OF WEBSTER COUNTY

AN ORDINANCE to regulate and restrict the location and use of buildings, structures, and land for trade, industry, residence, and other purposes; to regulate and restrict the height of buildings and structures, the number and size of buildings and other structures; to establish the size of yards, courts and other open spaces; to establish minimum lot areas; to regulate the density of population and the percentage of lot that may be occupied; to require off street parking; to regulate the location, size and number of signs; to divide the County into districts for such purposes; to provide for the administration and enforcement of its provisions; to create a Board of Adjustment; to prescribe penalties for the violation of its provisions, all in accordance with Chapter 335, Code of Iowa; and to be known, and cited as "The Zoning Ordinance of Webster County, Iowa."

WHEREAS, the Board of Supervisors of Webster County, Iowa, deem it necessary to prevent and to lessen congestion in the streets and highways; to secure safety from fire, flood, panic and other dangers; to protect the public health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to conserve the value of buildings, and encourage the most appropriate use of land throughout the County; all in accordance with a Comprehensive Land Use Plan.

NOW THEREFORE, BE IT ORDAINED BY BOARD OF SUPERVISORS OF WEBSTER COUNTY, IOWA THAT:

ARTICLE 1/SHORT TITLE AND JURISDICTION

Section 1. SHORT TITLE. This Ordinance shall be known and may be cited and referred to as the "Zoning Ordinance of Webster County, Iowa," to the same effect as if the full title was stated.

Section 2. JURISDICTION. In accordance with the provisions of Chapter 335, of the Code of Iowa and amendatory acts thereto, this Ordinance is adopted by Webster County, Iowa, governing the zoning of all lands within the unincorporated area.

ARTICLE 2/INTERPRETATION OF REGULATIONS

Section 1. INTERPRETATION. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law, other rules, regulations, or ordinances, the provisions of this Ordinance shall govern.

Section 2. FARMS EXEMPT. In compliance with Chapter 335.2, Code of Iowa, no regulation or restriction adopted under the provision of this Ordinance shall be construed to apply to land, farm houses, farm barns, farm out-buildings, or other buildings, structures, or erections which are primarily adapted by reason of nature and area, for use for agricultural purposes while so used; provided, however, that such regulations or restrictions which relate to any structure, building, dam, obstruction, deposit, or excavation in or on the flood plains of any river to stream shall apply thereto.

No Zoning Compliance Permit shall be required for the construction, reconstruction, alterations, remodeling, or expansion of buildings and uses customarily associated with the pursuit of agricultural enterprises in the County, including farm buildings, farmstead dwellings, farm fences, farm ponds, soil conservation or similar buildings and uses when so used.

The following non-agricultural uses and buildings, though customarily found in the unincorporated areas of the County, or conducted, built, or maintained by persons coincidentally engaged in agricultural pursuits, shall obtain a Zoning Compliance Permit in accordance with the provisions of this Ordinance:

Private golf courses; private lakes or ponds for recreational use by the general public; private club,

gravel, sand, or rock quarries or pits; tourist campgrounds; private parks, private or commercial hunting preserves; farmstead home occupations; and private dumps or waste disposal areas.

Any farm dwelling, building, or structure intended for permanent human habitation, while not requiring a Zoning Compliance Permit, shall not be located within a one-hundred (100) year flood zone as identified by the Federal Emergency Management Agency (FEMA).

ARTICLE 3/DEFINITIONS

Section 1. For the purpose of this Ordinance certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural number includes the singular; the word "shall" is mandatory , the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the words, "used" or "occupied" include the words intended, designed, or arranged to be used or occupied; and the word "he" includes the word she.

.1. Abandoned Farmstead: A track of land which has at one time was a farm dwelling and its related outbuildings, but which has not been reclaimed for row crop or grazing agriculture. To be classified as an Abandoned Farmstead, some evidence (such as buildings, shelter belts, etc.) must remain of the parcel's past status as a farmstead.

.2. Accessory Use or Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structure

.3. Agriculture: The use of land for agricultural purposes including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however that the operation of such accessory use shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to animals.

.4. Alley: A public or private thoroughfare which affords only a secondary means of access to abutting property.

.5. Animal Feeding Operation: A lot, yard, corral, building, or other area in which animals are confined and fed and maintained for forty-five (45) days or more in any twelve (12) month period, and all structures used for the storage of manure from animals in the operation.

.6. Animal Weight Capacity: The product of multiplying the maximum number of animals which the owner or operator confines in the animal feeding operation, or confinement feeding operation, at any one (1) time by the average weight during a production cycle.

.7. Apartment: A single room or set of rooms occupied as a dwelling (including independent sleeping, sanitary, and cooking facilities) which is part of multi-family structure.

.8. Awning/Canopy: A roof like cover extending over or before a place as a shelter.

.9. Basement: A story having more than one-half (1/2) of its height below grade. A basement is not counted as a story for the purpose of height regulations.

.10. Billboard: A structure, regardless of the material used, that is erected, maintained or used for public display of posters, painted signs, or wall signs, whether the structure be placed on the wall or painted itself, pictures or other pictorial reading material which advertise a business or attraction which is not carried on, manufactured, grown or sold on the premises where said sign or billboard is located.

.11. Block: Property abutting on at least one (1) street and lying within two (2) or more intersecting or parallel streets or unsubdivided acreage or railroad right-of-way.

.12. Boarding, Rooming, or Lodging House (Also, Bed and Breakfast): A building other than a hotel where for compensation, and by arrangement, lodging is provided.

.13. Buildable Area: The portion of a lot remaining after required yards have been provided.

.14. Building: (and/or Structure) A structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property. The principal building on a lot is that structure in/on which the principal use of the lot occurs.

.15. Building, Height of: The vertical distance from the average natural grade at the building line, to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

.16. Bulk Stations: Distributing stations commonly known as bulk or tank stations used for the storage and distribution of flammable liquids or liquefied petroleum products and other

.17. Business: The words business, commercial, and manufacturing when used herein refers to the engaging in the purchase, sale or exchange of goods or services, or the operation for profit of offices or recreational amusement enterprises.

.18. Carport: Space for the housing or storage of motor vehicles and enclosed on not more than two (2) sides by walls. A carport may be attached to another building or be an accessory structure.

.19. Club or Lodge (Private): An association of persons for the promotion of a nonprofit objective, who are members paying annual dues, which owns, hires, or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. It shall be permissible to serve food and meals to members and their guests on such premises provided adequate dining room space and kitchen facilities are available and are operated in compliance with state and municipal laws.

.20. Commission: The Webster County Planning And Zoning Commission.

.21. Confinement Feeding Operation: An animal feeding operation in which animals are confined to areas which are totally roofed.

.22. Cottage: A small single unit structure used for vacation or seasonal occupancy.

.23. Day Nursery or Nursery School: Any private agency, institution, establishment or place which provides, for compensation, supplemental parental care and/or educational work, other than overnight lodging, for six (6) or more unrelated children.

.24. Driveway: A traffic way providing access for vehicles to a building on property abutting a public street. A driveway shall not be wider than twenty-four (24) feet at its junction with the public street.

.25. Dwelling: Any building or portion thereof designed or used exclusively for residential purposes, but not including a tent or seasonal trailer. A mobile home which has been converted to real estate and has a permanent foundation and is attached to normal utilities, is considered a dwelling for purposes of this ordinance. Except that in an R-1 District the mobile home shall be at least twenty (20) feet in width at its least width dimension.

.26. Dwelling, Multiple: A residence designed for the occupancy by three (3) or more families, with separate housekeeping and cooking facilities for each.

.27. Dwelling, Single Family: A detached residence designed for or occupied by only one (1) family and contains independent cooking facilities for the family.

.28. Dwelling, Two Family: A residence designed for or occupied by two (2) families, with separate entrances, housekeeping, and cooking facilities for each.

.29. Essential Services: The erection, construction, alteration or maintenance by developers, public utilities, or governmental agencies of underground or overhead gas, telephone, television, electrical, wastewater, water transmission, treatment, or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, traffic signals, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities or governmental agencies or for public health or safety or general welfare.

.30. Family: One (1) or more persons occupying a dwelling and living as a single housekeeping unit, as distinguished from a group occupying a boarding or lodging house, nursing or convalescent home, hotel or motel, as herein defined.

.31. Feedlot and/or Confinement: Any parcel where the principal use is the raising and feeding of livestock, fowl, or other animals.

.32. Fence (In a Residential Area): An erection intended to prevent escape or intrusion or to mark a boundary. For purposes of this Ordinance a fence is composed of posts, wire, boards, or manufactured plastic. This definition does not pertain to the fencing requirements for junk and salvage yards as may be described elsewhere in this Ordinance.

.33. Foundation, Permanent: At a minimum, a permanent foundation must have located at each corner of the structure being supported, a pillar support system that includes cement or a cemented structure that extend below the normal frost line. The distance between pillars shall not exceed twelve (12) feet.

.34. Garage (Service): A building or portion thereof, designed, intended, or used for the equipping, servicing, selling, hiring, storing, care, or repair of motor vehicles, and which is operated for commercial purposes.

.35. Garage, (Private): An enclosed structure intended for and used for the parking of the private motor vehicles of the families resident upon the premises.

.36 Gasoline Service Stations: Any building or premises used for the retail sale of liquid fuels

purpose of making other than minor repairs. When the dispensing, retail sale or offering for retail sale is incidental to the conduct of a commercial garage, the premises shall be classified as a commercial garage.

.37. Grade: The average level of the finished surface of the ground adjacent to the exterior walls of the building.

.38. Home Occupation: An occupation or a profession conducted in a dwelling unit or on a farm for supplemental income, and which:

.38.1. Is customarily carried on in a dwelling unit or accessory buildings;

.38.2. Is owned and operated by a member of the family residing in the dwelling unit;

.38.3. Is clearly incidental and secondary to the use of the dwelling unit for residential or farm purposes;

.38.4. Does not employ more than three (3) person(s) outside the immediate family;

.38.5. Has no exterior display or exterior storage of materials visible from any public road;

.38.6. Has no exterior indication of the home occupation other than the permitted home occupation sign;

.38.7. Produces no offensive noise, vibration, smoke, excessive congestion, dust, odors, heat or glare rendering such building or premises objectionable or detrimental to the residential character of the neighborhood.

.39. Hotel: A building in which lodging or boarding is provided and offered to the public for compensation and which is open to a transient guest.

.40. Incidental: Subordinate in significance and bearing a reasonable relationship with the principal use.

.41. Juice Bar: An establishment where non-alcoholic beverages are served while male and/or female dancers perform various acts while undressing, or while undressed. The undress can include situations where genitals are exposed to public view.

.42. Junk Yard (or Landfill): Any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, kept, stored or handled, including house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment.

Where permitted by district regulations salvage shall either be located within a rear yard or fully enclosed within a building. In addition, junk yards located within one thousand (1,000) feet of a state, federal, or county highway shall obtain a current "Recycler's License" from the Iowa Department of Transportation. Junk Yards located over one thousand (1,000) feet from a state, federal, or county highway shall be screened from view from a public street by the same screening regulations as provided by the Iowa Department of Transportation when granting a "Recycler's License."

.43. Junk Vehicle (Junk Machinery): shall mean any vehicle or portion thereof not in running condition and/or not licensed for the current year as provided by law and not legally placed in storage with the Treasurer of Webster County, or any other vehicle or machinery which, because of its defective or obsolete condition, or rotted, rusted or loose parts, or in any other way constitutes a threat to the health and safety of the citizens and is a nuisance within the meaning of Section 657.1, Code of Iowa. The presence of two (2) or more junk vehicles on the same lot shall cause the lot to be classified as a junk yard.

.44. Kennel: Any premises on which four (4) or more dogs, six (6) months old or older, are kept.

.45. Lot: A parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area to provide such yards and other open space as herein required. Such lot shall have frontage on a public street and may consist of: (a) a single lot of record; (b) a portion of a lot of record; (c) a combination of complete lots of record; of complete lots of record and portions of lots of record; or of portions of lots of record; and (d) a parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

.46. Lot Area: The area of a horizontal plane bounded by the front, side and rear lot lines.

.47. Lot, Corner: A lot fronting on two (2) intersecting streets.

.48. Lot Depth: The mean horizontal distance between the front and rear lot lines.

.49. Lot, Interior: A lot other than a corner lot.

.50. Lot Lines: The lines bounding a lot.

.51. Lot Line, Front: In the case of an interior lot, abutting on only one (1) street, the front line is the street line of such lot. In the case of any other lot, the front lot line shall be considered as the line adjacent to the street upon which the lot has its least dimension.

.52. Lot Line, Rear: That boundary line which is opposite and most distant from the front line.

.53. Lot Line, Side: Any boundary line not a front lot line or a rear lot line.

.54. Lot of Record: A lot which is a part of a subdivision recorded in the office of the county recorder of Webster County, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

.55. Lot, Through: An interior lot having frontage on two parallel, or approximately parallel streets and also known as a double fronted lot.

.56. Lot Width: The width of a lot as measured at the required front yard set-back line.

.57. Mobile Home: A vehicle used, or so originally constructed as to permit being used, as conveyance upon the public streets or highways and duly licensed as such, and constructed in such a manner as will permit occupancy thereof for human habitation, dwellings, or sleeping places for one (1) or more persons, provided further that this definition shall refer to and include all portable contrivances used or intended to be used generally for living and sleeping quarters and which is capable of being moved by its own power, towed, or transported by another vehicle. Mobile homes of less than twenty (20) feet in width shall be located within a Mobile Home Park.

.58. Mobile Home Converted to Real Estate: A mobile home, at least twenty (20) feet in width, which has been attached to a permanent foundation on real estate, which has had the vehicular frame destroyed rendering it impossible to reconvert to a mobile home, and which has been inspected by the assessor, the mobile home title, registration, and license plates collected from the owner and the property entered on the tax rolls of the county.

.59. Mobile Home Park or Trailer Park: Any lot or portion of a lot upon which one (1) or more mobile homes or trailers for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodations.

.60. Motel, Motor Court, Motor Lodge or Tourist Court: Any building or group of buildings containing guest rooms primarily for temporary occupancy, and laid out to provide space for parking vehicles used by the traveling public. Such building or group of buildings may include quarters for the use of the operating personnel.

.61. Nonfarm Dwelling: A residential dwelling in the unincorporated areas of the County occupied by parties not involved in agricultural production.

.62. Nursing Home (Including Convalescent and Group Homes): A building or structure having accommodations and where care is provided for invalid, infirmed, aged, convalescent, or physically disabled or injured persons, but not including penal or disciplinary cases.

.63. Parking Lot: A parcel of land devoted to unenclosed parking spaces.

.64. Parking Space: A surfaced area of not less than one hundred eighty (180) square feet plus necessary maneuvering space for the parking of a motor vehicle. Space for maneuvering, incidental to parking or unparking, shall not encroach upon any public right-of-way.

.65. Porch, Unenclosed: A roofed projection which is partially enclosed by a building or siding material other than meshed screens.

.66. Principal Use: The main use of land or structures as distinguished from an accessory use.

.67. Professional Office: Any building or part thereof used by one (1) or more persons engaged in the practice of law, accounting, architecture, medicine, engineering or other occupation customarily considered as a profession.

.68. Roadside Stand: A temporary structure, unenclosed, and so designed and constructed so the structure is easily portable or can be readily moved, and which is adjacent to a road and used for a sale of farm products produced or grown on the premises.

.69. Sanitary Sewer System: A public or private sewerage collection system with treatment and disposal facilities operated in accordance with Department of Natural Resources standards.

.70. Sign Area: The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of such forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

.71. Sign, Exterior: A sign which directs attention to a business, profession, service, product or activity sold or offered upon the premises where such sign is located. An exterior sign may be attached flat against a building or structure, painted on the building or structure

projecting out from a building or structure, or erected upon the roof of a building or structure.

.72. Sign, Free Standing or Post: Any sign erected or affixed in a rigid manner to any pole or post, and which carries any advertisement strictly incidental and subordinate to a lawful use of the premises on which it is located, including signs, or sign devices indicating the business transacted, services rendered or goods sold or produced on the premises by an occupant thereof.

.73. Split Level: A story having not more than one-half (1/2) of its height below grade. A split-level story is counted as a story for purposes of height regulations.

.74. Stable: An accessory structure including, but not limited to a corral or paddock for the keeping of hoofed animals owned or controlled by the occupants of the premises and which are kept for pets, board, propagation, sale, or lease.

.75. Story: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

.76. Story, Half: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than four (4) feet above the top floor level.

.77. Street Line: The right-of-way line of a street, road or highway.

.78. Street, Public: A public thoroughfare more than twenty feet in width.

.79. Structural Alteration: Any replacement or changes in the type of construction or in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, beyond ordinary repairs, and maintenance.

.80. Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, billboards, decks, poster panels, and carports.

.81. Trailer Camp or Tourist Ground: Any area providing spaces for two (2) or more travel trailers, camping trailers, or tent sites for temporary occupancy with necessary incidental services, sanitation, and recreation facilities to serve the traveling public.

.82. Variance: A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. A variance may be authorized only for height of structures and area and size of lots, yards, and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall a variance be granted because of the presence of nonconformity in the zoning district or uses in adjoining zoning districts.

.83. Yard: An open space on the same lot with a building or structure. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used. In measuring a yard for the purpose of determining the width of a side yard, the least distance between the lot line and the nearest permitted building shall be used.

.84. Yard, Front: A yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof, other than the projection of the usual steps and eaves. In the case of corner lots, the front yard shall be considered as the yard adjacent to the street upon which the lot has its least dimension, unless the structure can be placed on the lot and meet all required yard requirements, in which case either street side may be the front yard.

.85. Yard, Rear: A yard extending across the full width of the lot and measured between the rear lot line and the structure or any projections other than uncovered steps, balconies or eaves. On both corner lots and interior lots the opposite end of the lot from the front yard shall be considered the rear yard.

.86. Yard, Side: A yard extending from the front yard to the rear yard and measured between the side lot lines and the nearest building.

.87. Zoning Administrative Officer: The individual appointed by the Board of Supervisors of Webster County, Iowa to administer and enforce the provisions of this Ordinance.

.88. Zoning Compliance Permit: A permit issued by the Zoning Administrative Officer, authorizing the use of land in the manner and for the purpose specified in the application.

ARTICLE 4/DISTRICTS

Section 1. For the purpose and intent of this Ordinance Webster County, Iowa is hereby divided into zoning district classifications as follows:

A-1 - Agricultural District
A-2 - Agricultural District
R-1 - Residential District
C-1 - Commercial District
I-1 - Industrial District

Section 2. BOUNDARIES AND OFFICIAL MAP. The boundaries of these districts are indicated and established as shown upon maps designated as the Official Zoning Map of Webster County, Iowa, which, with all their notations, designations, references, and other matters shown thereon, shall be as much a part of this Ordinance as if fully described and set forth herein. The Official Zoning Maps shall be identified by the Chairperson of the Board of Supervisors and attested by the County Auditor under the following words:

"This is to certify that this is the Official Zoning Map referred to in Article 4 of the Webster County Zoning Ordinance, dated this 27th Day of May, 1997

Amendments, supplements, or changes of the boundaries of districts as shown on the Official Zoning Map shall be made by an ordinance amending this Ordinance. The amending ordinance shall refer to the Official Zoning Map and shall set out the identification of the area affected by legal description and identify the zoning district as the same exists and the new district designation applicable to said property. Said ordinance shall, after adoption and publication, be recorded by the County Auditor as other ordinances and a certified copy thereof be attached to the Official Zoning Map. Such amendatory ordinance shall, however, not repeal or reenact said map, but only amend it. The Official Zoning Map, together with amending ordinances, shall be the final authority as to current zoning status of land and water areas, buildings, and other structures in the County.

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the Board of Supervisors may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such corrections shall have the effect of amending the original Official Zoning Ordinance or any subsequent amendment thereof.

Section 3. INTERPRETATION OF DISTRICT BOUNDARIES. Where uncertainty exists as to boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

.1. Boundaries indicated as approximately following the center lines of streets, highways, alleys or other public rights-of-way shall be construed to follow such center lines;

.2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

.3. Boundaries indicated as approximately following section lines, quarter section lines, or quarter-quarter section lines shall be construed as following such lines;

.4. Boundaries indicated as approximately following city limits shall be construed as following such city limits;

.5. Boundaries indicated as approximately following the center line of streams, rivers, canals, lakes or other bodies of water shall be construed as following such center lines;

.6. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

.7. Boundaries not capable of being determined in the previous paragraphs shall be as dimensioned on the Official Zoning Map or if not dimensioned shall be determined by the scale shown on the map.

Section 4. ROAD OR PUBLIC WAY VACATION. Whenever any road, street, or other public way is vacated by the official action of the Board of Supervisors, the Zoning District(s) adjoining each side of such road or public way shall automatically extend to the center of such vacation and all areas included in such vacation shall then and there forth be subject to all appropriate regulations of the extended districts

Section 5. DISINCORPORATION. All territory which may hereafter become part of the unincorporated area of Webster County, that is regulated by this Ordinance, by the disincorporation of any city or town, or any part thereof, shall automatically be classified as lying and being within the (A-2) Agricultural District until such classification shall have been changed by amendment to this Ordinance.

Section 6. GENERAL REGULATIONS.

.1. No building or structure shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used, nor shall any use of the land be changed, which does not comply with all of the district regulations for the district in which the building or land is located.

.2. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum required. No part of a yard or other open space, or off street parking or loading space provided about any building, structure, or use for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard, open space, or off street parking or loading space required under this Ordinance for another building, structure, or use.

.3. Every building hereafter erected or subject to structural alteration shall be located on a lot as herein defined and in no case shall there be more than one (1) main building on one (1) lot unless otherwise provided in this Ordinance.

ARTICLE 5/AGRICULTURAL DISTRICT (A-1)

Section 1. INTENT. This Agricultural District (A-1) is intended primarily for application to those rural areas of the County where it is necessary and desirable to reserve for exclusive agricultural use appropriately located areas suitable for the raising of crops or livestock because of high quality of soils, existing or potential drainage, or exclusive agricultural character of the area. It is envisioned that intensive agriculture will be contained within the A-1 District; therefore, this district discourages the location of non-agricultural uses that would not be compatible with agriculture and its noise, pollution, and smell.

Section 2. PRINCIPAL USES PERMITTED. Only the following uses and structures shall be permitted in the Agricultural District (A-1).

.1. Agriculture including the raising of crops, horticultural uses, animal husbandry, poultry husbandry, fisheries, but excluding commercial auction yards and barns;

.2. Animal Feeding Operations and Confinement Feeding Operations as permitted by Department of Natural Resources rules and regulations, particularly in regard to the use of manure collection and treatment devices, manure management plans, and site distances to adjacent non farm uses;

.3. Cemeteries;

.4. Drainage and flood control projects;

.5. Grain elevators;

.6. Kennels or stables, provided that the kennel shall be located at least three hundred (300) feet from any residential dwelling other than that of the kennel owner;

.7. Non farm single family dwellings provided that the site is an existing or abandoned farmstead at the effective date of this Ordinance and contains at least two (2) acres.

.8. Nurseries, greenhouses, and truck gardens;

.9. Public road maintenance buildings;

.10. Railroads.

Section 3. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

.1. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures permitted as exceptions;

.2. Essential services;

.3. Home occupations;

.4. Roadside stands for the sale of agricultural produce grown on the premises;

.5. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

Section 4 SPECIAL EXCEPTION USES AND STRUCTURES. The following uses may be permitted in the Agricultural District (A-1) subject to approval by the Board of Adjustment as provided for in Articles 14 and 18 of this Ordinance.

.1. Agricultural service businesses involving the processing, storage, and sale of grain for seed, or for livestock and poultry feed; the sale of feed supplements; the sale of dry or slurry mix fertilizers; and the storage, distribution or sale of anhydrous ammonia; the sale of agricultural lime and agricultural chemicals; the storage and sale of fuels; the buying and storage of wool or hides; trenching or well drilling; contract farming; farm equipment repair shops; and the sale or display of farm machinery;

.2. Bed and breakfast establishments within existing farm homes;

.3. Extraction and processing of minerals or raw materials, including limestone, cement, clay, gypsum, and other similar natural materials;

.4. Public or private parks, playgrounds, fairgrounds, recreation areas, camping grounds, golf courses, country clubs, golf driving ranges, archery ranges, and swimming pools;

.5. Sanitary landfill, junk yard, or other type of waste disposal area;

.6. Transmitters, towers, receiver equipment.

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 10 of this Ordinance:

.1. Lot Area: The minimum lot area for non-agricultural uses shall be forty (40) acres. However, the minimum lot area for a non-farm dwelling located on an abandoned farmstead is two (2) acres;

.2. Lot Width: The minimum lot width shall be one hundred (100) feet;

.3. Front Yard: The minimum front yard shall be twenty-five (25) feet;

.4. Side Yard: The minimum side yard shall be ten (10) feet;

.5. Rear Yard: The minimum rear yard shall be twenty-five (25) feet;

.6. Maximum Height: No building shall exceed a height of two and one-half (2 1/2) stories or thirty-five (35) feet, unless otherwise provided.

Section 6. OFF-STREET PARKING. Off-street parking shall be provided in accordance with the provisions of Article 11 of this Ordinance.

Section 7. OFF-STREET LOADING. Off-street loading shall be provided in accordance with the provisions of Article 12 of this Ordinance.

Section 8. SIGNS. Signs are permitted subject to the provisions of Article 13 of this Ordinance.

ARTICLE 6/AGRICULTURAL DISTRICT (A-2)

Section 1. INTENT. This Agricultural District (A-2) is intended primarily for application to those rural areas of the County where farm uses begin to border/mingle with non-farm uses of commercial residential, or industrial. Therefore, the attempt is to separate the more intensive agricultural uses (such as confinement operations) from the adjacent urban areas. This District is a two thousand five hundred (2,500) foot buffer around existing corporate limits, areas programmed for intensive non-farm uses, and along and around major public use areas. Within this buffer confinement agriculture is limited and discouraged because of potential conflicts with non-farm uses.

Section 2. PRINCIPAL USES PERMITTED. Only the following uses and structures shall be permitted in the Agricultural District (A-2).

.1. Agriculture including the raising of crops, horticultural uses, animal husbandry, poultry husbandry, fisheries, but excluding commercial auction yards and barns;

.2. Cemeteries;

.3. Confinement Feeding Operations and Animal Feeding Operations as permitted by Department of Natural Resources (DNR) rules and regulations. The Confinement Feeding Operation or Animal Feeding Operation shall not exceed six hundred twenty-five thousand (625,000) pounds animal weight capacity for swine, foul, or animals other than bovine, and one million six hundred thousand (1,600,000) pounds animal weight capacity for bovine. Also, DNR requirements including manure management plans, collection and

.4. Drainage and flood control projects;

.5. Kennels or stables, provided that the kennel shall be located at least three hundred (300) feet from any residential dwelling other than that of the kennel owner;

.6. Nurseries, greenhouses, and truck gardens;

.7. Public road maintenance buildings;

.8. Railroads;

.9. Single family non-farm dwellings provided that: A) The site is an existing or abandoned farmstead at the effective date of this Ordinance and contains at least two (2) acres; or B) That the site contains a minimum of one (1) acre and the parcel's total acreage shall average a Corn Suitability Rating (as defined by the Soil Conservation Service) of less than sixty-five (65).

Section 3. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

.1. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures permitted as exceptions;

.2. Essential services;

.3. Home occupations;

.4. Private garage or carport;

.5. Roadside stands for the sale of agricultural produce grown on the premises;

.6. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

Section 4 SPECIAL EXCEPTION USES AND STRUCTURES. The following uses may be permitted in the Agricultural District (A-2) subject to approval by the Board of Adjustment as provided for in Articles 14 and 18 of this Ordinance.

.1. Agricultural service businesses involving the processing, storage, and sale of grain for seed, or for livestock and poultry feed; the sale of feed supplements; the sale of dry or slurry mix fertilizers; and the storage, distribution or sale of anhydrous ammonia; the sale of agricultural lime and agricultural chemicals; the storage and sale of fuels; the buying and storage of wool or hides; trenching or well drilling; contract farming; farm equipment repair shops; and the sale or display of farm machinery;

.2. Bed and breakfast establishments within existing farm homes;

.3. Churches, chapels, temples, and similar places of worship;

.4. Extraction and processing of minerals or raw materials, including limestone, cement, clay, gypsum, and other similar natural materials;

.5. Public or private parks, playgrounds, fairgrounds, recreation areas, camping grounds, golf courses, country clubs, golf driving ranges, archery ranges, and swimming pools;

.6. Sanitary landfill, junk yard, or waste disposal area;

.7. Transmitters, towers, receiver equipment.

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 10 of this Ordinance:

.1. Lot Area: The minimum lot area shall two (2) acres;

.2. Lot Width: The minimum lot width shall be one hundred (100) feet;

.3. Front Yard: The minimum front yard shall be twenty-five (25) feet;

.4. Side Yard: The minimum side yard shall be ten (10) feet;

.5. Rear Yard: The minimum rear yard shall be twenty-five (25) feet;

.6. Maximum Height: No building shall exceed a height of two and one-half (2 1/2) stories or thirty-five (35) feet, unless otherwise provided.

Section 6. OFF-STREET PARKING. Off-street parking shall be provided in accordance with the provisions of Article 11 of this Ordinance.

Section 7. OFF-STREET LOADING. Off-street loading shall be provided in accordance with the provisions of Article 12 of this Ordinance.

Section 8 SIGNS Signs are permitted subject to the provisions of Article 13 of this Ordinance.

ARTICLE 7/RESIDENTIAL DISTRICT (R-1)

Section 1. INTENT. The intent of the (R-1) Residential District is to provide for low to medium density residential development with a limited number of institutional and recreational facilities permitted.

Section 2. PRINCIPAL USES PERMITTED. Only the following principal uses and structures shall be permitted in the (R-1) Residential District:

.1. One (1) family dwellings;

.2. Two (2) family dwellings (duplexes);

.3. Churches, chapels, temples and similar places of worship;

.4. Private recreation facilities;

.5. Publicly owned and operated buildings, parks, playgrounds, golf courses, and recreation areas;

.6. Schools and colleges having curriculums approved by the State of Iowa.

Section 3. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

.1. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures permitted as exceptions;

.2. Essential services;

.3. Home occupations;

.4. Private garage or carport;

.5. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

Section 4. SPECIAL EXCEPTION USES AND STRUCTURES. The following uses and structures may be permitted in the (R-1) District subject to provisions of Articles 14 and 18 of this Ordinance and with the approval of the Board of Adjustment:

.1. Boarding, lodging, and Bed and Breakfast homes;

.2. Day nursery or nursery school;

.3. Private clubs or fraternities.

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 10 of this Ordinance:

.1. Lot Area: The minimum lot area shall be ten thousand (10,000) square feet, or the minimum specified by the Webster County Sanitarian to provide for adequate disposal fields and clear zones when private wells and septic tanks are used;

.2. Lot Width: The minimum lot width shall be one hundred (100) feet;

.3. Front Yard: The minimum front yard shall be twenty-five (25) feet;

.4. Side Yard: The minimum side yard shall be ten (10) feet;

.5. Rear Yard: The minimum rear yard shall be twenty-five (25) feet;

.6. Maximum Height: No building shall exceed a height of two and one-half (2 1/2) stories or thirty-five (35) feet, unless otherwise provided.

Section 6. OFF-STREET PARKING. Off-street parking shall be provided in accordance with the provisions of Article 11 of this Ordinance.

Section 7. OFF-STREET LOADING. Off-street loading shall be provided in accordance with the provisions of Article 12 of this Ordinance.

Section 8. SIGNS. Signs are permitted subject to the provisions of Article 13 of this Ordinance.

ARTICLE 8/ COMMERCIAL DISTRICT (C-1)

Section 1. INTENT. The intent of the (C-1) Commercial District is to provide in the unincorporated area of the county for a limited number of establishments in size and scope which cater to the primarily agriculturally oriented needs of the rural agricultural area. Also included are uses located at major

Section 2. PRINCIPAL USES PERMITTED. Only the following principal uses and structures shall be permitted in the (C-1) Commercial District:

.1. Automobile sales and service;
.2. Commercial or private camp ground;
.3. Car/truck wash;
.4. Commercial recreation or amusement;
.5. Construction/contracting offices with incidental fabrication;
.6. Craft stores;
.7. Day nursery or nursery school;
.8. Drive-in establishment;
.9. Eating and drinking establishments, but not including "juice bars;"
.10. Farm service sales and service, including implements;
.11. Garden supplies stores;
.12. Hay, grain, feed, seed, retail;
.13. Livestock buying station;
.14. Lumber and building materials;
.15. Mobile home sales and service;
.16. Motels, and motor lodges;
.17. Open-air sales of autos, implements, trucks;
.18. Private and public museums;
.19. Private clubs;
.20. Private parking lots;
.21. Professional office;
.22. Public road maintenance buildings;
.23. Retail pet shop and veterinarian;
.24. Similar uses to those listed in this section, as allowed by the Webster County Zoning Administrator;
.25. Trucking firms;
.26. Vehicle service station and body shop, including incidental fabrication;
.27. Warehousing.

Section 3. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

.1. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures permitted as exceptions;
.2. Essential services;
.3. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work;

Section 4. SPECIAL EXCEPTION USES AND STRUCTURES. The following uses and structures may be permitted in the (C-1) Commercial District subject to provisions of Articles 14 and 18 of this Ordinance and with the approval of the Board of Adjustment.

.1. None.

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 10 of this Ordinance:

.1. Lot Area: The minimum lot area shall be one (1) acre;
.2. Lot Width: The minimum lot width shall be one hundred (100) feet;
.3. Front Yard: The minimum front yard shall be twenty-five (25) feet;
.4. Side Yard: The minimum side yard shall ten (10) feet;
.5. Rear Yard: The minimum rear yard shall be twenty-five (25) feet;
.6. Maximum Height: No building shall exceed a height of two and one-half (2 1/2) stories or thirty-five (35) feet unless otherwise provided.

Section 6. OFF-STREET PARKING. Off-street parking shall be provided in accordance with the provisions of Article 11 of this Ordinance.

Section 7. OFF-STREET LOADING. Off-street loading shall be provided in accordance with the provisions of Article 12 of this Ordinance.

Section 8. SIGNS. Signs are permitted subject to the provisions of Article 13 of this Ordinance.

ARTICLE 9/INDUSTRIAL DISTRICT (I-1)

Section 1. INTENT. The intent of the (I-1) Industrial District is to provide space for certain commercial and a wide range of industrial uses and structures which are able to meet certain performance standards to protect nearby non-industrial uses from undesirable environmental conditions.

Section 2. PRINCIPAL USES PERMITTED. Only the following principal uses and structures shall be permitted in the (I-1) Industrial District, except those uses which by reason of the emission of odor, excessive congestion, dust, fumes, smoke, noise and other obnoxious characteristics would be injurious to the public health, safety and general welfare of the community;

.1. Assembly or fabrication of metal, rubber, cloth, plastic, stone, leather, wood, or similar raw materials;
.2. Auto service, assembly, and repair;
.3. Beverage bottling or processing;
.4. Blacksmith;
.5. Cement warehousing and mixing;
.6. Feed mixing;
.7. Fertilizer manufacture, mixing, and storage;
.8. Food processing, but not including packing or rendering plants;
.9. Grain storage elevators;
.10. Hatchery;
.11. Lumber yard;
.12. Moving company;
.13. Private parking lots;
.14. Produce warehouse;
.15. Publicly owned buildings, including public road maintenance buildings;
.16. Similar uses to those listed in this section, as allowed by the Webster County Zoning Administrator;
.17. Transfer company;
.18. Warehouse.

Section 3. PERMITTED ACCESSORY USES AND STRUCTURES. The following accessory uses and structures shall be permitted:

.1. Accessory uses and structures normally incidental and subordinate to the permitted uses and structures and to uses and structures permitted as exceptions;
.2. Essential services;
.3. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.

Section 4. SPECIAL EXCEPTION USES AND STRUCTURES. The following uses and structures may be permitted in the (I-1) District subject to provisions of Articles 14 and 18 of this Ordinance and with the approval of the Board of Adjustment:

.1. Dairy products manufacture;
.2. Day nursery or nursery schools provided by an employer for the benefit of employees working on the premises;
.3. Explosive manufacturer;
.4. Gas manufacture;
.5. Manufacture or smelting of metal, rubber, plastic, stone, leather, or wood products from

.6. Meat packing plants;

.7. Salvage or junk yard, or landfill;

.8. Sanitary landfill operated by a governmental entity;

.9. Stockyard;

.10. Transmitters, towers, receiver equipment.

Section 5. BULK REGULATIONS. The following minimum requirements shall be observed subject to modifications contained in Article 10 of this Ordinance:

.1. Lot Area: The minimum lot area shall be one (1) acre;

.2. Lot Width: The minimum lot width shall be one hundred (100) feet;

.3. Front Yard: The minimum front yard shall be twenty-five (25) feet;

.4. Side Yard: The minimum side yard shall ten (10) feet;

.5. Rear Yard: The minimum rear yard shall be twenty-five (25) feet;

.6. Maximum Height: No building shall exceed a height of two and one-half (2 1/2) stories or thirty-five (35) feet unless otherwise provided.

Section 6. OFF-STREET PARKING. Off-street parking shall be provided in accordance with the provisions of Article 11 of this Ordinance.

Section 7. OFF-STREET LOADING. Off-street loading shall be provided in accordance with the provisions of Article 12 of this Ordinance.

Section 8. SIGNS. Signs are permitted subject to the provisions of Article 13 of this Ordinance.

ARTICLE 10/ADDITIONAL AREA AND HEIGHT REGULATIONS

Section 1. INTENT. The regulations set forth in this Article qualify, supplement or modify the area and height regulations set forth elsewhere in this Ordinance.

Section 2. LOT AREA AND WIDTH. Any lot of record at the time of passage of this Ordinance having less area or width than herein required may be used for a single family dwelling where such uses are permitted as provided in this Ordinance; provided, however:

.1. An existing lot of record at the time of passage of this Ordinance having a lot width of one-hundred (100) feet or less shall maintain a required side yard on each side of the dwelling, but such side yards may be reduced to five (5) feet:

.2. An existing lot of record at the time of passage of this Ordinance having a lot depth of one hundred (100) feet or less shall maintain a required rear yard, but such yard may be reduced to ten (10) feet.

Section 3. YARDS.

.1. In any district in which residences are permitted and where neither public water supply nor public sanitary sewer is available, the lot area and width requirements shall be either the minimum required for the particular district or that required by the Webster County Board of Health for septic tank and private well use;

.2. Buildings on through lots shall provide the required front yard on both streets;

.3. The required side yard on the street side of a corner lot shall be not less than fifty (50) percent of the front yard required on the lots to the rear of the corner lot, and no accessory building shall project beyond the required front yard on either street;

.4. On a corner lot in any district no fence, wall, hedge, tree, or other planting or structure that will obstruct vision between a height of two (2) feet and ten (10) feet above the ground shall be erected, placed, or maintained within the triangular area formed by connecting the right-of-way lines at points which are twenty-five (25) feet distant from the intersection of the right-of-way lines, and measured along the right-of-way lines.

Section 4. USE OF PUBLIC RIGHT-OF-WAY. No portion of the public road, street or alley right-of-way shall be used for display purposes or to provide any parking or loading space required by this Ordinance.

Section 5. TEMPORARY BUILDING. Temporary building(s) with construction work may be permitted in any district during the period that the construction work is in progress, but such temporary building(s) shall be removed within thirty (30) days after completion or abandonment of the construction work.

Section 6. ACCESSORY BUILDINGS. Accessory buildings and uses customarily incidental to that of the main building may be erected or established is permitted, provided they comply with the following:

.1. No accessory building shall be located within ten (10) feet of any side or rear lot line;

.2. No accessory building is permitted within the limits of the front yard;

.3. No accessory building shall be used for dwelling purposes;

.4. Any open un-enclosed uncovered steps, ground level patios, eaves not more than two (2) feet in width, or concrete slab driveways may project into a required yard;

.5. Accessory buildings attached to, or connected to the principal building by a breezeway shall be considered to be a part of the principal building and must meet the yard requirements of the principal building;

.6. Satellite television receptions discs shall be considered to be an accessory building and as such shall not be located within a front yard.

Section 7. BUILDING HEIGHT. Certain items are exempt from the maximum building height. They are:

.1. Television and radio towers, church spires, belfries, monuments, farm buildings, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, grain elevators, ornamental towers and spires, chimneys, elevator bulkheads, drilling rigs, conveyors, flagpoles and other pertinent mechanical apparatus which may be erected to any height not in conflict with any other applicable regulations.

Section 8. BUILDINGS TO HAVE ACCESS. Every principal use building hereafter erected shall be on a lot or parcel having frontage upon a public street or road, or have an exclusive unobstructed private easement or access of right-of-way at least twenty (20) feet wide to a street; and there shall be only one (1) single family dwelling for each easement.

ARTICLE 11/OFF STREET PARKING

Section 1. INTENT. After the effective date of this Ordinance there shall be provided at the time any new building or structure is erected, off-street parking spaces in accordance with the requirements set forth herein:

Section 2. GENERAL PROVISIONS:

.1. All buildings and structures erected and all uses of lands in all districts established after the effective date of this Ordinance shall provide accessory parking as required under this section;

.2. All off-street parking spaces required by this Ordinance shall be located on the same lot of the use it serves or on some land adjacent to, or within three hundred (300) feet of the principal use lot;

.3. All yard area except the required front yard for residential districts may be used for off-street parking, except that portion of the driveway lying within the front yard may be used to satisfy the off-street parking requirements of this Ordinance;

.4. A plan, drawn to scale, indicating how the off-street parking and loading requirements are to be fulfilled, shall accompany an application for a zoning compliance permit.

Section 3. OFF-STREET PARKING REQUIREMENTS. At the time of construction, alteration, moving in, enlargement of a structure or building, or change in the use of the land, off-street parking spaces shall be provided, constructed, and maintained for all uses as follows:

.1. Residential - two (2) spaces per dwelling unit;

.2. Hotel/Motel - One (1) space per lodging unit;

.3. Nursing homes, retirement centers, rest homes, or similar uses - One (1) space for every four (4) patient beds;

.4. Places of public assembly such as auditoriums, theaters, stadiums, funeral homes, churches, community hall, public buildings, etc. - The greater of one (1) space for every

.5. Retail sales and service uses such as stores, restaurants, taverns, banks, professional offices, etc. - One space per three hundred (300) square feet of gross floor area;

.6. Manufacturing, wholesaling, warehousing, and similar uses - One space for every two (2) employees in the largest working shift;

.7. Salvage yards - One (1) space per one thousand (1000) square feet of display or floor area.

ARTICLE 12/OFF-STREET LOADING

Section 1. REQUIREMENTS. At the time of construction, alteration, or enlargement of a structure or building off-street loading areas shall be provided and maintained for all uses as follows:

.1. A one thousand (1000) square foot off-street loading area shall be provided for each use, building, or structure of a size between five thousand (5,000) and twenty thousand (20,000) square feet;

.2. For larger uses, buildings, and structures a one thousand (1000) square foot off-street loading area shall be provided for each additional twenty thousand (20,000) square feet or fraction thereof.

.3. Where the off-street loading space borders a Residential District it shall be set back five (5) feet and shall be effectively screen planted.

ARTICLE 13/SIGNS

Section 1. REQUIREMENTS. Billboards and signs that are located in conjunction with principal permitted uses are allowed subject to the following regulations:

.1. Agricultural District:

.1.1. Church bulletin boards are permitted;

.1.2. Signs used by a farm operation to advertise seed and feed types.

.2. Residential District

.2.1. Church bulletin boards are permitted

.2.2. Signs for home occupations are permitted, provided the sign shall not exceed five (5) square feet in area and shall be within two (2) feet and parallel to the residence or accessory building in which the home occupation occurs.

.3. Commercial and Industrial Districts:

.3.1. Signs are permitted provided that they are either attached flush to the building, painted on the building, hang from an attached canopy, attached to the roof, or are attached to the building;

.3.1.1. Roof signs shall not exceed ten (10) feet in height and shall provide a six (6) foot clearance from the building roof and three (3) foot setback from the building edge;

.3.1.2. Wall signs shall not exceed six hundred (600) square feet, or twenty (20) percent of the total wall area, which ever is greater;]

.3.2. One (1) free standing or post sign referring to a use or uses conducted on the premises may be erected in any yard abutting a public street; however, such sign shall not obstruct the public view;

.3.3. Outdoor advertising signs and billboards are permitted, provided that the yard and height requirements for a principal structure are met.

.3.4. Ground signs shall not exceed three hundred (300) square feet in area and shall not interfere with vehicle operators vision for two hundred (200) feet.

Section 2. SIGNS FOR SPECIAL EXCEPTION USES. In all cases where a use is permitted as a special exception, signs will be allowed only through Board of Adjustment approval.

Section 3. INFORMATIONAL SIGNS. Informational and directional signs will be permitted in all districts.

Section 4. REAL ESTATE SIGNS. Real estate signs advertising for sale, rental, or lease only, the premises, lot or tracts on which they are located will be allowed in all districts. The area of such sign shall not exceed fifty (50) square feet in area in all Nonresidential Districts and five (5) square feet in area in any Residential District

Section 5. INTERMITTENT FLASHING TYPE SIGNS. No intermittent flashing type signs are permitted. No moving, flashing, rotating, illuminated signs or colored lights, that may be confused with traffic lights are permitted.

ARTICLE 14/SPECIAL EXCEPTION USES

Section 1. PROCEDURES AND REQUIREMENTS. Allowable special exception uses may be permitted, enlarged, or altered upon application for a special exception use permit in accordance with the rules and procedures of the Board of Adjustment. The Board of Adjustment will grant or deny a special exception use permit in accordance with the standards set forth herein and with the intent and purpose of this Ordinance. In granting a special exception use permit, the Board of Adjustment may prescribe and impose appropriate conditions, safeguards, and a specified time limit for the performance of the special exception use permit.

Section 2. APPLICATION FOR SPECIAL EXCEPTION USE PERMIT. An application for a special exception use permit may be initiated by a property owner or his authorized agent by filing an application with the Zoning Administrator upon forms prescribed for the purposes. The application shall be accompanied by a site plan and other such plans and data showing the dimensions, arrangements, descriptive data, and other materials constituting a record essential to an understanding of the proposes use and proposed modification in relation to the standards set forth herein. The application shall also be accompanied by a fee as determined by resolution of the Board of Supervisors.

Section 3. PROCEDURE. A special exception permit shall not be granted by the Board of Adjustment unless and until the following procedures have been fulfilled:

.1. The Board of Adjustment shall schedule a public hearing in relation to the special exception request. Notice shall be given to the public hearing as required by State Statute by publication in a newspaper of general circulation in the County. If feasible, notice of the public hearing will be mailed to property owners within two hundred (200) feet of the exception request;

.2. The Board of Adjustment shall determine that is empowered under this Ordinance to grant the special exception as described in the application, and that granting of the special exception will not adversely affect the public interest;

.3. In granting any special exception, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Ordinance and punishable under Article 17 of this Ordinance;

.4. The concurring vote of three (3) members of the Board of Adjustment grants a special exception use permit. No order of the Board of Adjustment granting a special exception use permit shall be valid for a period longer than six (6) months from the date of such order, unless the Board of Adjustment specifically grants a longer period of time or a building permit is obtained within the six (6) month period and construction is commenced;

.5. The Board of Supervisors may, after a decision of the Board of Adjustment is made, vote to delay the implementation of such decision for a period of thirty (30) days. The Council may not overturn a decision of the Board of Adjustment. During the thirty (30) day period the Board of Adjustment may or may not reconsider its decision.

Section 4. STANDARDS. No special exception use permit shall be granted by the Board of Adjustment unless such Board shall find:

.1. That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community;

.2. That the special exception use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purpose already permitted, nor substantially diminish and impair property values within the neighborhood;

.3. That the establishment of the special exception use will not impede the normal and orderly development in improvement of the surrounding property for uses permitted in the district;

.4. That adequate utilities, access roads, drainage, and/or necessary facilities have been or are being provided;

.5 That adequate measures have been or will be taken to provide ingress and egress so

.6. The use shall not include any activity involving the use or storage of flammable, or explosive material unless protected by adequate fire fighting and fire suppression equipment and by such safety devices as are normally used in handling of any such material;

.7. The use shall not include noise which is objectionable due to volume, frequency, or beat unless muffled or otherwise controlled;

.8. The use shall not include vibration which is discernible without instruments on any adjoining lot or property;

.9. The use shall not involve any malodorous gas or matter which is discernible on any adjoining property;

.10. The use shall not involve any pollution of the air by fly-ash, dust, vapors, or other substance which is harmful to health, animals, vegetation or other property or which can cause soiling, discomfort, or irritation;

.11. The use shall not involve any direct or reflected glare which is visible form any adjoining property or from any public street, road or highway;

.12. The use shall not involve any activity substantially increasing the movement of traffic on public streets unless procedures are initiated to limit traffic hazards and congestion;

.13. The use shall not involve any activity substantially increasing the burden on any public utilities or facilities unless provisions are made for any necessary adjustments;

.14. That the use will not be in major conflict with the Comprehensive Land Use Plan.

ARTICLE 15/NONCONFORMING USES

Section 1. INTENT. Within the various districts established by this ordinance or amendments that may later be adopted there exists structures and uses of land and structures which were lawful prior to the adoption of this ordinance but which would be prohibited, regulated, or restricted under the provisions of this ordinance. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved.

Section 2. NONCONFORMING LOTS OF RECORD IN ANY RESIDENTIAL DISTRICT. A single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in that district. The yard dimensions and other bulk regulations for the district in which such lot is located shall apply. Variance of area, width, and yard requirements shall be obtained through action of the Board of Adjustment.

Two or more nonconforming lots, or portions thereof, that are contiguous in frontage and under the same ownership shall be considered to be an unsubdivided parcel for purposes of this Ordinance. No portion of said parcel shall be sold and then used which does not meet lot width and area requirements established by this Ordinance, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this Ordinance.

Section 3. NONCONFORMING USES OR STRUCTURES IN ANY RESIDENTIAL DISTRICT. Existing structures or premises devoted to a use not permitted by this Ordinance in the district which such structure or premise is located shall not be enlarged, extended, reconstructed, substituted, or structurally altered, except when required by law, unless:

.1. The use is changed to a use permitted in the district in which such structure or premises is located;

.2. A nonconforming use of a structure may be changed to another nonconforming use of the same or more restrictive classification, provided no structural alterations are made;

.3. If a nonconforming use of any structure or premises is discontinued for a period of one (1) year, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.

Section 4. NONCONFORMING USES OR STRUCTURES IN ANY DISTRICT OTHER THAN A RESIDENTIAL DISTRICT. The regulations described in Section 3 of this Article shall apply to nonconforming uses in a commercial, industrial, or agricultural district, subject to the following exception:

.1. Nonconforming structures may be structurally altered or enlarged in conformity with the lot area, lot width, yard, and height requirements of the district in which such use is located. Such construction shall be limited to buildings on a lot of record (or a combination of lots of record in the same ownership) prior to the effective date of this Ordinance. The structural alteration or enlargement of structures shall not change the nature of the nonconforming use that existed prior to the effective date of this Ordinance;

.2. If a nonconforming use of any structure or premises is discontinued for a period of one (1) year, the use of the same shall conform thereafter to the uses permitted in the district in which it is located.

Section 5. PERMITTED STRUCTURES AND USE OF LAND AND STRUCTURES MADE NONCONFORMING BY THE REQUIREMENTS OF THE BULK REGULATIONS. A permitted structure or use that fails to meet the established bulk regulations of the district in which it is located may be structurally altered or extended provided that the alteration or extension is in compliance with the bulk regulations of the district in which it is located. Any variance must be obtained through action of the Board of Adjustment.

Section 6. REPLACING DAMAGED BUILDINGS. Any nonconforming building or structure damaged by fire, flood, explosion, war, riot, or act of God may be restored, reconstructed, or used as before provided that reconstruction be started within one (1) year of such happening.

Section 7. USES UNDER SPECIAL EXCEPTION PROVISIONS. Any use for which a special exception is permitted as provided in this Ordinance shall not be deemed a conforming use. Any additions shall be with Board of Adjustment approval.

ARTICLE 16/ADMINISTRATION

Section 1. ADMINISTRATOR. The Board of Supervisors of Webster County, Iowa, shall appoint a Zoning Administrative officer, and it shall be the duty of said officer to enforce this Ordinance. Such officer may be a person holding other appointive office in the County or in another governmental agency.

Section 2. ZONING COMPLIANCE PERMITS. No land shall be occupied or used, and no building hereafter erected or structurally altered shall be occupied or used in whole or in part for any purpose whatsoever, until a permit is issued by the Zoning Administrator, stating that the building and use comply with the provisions of this Ordinance.

No change of use shall be made in any building or part thereof, now or hereafter erected or structurally altered, without a permit being issued therefore by the Zoning Administrative Officer. No permit shall be issued to make a change unless the changes are in conformity with provisions of this Ordinance.

Nothing in this part shall prevent the continuance of a nonconforming use as here-in-before authorized, unless a discontinuance is necessary for the safety of life or property.

Section 3. APPLICATION FOR COMPLIANCE PERMIT. Compliance permits shall be obtained from the Zoning Administrative Officer before starting or proceeding with the erection, construction, moving in, or the structural alteration of a building or structure. Permits shall be kept on file in the office of the Zoning Administrative Officer, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. Compliance permits shall be issued to applicants within ten (10) days after application is made. Permits will be valid for one hundred-eighty (180) days. If construction is not completed within that time period a new permit must be obtained. Failure to timely complete construction may be grounds for denial of an additional permit.

Section 4. PLATS. Each application for a compliance permit shall be accompanied by either a dimensioned drawing or plat drawn to scale showing the actual dimensions of the lot to be built upon, the size, shape and location of the building to be erected, the dimensions of the required yards, parking and open spaces, and such other information as may be necessary to provide for the enforcement of this Ordinance.

Section 5. CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATION, PLANS AND PERMIT. Compliance permits issued on the basis of plans and applications, approved by the Zoning Administrative Officer, authorize only that use, arrangement and construction. Use, arrangement and

construction at variance with that authorized shall be deemed a violation of this Ordinance and punishable as provided by Article 17.

Section 6. FEES. Before receiving a compliance permit, the owner or his agent shall pay to the County the permit fee as provided by resolution of the Board of Supervisors.

Section 7. SPECIAL EXCEPTIONS. A compliance permit for a special exception may be issued by the Administrative Officer upon the order of the Board of Adjustment.

ARTICLE 17/VIOLATION AND PENALTY

Section 1. VIOLATION AND PENALTY. The violation of any of the provisions of this Ordinance shall constitute a misdemeanor. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance, upon conviction, shall be subject to a fine of not more than one hundred (100) dollars or imprisonment of not more than thirty (30) days for each offense. Each day that a violation is permitted to exist constitutes a separate offense.

Section 2. RESTRAINING ORDER. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure of land is used in violation of this Ordinance, the County Attorney, in addition to other remedies may institute any proper action or proceed in the name of Webster County, to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, conduct, business or use in or about said premises.

ARTICLE 18/BOARD OF ADJUSTMENT

Section 1 CONFIRMATION. The existing Board of Adjustment is hereby confirmed. The Board shall consist of five (5) members to be appointed by the Board of Supervisors for a term of five (5) years. Members of the Board of Adjustment may be removed from office by the Board of Supervisors for cause upon written charges and after a public hearing. Vacancies shall be filled by the Board of Supervisors, for the unexpirerd term of the member.

Section 2. PROCEEDINGS OF THE BOARD OF ADJUSTMENT. The Board of Adjustment shall adopt rules necessary to the conduct of its affairs, and in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting Chairperson, may administer oaths and compel attendance of witnesses. All meetings shall be open to the public.

The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be a public record and be immediately filed in the office of the Administrative Officer. The presence of three (3) members shall constitute a quorum.

Section 3. HEARINGS, APPEALS, NOTICE. Appeals to the Board of Adjustment concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer or bureau of Webster County affected by a decision of the Administrative Officer. Such appeals should be taken within a reasonable time, not to exceed thirty (30) days, by filing with the Administrative Officer and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The Administrative Officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed was taken.

The Board of Adjustment shall fix a reasonable time for the hearing of appeals, give public notices thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing any party may appear in person, by agent or attorney.

A fee to be determined by resolution of the Board of Supervisors shall be paid to the Administrative Officer at the time the notice is filed.

Section 4. STAY ON PROCEEDINGS. An appeal stays all proceedings in furtherance of the action

Adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent
peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Administrative Officer from whom the appeal is taken and upon due cause shown.

Section 5. POWERS AND DUTIES. The Board of Adjustment shall have the following powers and duties:

.1. Administrative Review: To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the Administrative Officer in the enforcement of this Ordinance.

.2. Special Exceptions: To hear and decide only such exceptions as the Board of Adjustment is specifically authorized to pass on by the terms of this Ordinance and as provided for in Article 13.

.3. Variances: To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to the special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. A variance from the terms of this Ordinance shall not be granted by the Board of Adjustment unless and until:

.3.1. A written application for a variance is submitted demonstrating:

.3.1.1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district;

.3.1.2. That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;

.3.1.3. That the special conditions and circumstances do not result from the actions of the applicant;

.3.1.4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of land, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

.3.2. A public hearing shall be held, with the notice of such hearing being provided according to state statute. If feasible, notice of the public hearing shall be mailed to property owners within two hundred feet of the proposed variance.

.3.3. The Board of Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building or structure.

.3.4. The Board of Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

.3.5. The application for a variance shall be accompanied by a fee to be determined by resolution of the Board of Supervisors.

.3.6. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance.

.3.7. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under Article 16 of this Ordinance.

Section 6. DECISIONS OF THE BOARD OF ADJUSTMENT. In exercising the above mentioned powers, the Board of Adjustment may, so long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination as ought to be made and to that end shall have powers of the Administrative Officer from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Administrative Officer, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect

Section 7. APPEALS FROM THE BOARD OF ADJUSTMENT. Any person(s), board, taxpayer, department, or bureau of the community aggrieved by any decision of the Board of Adjustment may seek review of such decision of the Board of Adjustment by a court of record in the manner provided by Chapter 335, Code of Iowa. The Board of Supervisors may vote to delay a decision of the Board of Adjustment for a thirty (30) day period, but such vote may not overrule a decision of the Board of Adjustment. During the thirty (30) day delay the Board of Adjustment may, or may not review its previous decision.

ARTICLE 19/CHANGES AND AMENDMENTS

Section 1. This Ordinance and the districts created by said Ordinance may be amended from time to time. However, no amendment shall become effective unless it shall have been proposed by, or shall have been first submitted to the Planning and Zoning Commission for review and recommendation. The Planning Commission shall have thirty (30) days in which to submit its report to the Board of Supervisors. If the Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

A public hearing shall be held by the Board of Supervisors before adoption of any proposed amendment to this Ordinance. A notice of such public hearing shall be published according to state statute. Such notice shall include the time and place for the public hearing.

In the case of a written protest against a change or repeal which is filed with the County Auditor and signed by the owners of twenty (20) percent or more of the area of the lots included in the proposed change or repeal, or by the owners of twenty (20) percent or more of the property which is indicated within two hundred (200) feet of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective unless it receives the favorable vote of at least three fourths (3/4) of all the members of the Board of Supervisors.

Section 2. APPLICATION FOR CHANGE IN ZONING DISTRICT BOUNDARIES. Any person may submit to the Council an application requesting a change in the zoning district boundaries as shown on the official zoning map.

.1. Such application shall be filed with the Administrative Officer accompanied by a fee as determined by resolution of the Board of Supervisors and shall contain the following information. Failure to approve the requested change shall not be deemed cause to refund the fee to the applicant.

- .1.1. The legal description and local address of the property;
- .1.2. The present zoning classification and the zoning classification requested for the property;
- .1.3. The existing use and proposed use of the property;
- .1.4. The names and addresses of the owners of all property within two hundred (200) feet of the property for which the change is requested;
- .1.5. A statement of the reasons why the applicant feels the present zoning classification is no longer valid;
- .1.6. A plat showing existing and proposed locations, dimensions and use of the applicant's property and all property within two hundred feet thereof, including streets, alleys, railroads, and other physical features;

.2. Upon receipt of the application by the Administrative Officer a copy shall be forwarded immediately to the Commission for study and recommendation. The Commission shall, prior to making a recommendation, determine the following;

- .2.1. Whether or not the current district classification of the property to be rezoned is valid;
- .2.2. Whether there is a need for additional land zoned for the purpose requested;
- .2.3. Whether the proposed change is consistent with the current land use plan, considering such factors as:
  - .2.3.1. Whether the rezoning would result in a population density or development which would in turn cause a demand for services and utilities in excess of the capacity planned for the area;
  - .2.3.2. Whether the rezoning would result in the generating of traffic in excess of

.2.4. Whether there is an intent on the part of the applicant to develop the property to be rezoned diligently and within a reasonable time.

.3. The Commission shall hold a public hearing (the notice of which shall be according to state statute) and report its determinations and recommendations to the Council within thirty (30) days from receipt of the application, except that when no report is issued within that time, the application will be deemed approved by the Commission. If feasible, notice of the public hearing will be mailed to all property owners within two hundred (200) feet of the proposal.

ARTICLE 20/SEVERABILITY CLAUSE

Section 1. If any section, provision, or part of this Ordinance be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

ARTICLE 21/REPEAL OF CONFLICTING ORDINANCES

This Ordinance repeals Ordinance 017 and all amendments thereto. All ordinances in conflict with this Ordinance are hereby repealed.

ARTICLE 22/ADOPTION

This ordinance shall be in effect from and after its final passage, approval and publication as required by law. First implementation shall be on May 27, 1997

First Reading - April 29, 1997

Second Reading - May 6, 1997

Third Reading - May 27, 1997

Jill Kirkberg
Chairperson Jill Kirkberg, Webster County, Iowa,
Board of Supervisors

ATTEST:

Carol Messerly
County Auditor Carol Messerly

This ordinance was published in the Official County Newspapers on the following dates:

Date	Name of Paper
June 5, 1997	Fort Dodge Messenger
June 4, 1997	Gowrie News
June 4, 1997	Dayton Review

WEBSTER COUNTY ORDINANCE NO. 025

AN ORDINANCE providing the establishment of construction standards for the installation of on-site sewage treatment and nonpublic water well systems and proper plugging of abandoned wells: Bonding of contractors: Issuance of permits and penalties.

Section I

Definitions

Administrative authority - the Webster County Board of Health or its representative.

Private Systems - On-site wastewater treatment and nonpublic water wells.

Section II

Jurisdiction

Under the authority of Chapter 137 and Chapter 331 of the Code of Iowa and any amendatory acts thereto, this Ordinance is adopted by Webster County governing all lands within the borders of Webster County. This ordinance shall supersede Webster County Ordinance 18 which is hereby repealed by this Ordinance.

Section III

Permits

WHEREAS, the State of Iowa has enacted legislation requiring a permit from the Department of Natural Resources prior to the construction of any new water wells in the State and
WHEREAS, the Iowa Department of Natural Resources has, pursuant to Chapter 455 B of the Code of Iowa, adopted Administrative Rules to implement said statutory provisions.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF WEBSTER COUNTY, IOWA: That a written permit shall be required prior to the construction of private systems. An application on approved forms shall be filed with the administrative authority.

BE IT FURTHER ENACTED BY THE BOARD OF SUPERVISORS OF WEBSTER COUNTY, IOWA: That the rules found in 567 IAC Chapter 38 are adopted and incorporated into this ordinance by this reference hereto and shall henceforth be the private water well permit rules of Webster County.
EXCEPT THAT: The fees for said permits shall be established by resolution of the Webster County Board of Health.

Section IV

Private Systems Contractors Bond

WHEREAS, a contractors bond is believed necessary to protect the people of Webster County.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF WEBSTER COUNTY, IOWA: That any person, firm or corporation desiring to construct or reconstruct any private system within Webster County, Iowa, shall first file with the Webster County Board of Health, a surety bond in the penal sum of Three Thousand Dollars ($3,000.00) to be approved by the Board of Health, conditioned on the faithful performance of all the duties and regulations required by the Board of Health of Webster County, Iowa, and any other laws or ordinances regulating private systems; on the payment to the County of all sums that are due or may become due by reasons of these regulations; or indemnifying the County from liability from damages arising from his

negligence in doing, protection, or completing his work; except where a person, firm or corporation which he or they are the owners of record, such work may be done by a member of his or their immediate family, household, firm, or corporation without requiring such a bond.

Section V

On-site Wastewater Treatment Systems

WHEREAS, the State of Iowa has enacted legislation setting the construction standards for on-site wastewater treatment systems in the State and
WHEREAS, the Iowa Department of Natural Resources has adopted Administrative Rules to implement the said statutory provisions.
BE IT ENACTED BY THE BOARD OF SUPERVISORS OF WEBSTER COUNTY, IOWA: That the rules found in 567, IAC Chapter 69 are adopted into this Ordinance by this reference hereto and are henceforth the on-site wastewater treatment systems rules for Webster County.
EXCEPT THAT: The administrative authority be notified between the hours of 8:00 a.m. and 4:30 p.m. to have the system inspected and furthermore no part of the on-site treatment systems shall be covered so as to deny the mandatory inspection by the health department personnel.

Section VI

Nonpublic Water Wells

WHEREAS, the State of Iowa has enacted legislation setting the construction standards for nonpublic water wells in the State, and
WHEREAS, the Iowa Department of Natural Resources has adopted administrative Rules to implement said statutory provisions.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF WEBSTER COUNTY: Rules found in 567 IAC Chapter 49 are adopted into this ordinance by this reference hereto and are henceforth the nonpublic water well rules of Webster County, that are in effect on the date of the adoption of this Ordinance.

Section VII

Proper Plugging of Abandoned Wells

WHEREAS, the State of Iowa has enacted legislation for the proper plugging of abandoned wells and
WHEREAS, the Iowa Department of Natural Resources has adopted Administrative Rules to implement said statutory provisions be the proper plugging of abandoned wells rules for Webster County.
BE IT ENACTED BY THE BOARD OF SUPERVISORS OF WEBSTER COUNTY, IOWA: That the Rules found in 567 IAC 39 are adopted and incorporated into this Ordinance by this reference hereto and shall henceforth.

Section VIII

Enforcement

It shall be the duty of the administrative authority to enforce the provisions of the Ordinance.

Section IX

Penalties

Any person, firm, or corporation violating the provisions of this Ordinance shall be guilty of a simple misdemeanor and the penalties provided thereto by State statutes and furthermore each day a violation exists shall constitute a separate offense.

Section X

Severability Clause

Should any section of this Ordinance be declared by a Court or competent Jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

Section XI

BE IT ENACTED BY THE BOARD OF SUPERVISORS of Webster County, Iowa, that any changes or amendments to the provision of the Iowa Administrative Code which have been adopted after said change by reference into this Ordinance shall be immediately adopted by this reference hereto into this Ordinance.

Section XII

Adoption

This Ordinance shall be in full force and effect from and after publication.

Floyd Magnusson

CHAIRMAN, Board of Supervisors, Floyd Magnusson

Jill Kirkberg

BOARD MEMBER, Jill Kirkberg

Eddie Peterson

BOARD MEMBER, Eddie Peterson

Emmett L. Martin

BOARD MEMBER, Emmett Martin

M. M. Freund

BOARD MEMBER, Marvin Freund

I, Carol Messerly, being duly sworn under oath, hereby state that I am the Auditor for Webster County, Iowa, and that this is a true and accurate copy of the Webster County Ordinance No. 025, passed by the Webster County Board of Supervisors on July 7, 1998.

Carol Messerly
Webster County Auditor

First Reading: July 7, 1998

Second Reading: Waived

Third Reading: Waived

Final Passage: July 7, 1998

Published: July 15, 1998

NOTE: A cop of the Administrative Rules adopted by reference is on file at the Webster County Auditor's Office along with the Ordinance and will be furnished upon request.

Ordinance Number 027

AN ORDINANCE IMPOSING A LOCAL OPTION SALES AND SERVICES TAX FOR SCHOOL INFRASTRUCTURE APPLICABLE TO TRANSACTIONS WITHIN WEBSTER COUTNY, IOWA

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF WEBSTER COUNTY, IOWA:

Section 1: Local Option Sales and Services Tax. There is imposed a local option sales and services tax for school infrastructure applicable to transactions within Webster County.

The rate of tax shall be one-half (1/2) percent upon the gross receipts taxed under Chapter 422, Division IV, of the Iowa Code of Webster County.

The local sales and services tax is imposed on transactions occurring on or after July, 1, 1999, within Webster 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.

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

Section 2. Effective Date. This Ordinance shall be in effect after its final passage, approval and publication as provided by law.

Section 3. Expiration Date. This Ordinance shall expire on June 30, 2009, unless sooner vacated as provided by law.

Passed by the Board of Supervisors on this 4th day of May, 1999.

Webster County Board of Supervisors

S/Eddie Peterson, Chair

S/Dennis O'Farrell

S/Jill Kirkberg

S/Floyd Magnusson

S/Emmett Martin

April 13, 1999
Date of First Hearing

Waived
Date of Second Hearing

May 4, 1999
Date of Third Hearing

May 13, 1999
Date of Publication

Carol Messerly, being duly sworn under oath, hereby state that I am the Auditor for Webster County, Iowa and that this a true and accurate copy of the amendment to Ordinance No. 027 passed by the Webster County Board of Supervisors on May 4, 1999.

S/Carol Messerly
Webster County Auditor

WEBSTER COUNTY ORDINANCE NO 028

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF WEBSTER COUNTY, IOWA, THAT THE FOLLOWING ORDINANCE PROHIBITING THE UNAUTHORIZED USE OF SECONDARY ROAD RIGHT-OF-WAY FOR WEBSTER COUNTY BE ADOPTED.

Section I. Preamble and Board Findings.

1. Section 331.301(1) of the Code of Iowa provides that a County may, except as expressly limited by the Constitution, and if not inconsistent with the laws of the General Assemb' ', exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the County or its residents and to preserve, and improve the peace, safety, health, welfare, comfort, and convenience of its residents.

2. The Webster County Board of Supervisors FINDS as follows:

    a. That the Unauthorized Use of Secondary Road Right-of-Way is a problem in Webster County.
    b. That this problem includes, but is not limited to, the cultivation and growing of crops on the County Right-of-Way; the improper placing of fences or ditches on the County Right-of-Way; the alteration of ditches, water breaks and drainage tiles on the County Right-of-Way; the placement of trash, junk, rocks, corn cobs, brush, abandoned vehicles or machinery and other items on the County Right-of-Way; and the placement of billboards, signs and advertising devices on the County Right-of-Way.
    c. That the Unauthorized Use of Secondary Road Right-of-Way can, among other things, undermine attempts to control drainage and flood water, diminish snow storage capacity, damage or shorten the life expectance of the road way, or create hazardous obstructions in the road way.
    d. That the Unauthorized Use of Secondary Road Right-of-Way therefore endangers the health, safety and welfare of the citizens of Webster County.

3. The Webster County Board of Supervisors further FINDS that is necessary to prevent the Unauthorized Use of County Secondary Roadway Right-of-Way.

Section II. Title

1. This Ordinance shall be known and may be cited as the Webster County Secondary Road Right-of-Way Protection Ordinance.

Section III. Definitions

1. "County Secondary Roadway Right-of-Way" means the entire width, distance and portion of any property that the County has the right to use for roadway purposes. "County Secondary Roadway Right-of-Way" includes the traveled portion of the roadway, the shoulder and the ditches and embankments, including both fore slopes and back slopes, attached to any County Secondary Road that are used for roadway purposes.
2. "Unauthorized Use of the County Secondary Roadway Right-of-Way" means any use of the County Secondary Roadway Right-of-Way that is not pre-authorized in writing by the Webster County Engineer. It includes, but is not limited to excavating, filling or making any physical changes to any part of the County Secondary Roadway Right-of-Way; the cultivation and growing of crops on the County Right-of-Way; the destruction of plants placed in the County Right-of-Way; the placing of fences or ditches on the County Right-of-Way; the alteration of ditches, water breaks and drainage tiles on the County Right-of-Way; the placement of trash, junk, rocks, corn cobs, brush, vehicles, machinery or other items on or in the County Right-of-Way; and the placement of billboards, signs or advertising devices on the County Right-of-Way.
3. "Unauthorized Use of the County Secondary Roadway Right-of-Way" does not include the mowing or harvesting of grasses in the County Right-of-Way so long as the mowing or harvesting of grasses does not destroy the grasses or other plants in the County Right-of-Way or is not in violation of an integrated roadside vegetation management plan promulgated pursuant to Section 314.22(2) of the Code of Iowa.
4. "Unauthorized Use of the County Secondary Roadway Right-of-Way" does not include driving on the traveled portion of the Roadway or parking a vehicle on the shoulder of the Roadway for less than two (2) hours or parking a disabled vehicle on the shoulder of the Roadway for less than twenty-four (24) hours.
5. "Unauthorized Use of the County Secondary Roadway Right-of-Way" does not include the actions of the Webster County Engineer or any agency of Webster County or the State of Iowa.
6. "Any person(s) responsible" shall include any person who personally does any act, which constitutes the Unauthorized Use of the County Secondary Roadway Right-of-Way.
7. "Any person(s) responsible" shall include any person who authorizes or contracts with another to do any act, which leads to the Unauthorized Use of the County Secondary Roadway Right-of-Way. It is not a defense to this Ordinance that a person contracted with another person or entity and that the contractor did the act, which constituted the Unauthorized Use of the County Secondary Roadway Right-of-Way. A person contracting with another shall have an ongoing duty not to permit the contractor to do work which involves the Unauthorized Use of the County Secondary Roadway Right-of-Way and to over-see the work done in order to ensure that it does not involve the Unauthorized Use of the County Secondary Roadway Right-of-Way.
8. Evidence that work done on or to benefit a piece of property involved the Unauthorized Use of the County Secondary Roadway Right-of-Way shall be prima fascia evidence that the owner and/or lessee of that property did authorize or permit the Unauthorized Use of the County Secondary Roadway Right-of-Way.
9. A landlord and tenant shall both be guilty of a violation of this Ordinance if the Unauthorized Use of the County Secondary Roadway Right-of-Way was done with the knowledge, consent, approval or encouragement of the landlord. It shall be an "Affirmative Defense" to action under this Ordinance if the Unauthorized Use of the

County Secondary Roadway Right-of-Way was done solely by the authority of the tenant without any knowledge, approval, consent or encouragement by the landlord. A tenant has an independent duty not to violate this Ordinance. It is not a Defense under this Ordinance for the tenant that the Unauthorized Use of the County Secondary Roadway Right-of-Way was done with the knowledge, approval, consent or encouragement of the landlord unless the tenant played no part, directly or indirectly, in the action constituting the Unauthorized Use of the County Secondary Roadway Right-of-Way.

Section IV. Offenses and Penalties

1. The Unauthorized Use of the County Secondary Roadway Right-of-Way in Webster County is hereby declared a public nuisance and is prohibited
2. The Unauthorized Use of the County Secondary Roadway Right-of-Way shall be a County Infraction as defined in Section 331.302(15) of the Code of Iowa.
3. Pursuant to Section 331.302(15) of the Code of Iowa, the penalty for the Unauthorized Use of the County Secondary Roadway Right-of-Way in Webster County shall be a civil penalty of five hundred dollars ($500.00) for a first offense and seven hundred fifty dollars for a repeat offense. A violation of this ordinance is not punishable by imprisonment.
4. The Webster County Attorney may ask that the Court waive any portion of the civil penalty that he/she deems appropriate.
5. Each twenty-four (24) hour period that a person is in violation of this Ordinance is a separate and distinct offense.
6. Action under this Ordinance does not prevent or preclude any other civil or criminal action or remedy that may be applicable.
7. In addition to the civil penalty for a violation of this Ordinance, any person(s) responsible for the Unauthorized Use of the County Secondary Roadway Right-of-Way shall be strictly liable and responsible for the abatement and the costs of the abatement of the Unauthorized Use of the County Secondary Roadway Right-of-Way and/or any damages caused by Unauthorized Use of the County Secondary Roadway Right-of-Way. All person(s) responsible for the Unauthorized Use of the County Secondary Roadway Right-of-Way shall be jointly and severally liable for the abatement and the costs of the abatement of Unauthorized Use of the County Secondary Roadway Right-of-Way and/or any damages caused by the Unauthorized Use of the County Secondary Roadway Right-of-Way

Section V. Authorization Process

1. No action shall be a violation of this Ordinance if done with the written pre-authorization of the Webster County Engineer.
2. Written pre-authorization shall be in the form of a permit.
3. The Webster County Engineer may set forth conditions, limitations and/or specifications in the permit and may require the posting of a bond.
4. A permittee under this Section may, when appropriate, seek a modification of the permit. The granting of the modification shall be at the discretion of the Webster County Engineer.
5. A violation of the conditions, limitations and/or specifications in the permit shall be considered the Unauthorized Use of the County Secondary Roadway Right-of-Way and a violation of this Ordinance.
6. Upon the violation of the conditions, limitations and/or specifications of a permit, the Webster County Engineer may, at his or her sole discretion:
    a. Modify the permit.
    b. Give the permittee notice of the violation and an opportunity, as set out in the notice, to cure the violation.
    c. Take steps to cure the violation and to assess the costs of the cure to the permittee.
    d. Refer the matter to the Webster County Attorney for legal action.
    e. Take other appropriate action.
7. The Webster County Board of Supervisors may, at its sole discretion, by majority vote, waive any violation of this Ordinance that has not been referred to the Webster County Attorney for legal action.

Section VI Abatement Cost

8. Any person(s) responsible for the Unauthorized Use of the County Secondary Roadway Right-of-Way shall be strictly liable and responsible for the abatement and the costs of the abatement of the Unauthorized Use of the County Secondary Roadway Right-of-Way and for any damage(s) caused by the Unauthorized Use of the County Secondary Roadway Right-of-Way.
9. Upon the discovery of the Unauthorized Use of the County Secondary Roadway Right-of-Way the County Engineer may, at his/her sole discretion, do any or all of the following:
    a. Give the person(s) responsible for the violation notice of the violation and an opportunity, as set out in the notice, to cure the violation.
    b. Take steps to cure the violation and to assess the costs of the cure to the person(s) responsible for the violation.
    c. Refer the matter to the Webster County Attorney for legal action.
    d. Take other appropriate action.

Section VII Enforcement

1. It shall be the duty of the Webster County Engineer to identify violations of this Ordinance.
2. Upon the request of the Webster County Engineer, the Webster County Attorney shall take those steps that he/she deems appropriate to enforce this Ordinance.

Section VIII Miscellaneous Provisions

1. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.
2. If any section, provision or part of this Ordinance is legislatively or judicially invalidated, those portions of the Ordinance not legislatively or judicially invalidated shall remain in effect.
3. This Ordinance is deemed of immediate importance and will take effect upon final publication.

First reading: approved March 28, 2000 (Date)

Second reading: waived _____ (Date) approved April 4, 2000 (Date)

Third reading: waived _____ (Date) approved May 2, 2000 (Date)

s/Emmett L. Martin, Chairperson,
Webster County Board of Supervisors

s/Eddie Peterson, Supervisor

s/ Jill Kirkberg, Supervisor

s/Floyd A. Magnusson, Supervisor

s/Dennis O'Farrell, Supervisor

Attested: s/Carol Messerly, Webster County Auditor

1st Publication March 8, 2000
1st Reading March 28, 2000
2nd Reading April 4, 2000
3rd Reading May 2, 2000
Final Publication May 10, 2000

WEBSTER COUNTY ORDDINANCE NO. 29.

AN ORDINANCE IMPOSING A LOCAL OPTION SALES AND SERVICE TAX APPLICABLE TO TRANSACTIONS WITHIN WEBSTER COUNTY IOWA

WHEREAS a Local Option Sales and Service Tax has been approved by voters in all the incorporated and non-incorporated portions of Webster County

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF WEBSTER COUNTY IOWA:

Section 1. Local Option Sales and Service Tax. There is hereby imposed a local option sales and service tax applicable to transactions within Webster County.

The rate of the tax shall be one-half (1/2) percent upon the gross receipts taxed pursuant to Local Option Sales Tax provisions of Chapter 422B of the Code of Iowa in Webster County.

The local option sales tax is imposed on transactions occurring on and after January 1, 2001 anywhere in Webster County. All persons required to collect state gross receipt taxes shall collect the tax. 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 Code of Iowa, on gross receipts for the rental of rooms, apartments or sleeping quarters which are taxed under Chapter 422A of the Code of Iowa during the period the hotel or motel tax is imposed, on gross receipts from the sale of natural gas or electric energy in a city or in the county when the gross receipts are subject to a franchise fee or user fee during the period the franchise or user fee is imposed, on the gross receipts from the sale of a lottery ticket or share in a lottery game conducted pursuant Chapter 99E of the Code of Iowa, and on the sale or rental of tangible personal property described in Section 422.45, Subsections 26 and 27 of the Code of Iowa.

All applicable provisions of the appropriated Sections of Chapter 422, Divisions IV, of the Code of Iowa are adopted by reference.

Section 2. Effective Date. This Ordinance shall go into effect on January 1, 2001.

Section 3. Expiration Date. This Ordinance shall expire on June 30, 2009, unless sooner vacated as provided by law.

First reading: approved August 15, 2000 _____
(Date)

Second reading: waived August 22, 2000 approved _____
(Date) (Date)

Third reading: waived _____ approved September 12, 2000
(Date) (Date)

S/Emmett L. Martin, Chairperson,
Webster County Board of Supervisors

S/Jill Kirkberg, Supervisor

S/Floyd Magnusson, Supervisor

S/Dennis O'Farrell, Supervisor

S/Eddie Peterson, Supervisor

ORDINANCE NUMBER 30

AN ORDINACE TO ABATE NUISANCE OF DILAPIDATED BUILDINGS FOR THE UNINCORPORATED AREA OF WEBSTER COUNTY

AN ORDINANCE to enable the County to abate the nuisance of dilapidated buildings, to improve the appearance of the community; to improve the safety of residents; and to increase property values. The Ordinance shall be known as the "Dilapidated Building Abatement Ordinance of Webster County, Iowa."

WHEREAS, the Board of Supervisors of Webster County, Iowa, deem it necessary to secure safety from fire, flood, panic and other dangers; to protect the public health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to conserve the value of buildings, and encourage the most appropriate use of land throughout the County.

WHEREAS, Section 331.384 of the Code of Iowa provides that a county may require the abatement of a public or private nuisance and if this is not done in a reasonable time or is an emergency may abate the nuisance and assess the cost there of against the property.

NOW THEREFORE, BE IT ORDAINED BY BOARD OF SUPERVISORS OF WEBSTER COUNTY, IOWA THAT:

ARTICLE 1/SHORT TITLE AND JURISDICTION

Section 1. SHORT TITLE. This Ordinance shall be known and may be cited and referred to as the "Dilapidated Building Abatement Ordinance of Webster County, Iowa" to the same effect as if the full title was stated.

Section 2. JURISDICTION. This Ordinance is adopted by Webster County, Iowa, specific to nuisances within the unincorporated area.

ARTICLE 2/INTERPRETATION OF REGULATIONS

Section 1. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law, other rules, regulations, or ordinances, the provisions of this Ordinance shall govern.

Section 2. Webster County reserves the right not to take action on any condition which might otherwise be an actionable nuisance under this Ordinance when it determines that County action is not in the interest of Webster County or the people of Webster County. The Webster County Board of Supervisors may, at its sole discretion, by majority vote, waive any violation of this Ordinance that has not been referred to the Webster County Attorney for legal action

Section 3. Nothing in this Ordinance shall abrogate the right of any private person to take any action allowed by law to privately seek the abatement of a nuisance.

ARTICLE 3/DEFINITIONS

Section 1. For the purpose of this Ordinance certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural number includes the singular; the word "shall" is mandatory, the word "may" is permissive; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the words, "used" or "occupied" include the words intended, designed, or arranged to be used or occupied; and the word "he" includes the word she.

1.1. NUISANCE. The term "nuisance" means whatever is injurious to health, indecent, or offensive to the senses or an obstacle to the free use of property, so as essentially to interfere with the comfortable enjoyment of life or property. Nuisances include, but are not limited to, the following:

1.1.1. The presence of any building or structure, whose condition has deteriorated and it is either inhabited by wild animals or vermin or has a deteriorated condition so its unstable nature presents dangers to individuals being in or near it.

1.1.2. Diseased trees or dead wood, which is inhabited by wild animals or vermin or which, by

its condition, endangers persons or property or which threatens to spread disease to nearby trees.

1.1.3. Weeds or other growth which is inhabited by wild animals or vermin or which constitutes a health, safety or fire hazard.

1.2. PROPERTY OWNER. The term "property owner" means the contract purchaser if there is one of record, otherwise the record holder of legal title.

1.3. DANGEROUS BUILDING OR STRUCTURE. The terms "dangerous building" or "dangerous structure" means any building or structure whose condition constitutes a nuisance.

ARTICLE 4/CONDITIONS REGULATED

Section 1. NUISANCES PROHIBITED. The creation or maintenance of a nuisance as defined in Article 3 Section 1.1 is prohibited, and a nuisance, public or private, may be abated in the manner provided in this Ordinance.

Section 2. OTHER CONDITIONS REGULATED. The following actions are required and may also be abated in the manner provided in this ordinance:

2.1. The removal, repair, or dismantling of dangerous buildings or structures.

ARTICLE 5/ABATEMENT PROCEDURES

Section 1. INSPECTION REPORT. Whenever the Zoning Administrative Officer finds that a nuisance or other condition exists which is listed in this Ordinance, the Zoning Administrative Officer may cause an inspection report to be prepared. The report shall contain, but not be limited to:

1.1. A legal description of the property and a site map, if applicable.

1.2. A description of the nuisance and conditions that exist which caused the nuisance designation to be applied;

Section 2. NOTICE TO ABATE NUISANCE OR CONDITION. Whenever the Zoning Administrative Officer finds that a nuisance or other condition exists which is listed in this Ordinance which warrants county action, the Zoning Administrative Officer shall cause to be served upon the property owner a written notice to abate the nuisance within a reasonable time after notice.

Section 3. CONTENTS OF NOTICE TO ABATE. The notice to abate shall contain:

3.1. A description of what constitutes the nuisance or other condition.

3.2. A legal description of the property.

3.3. The location of the nuisance or condition.

3.4. A statement of the act or acts necessary to abate the nuisance or condition.

3.5. A reasonable time within which to complete the abatement.

3.6. A statement that if the nuisance or condition is not abated as directed and no request for hearing is made within the time prescribed, the County will abate it and assess the costs against such person.

Section 4. METHOD OF SERVICE. The notice may be served by certified mail to the property owner. Refusal to sign shall be considered service. The notice may also be served by posting the notice on the property in question. Such a notice shall indicate the date of posting.

Section 5. REQUEST FOR HEARING AND APPEAL. Any person ordered to abate a nuisance or condition may have a hearing with the Zoning Administrative Officer ordering the abatement as to whether a nuisance or prohibited condition exists. A request for a hearing must be made in writing and delivered to the Zoning Administrative Officer ordering the abatement within the time stated in the notice, or it will be conclusively presumed that a nuisance or prohibited condition exists and it must be abated as ordered.

At the conclusion of the hearing, the Zoning Administrative Officer shall render a written decision as to whether a nuisance or prohibited condition exists. If the officer finds that a nuisance or prohibited condition exists, the officer must order it abated within an additional time which must be reasonable under the circumstances. An appeal from this decision may be had by immediately filing a written notice with the Zoning Administrative Officer. This appeal shall be heard before the Board of Supervisors at a time and place fixed by the board. The findings of the board shall be conclusive.

Section 6. ABATEMENT IN EMERGENCY. If it is determined that an emergency exists by reason of the continuing maintenance of the nuisance or condition, the County may, as provided by section

331.384 of the Code of Iowa, perform any action that may be required under this chapter without prior notice, and assess the costs as provided herein.

Section 7. ABATEMENT BY COUNTY. If the person notified to abate a nuisance or condition neglect or fails to abate as directed, the County may, as provided by section 331.384 of the Code of Iowa, perform the required action to abate, keeping an accurate account of the expense incurred. The itemized expense account shall be filed with the County Treasurer who shall pay such expenses on behalf of the County.

Section 8. COLLECTION OF COST OF ABATEMENT. The Treasurer shall mail a statement of the total expense incurred to the property owner who has failed to abide by the notice to abate, and if the amount shown by the statement has not been paid within one month, the County Treasurer shall certify the costs to the County Auditor and they shall then be collected with, and in the same manner, as general property taxes.

Section 9. INSTALLMENT PAYMENT OF COST OF ABATEMENT. If the amount expended to abate the nuisance or condition exceeds $100, the County may, as provided by section 331.384 of the Code of Iowa, permit the assessment to be paid in up to ten annual installments, to be paid in the same manner and with the same interest as benefited property.

ARTICLE 6/AUTHORITY OF ZONING ADMINISTRATIVE OFFICER

Section 1. The Zoning Administrative Officer shall have the independent authority to investigate any property or condition that he believes might constitute a nuisance under this Ordinance.

Section 2. The Zoning Administrative Officer shall have the sole discretion, subject to review by the Board of Supervisors, to:

2.1. Investigate a suspected nuisance.

2.2. Determine whether a nuisance exists.

2.3. Determine whether a nuisance or condition warrants County action.

2.4. Determine what action is necessary to abate said nuisance.

2.5. Invoke any of the enforcement mechanisms in this Ordinance.

2.6. Determine whether an Emergency condition exists and to apply the Abatement in Emergency provision found in Article 5 Section 6.

Section 3. The Zoning Administrative Officer may request the assistance of other Departments, Agencies and Office of County Government in the investigation and enforcement of this Ordinance. The Zoning Administrative Officer may request to contract services to complete inspections and/or inspection reports as required in this ordinance.

Section 4. In determining whether a condition warrants County action and what County action should be taken, the Zoning Administrative Officer may consider:

4.1. The nature and extent of the condition

4.2. The wishes of those in the neighborhood.

4.3. The immediacy of any danger to the public.

4.4. The cost of abatement.

4.5. The likely benefit of the abatement.

4.6. Whether the owner lives on the property.

4.7. The likelihood of recovering the costs of any abatement action taken by the County.

4.8. Other relevant factors.

ARTICLE 7/COMPLAINANT PROCEDURES

Section 1. ACTION TAKEN. All nuisance complaints under this ordinance shall be referred to the Zoning Administrative Officer for investigation and appropriate action.

Section 2. ORAL COMPLAINTS. The Zoning Administrative Officer may take oral complaints, but shall have the authority to require that any complaint be made in writing.

Section 3. RESPONSE PROCEDURES. When an oral complaint is made to the Zoning Administrative Officer, he may respond to said complaint orally. When a written complaint is made to the Zoning Administrative Officer, he shall respond to said complaint in writing and he shall inform the complainant whether a nuisance found, whether it warranted county action and the action, if any, the County intends to take.

Section 4. APPEAL. A Complainant may appeal the determination of the Zoning Administrative Officer to the Board of Supervisors as provided in Article 5, Section 5 of this ordinance. The determination of the Board of Supervisors shall be final.

ARTICLE 8/SEVERABILITY CLAUSE

Section 1. INVALID SECTIONS. If any section, provision, or part of this Ordinance is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

ARTICLE 9/REPEAL OF CONFLICTING ORDINANCES

Section 1. CONFLICTING ORDINANCES. All ordinances in conflict with this Ordinance are hereby repealed.

ARTICLE 10/ADOPTION

Section 1. ADOPTION. This Ordinance will take effect upon final publication

First Hearing: August 22, 2000
(Date)
Second Hearing: Waived
(Date)
Third Hearing: September 19, 2000
(Date)

S/Emmett L. Martin, Chairperson,
Webster County Board of Supervisors

S/Eddie Peterson, Supervisor

S/Jill Kirkberg, Supervisor

S/Floyd A. Magnusson, Supervisor

S/Dennis O'Farrell, Supervisor

Attested: S/Carol Messerly,
Webster County Auditor

WEBSTER COUNTY ORDINANCE #031

AREA SERVICE "C" ROAD MAINTENANCE ORDINANCE

Title: An Ordinance Establishing the Area Service "C" Road Classification in Webster County, Iowa.

Be It Enacted by the Board of Supervisors, Webster County, Iowa:

Section 1. **PURPOSE**

The purpose of this ordinance is to classify certain roads on the area service system in the county as Area Service roads so as to provide for a reduced level of maintenance effort and restricted access, pursuant to Iowa Code Section 309.57.

Section 2. **DEFINITIONS**

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

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

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

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

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

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

4. "County" shall mean Webster County.

Section 3: **HOW ESTABLISHED**

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

B. NOTICE OF ACTION: Before the Board may take action on a petition to establish an Area Service "C" road, a notice of the proposed action, including the location of the Area Service "C" road and the time and place of the meeting at which the Board proposes to take action on the petition, shall be published as provided by law.

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

Section 4. **ACCESS**

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

Section 5. **SIGNS**

Area Service "C" roads shall have signs conforming to the Iowa Signing Manual Per 761 Iowa Administrative Code (IAC) 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.

Section 6. **TREPASS**

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.

Section 7. **RECLASSIFICATION**

A road with an Area Service "C" classification shall retain the classification until such time as a petition for reclassification is submitted to the Board. The petition shall be signed by one or more adjoining

landowners. The Board shall approve or deny the request for reclassification within 60 days of receipt of the petition.

Section 8. **POWERS OF THE BOARD**

All jurisdiction and control over Area Service "C" roads shall rest with the Board, pursuant to the Iowa Code Section 309.57.

Section 9. **EXEMPTION FROM LIABILITY**

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

Section 10. **REPEALED**

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

Section 11. **SEVERABILITY CLAUSE**

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

Section 12. **WHEN EFFECTIVE** _____

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

First reading: approved September 5, 2000
(Date)

Second reading: waived _____ approved September 12, 2000 _____
(Date) (Date)

Third reading: waived _____ _____ approved October 10, 2000
(Date) (Date)

S/Emmett L. Martin, Chairperson
Webster County Board of Supervisors

S/Eddie Peterson, Supervisor

S/Jill Kirkberg, Supervisor

S/Floyd A. Magnusson, Supervisor

S/Dennis O'Farrell, Supervisor

ORDINANCE NUMBER 034

AN ORDINANCE REGULATING THE DIVISION AND PLATTING OF LAND. THIS ORDINANCE IS IN CONFORMANCE WITH CHAPTER 354 OF THE CODE OF IOWA.

NOW THEREFORE, BE IT ORDAINED BY BOARD OF SUPERVISORS OF WEBSTER COUNTY, IOWA THAT:

ARTICLE 1. GENERAL

1.01. Short Title

This ordinance shall be known as the "Platting Ordinance" of Webster County, Iowa.

1.02. Purpose

a. To provide for accurate, clear, and concise legal descriptions of real estate to prevent, wherever possible, land boundary disputes or real estate title conflicts; and

b. To provide governing bodies a means to review the division of land occurring within their jurisdiction.

1.03. Severability Clause

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

1.04. Ordinance Not to Limit Other Ordinances

Nothing contained herein shall serve to abrogate, limit, repeal, or otherwise modify any other ordinance or regulation, except as expressly set forth herein. If any provision of this ordinance conflicts with the provisions of any other ordinance, regulation, or statute, the most restrictive shall apply.

1.05. Changes and Amendments

This ordinance or any provision of this ordinance may be changed or amended from time to time by the Board of Supervisors; provided, however, that such changes or amendments shall not become effective until after a public hearing has been held following due public notice and publication as provided by law.

1.06. When Effective

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

ARTICLE 2. DEFINITIONS

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

a. Iowa Code Definitions: The following words shall have the same definition and interpretation as defined by Section 354.2 of the Iowa Code: aliquot part, Auditor's plat, conveyance, division, governing body, government lot, metes and bounds description, official plat, parcel, plat of survey, subdivision plat, surveyor, and tract.

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

c. Plat: A map drawing, or chart by a surveyor on which a subdivider's plan for the subdivision of land is presented, that is submitted for approval and intended, in survey form, to be recorded.

d. Subdivider: The owner of the tract being subdivided, or such other person or entity empowered to act on the owner's behalf.

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

f. Specific Quantity Description: A description of land that uses a quantity and the relevant location of the smaller parcel within the tract.

ARTICLE 3. ADMINISTRATION

Prior to dividing a tract of land into two or more parcels, the subdivider shall contact the Auditor to determine whether a Plat of Survey or Subdivision Plat may be required under Article 4 and Article 5 of this ordinance.

If the Auditor determines that a Subdivision Plat shall be required according to this ordinance, the subdivider shall contact the appropriate Planning and Zoning staff.

a. Proposed subdivision plats located in the unincorporated portion of Webster County shall contact the Webster County Zoning Administrator.

b. Proposed subdivision plats located within an incorporated city shall contact the appropriate authority within the incorporated city.

The purpose of this contact is for the appropriate Planning and Zoning staff to discuss with the subdivider the subdivision regulations for that particular location.

ARTICLE 4. PLAT OF SURVEY

4.01. When Required

A Plat of Survey is required when there is a division of a tract of land using metes and bounds description or a specific quantity description where the description is not sufficiently certain and accurate to determine the location of the new common boundary for purposes of real estate taxation.

4.02. Scope

A plat of survey will include only the parcel being conveyed when a plat of survey, or official plat exists that includes the remaining parcel.

A plat of survey will include both the parcel being conveyed and the remaining parcel when there is any uncertainty about the location of the common boundary; or there is any uncertainty about the location of the parcel being conveyed within the remaining parcel.

4.03. Standards

The Plat of Survey shall be prepared in conformity with the provisions of Section 354.4 and Chapter 355 of the Iowa Code.

ARTICLE 5. SUBDIVISION PLAT

5.01. When Required

The Auditor shall require a subdivision plat when any of the following occur:

a. A simultaneous division of a forty-acre aliquot part, government lot, or a Lot within an Official Plat into three or more parcels.

b. An incremental division of a forty-acre aliquot part, government lot, or a Lot within an Official Plat that results in three or more parcels in said forty-acre aliquot part, government lot, or a Lot within an Official Plat.

5.02. Exceptions

The Auditor shall not require Subdivision Plat when:

a. A plat of survey has been recorded for each parcel in lieu of a subdivision plat. The Auditor shall notify the applicable governing body(s), in writing that a plat of survey has been recorded in lieu of a subdivision plat. This notice shall include cities who review land divisions under Section 354.9 of the Iowa Code. This ordinance does not prevent the Webster County Zoning Administrator or appropriate authority within an incorporated city from requiring a subdivision plat to be recorded.

b. The division of land or rights in land is created as the result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having the power of eminent domain.

5.03. Scope

The boundary of the Subdivision Plat shall include both the Parcel(s) being conveyed and the remaining Parcel(s).

5.04. Standards

The subdivision plat shall be prepared in conformity with the provisions of Section 354.6 and Chapter 355 of the Iowa Code and any applicable local ordinances as follows:

a. Subdivision plats located in the unincorporated portion of Webster County shall comply with Ordinance Number 35 Subdivision Ordinance For The Unincorporated Portion Of Webster County.

b. Subdivision plats located within an incorporated city shall comply with the subdivision regulations of the incorporated city.

5.05. Plats Required

In order to secure approval of any proposed Subdivision, the Owner and Subdivider shall submit to the County, Plats and other information if required by the Governing Body.

ARTICLE 6. ENFORCEMENT

A recorded conveyance in violation of this ordinance may be entered on the transfer books of the Auditor's office.

The Auditor shall notify the grantor and grantee that the conveyance is in violation of this ordinance, and demand compliance. The notice shall be served by mail. A certified copy of the notice shall be recorded. The Auditor shall mail a copy of the notice to the applicable governing bodies.

If the grantor or grantee fail, within thirty days of the notice, to comply with the notice or file with the Auditor a statement of intent to comply, the Auditor shall contract with a surveyor to have a survey made of the property and have a plat of survey or an Auditor's plat recorded as necessary to comply with this ordinance as provided by Section 354.13 of the Iowa Code. Upon receipt of a statement of intent to comply, the Auditor may extend the time period for compliance.

The surveyor shall present to the Auditor a statement of the total cost of the surveying, platting, and recording of a plat prepared. The surveyor shall also present a statement of the part of the total cost to be assessed to each parcel included in the plat based on the time involved in establishing the boundaries of each parcel. An additional administration fee totaling five (5) percent of the total cost of the survey shall be assessed against the lots within the plat. The Auditor shall certify to the treasurer an assessment for the platting costs against the lots within the plat which shall be collected in the same manner as general taxes, except that the Board of Supervisors, by resolution, may establish not more than ten equal annual installments and provide for interest on unpaid installments at a rate not to exceed that permitted by Chapter 74A of the Iowa Code.

S/Floyd A. Magnusson
Chairman, Board of Supervisors

S/Dennis O'Farrell
Board Member

Ss/Eddie Peterson
Board Member

S/Phil Condon
Board Member

S/Jill Kirkberg
Board Member

I, Carol Messerly, being duly sworn under oath, hereby state that I am the Auditor for Webster County, Iowa, and that this is a true and accurate copy of the Webster County Ordinance No. 034, passed by the Webster County Board of Supervisors on April 29, 2002.

S/Carol Messerly
County Auditor

First Hearing: April 29, 2002

Second Hearing: Waived

Third Hearing: Waived

Final Passage: April 29, 2002

Published: May 9, 2002

ORDINANCE NUMBER 035

SUBDIVISION ORDINANCE FOR THE UNINCORPORATED PORTION OF WEBSTER COUNTY

An ordinance providing rules and regulations for the subdivision of land in the unincorporated area of Webster County, Iowa, prescribing minimum standards for the preliminary and final plats and requiring certain improvements as a condition of approval. The purpose is for promoting the safety, health and general welfare of the public in accordance with the Comprehensive Plan of Webster County, Iowa.

WHEREAS, the Board of Supervisors of Webster County has adopted a zoning ordinance to assist in controlling the future development of the County by regulating the uses of land, the size of lots, the height and bulk of buildings, the size of yards and open spaces around buildings and structures for residences, commerce, industry and other purposes; and

WHEREAS, it is essential that the subdivisions of land be coordinated with the zoning ordinance for the purpose of guiding the future development of the County;

NOW THEREFORE, BE IT ORDAINED BY BOARD OF SUPERVISORS OF WEBSTER COUNTY, IOWA THAT:

ARTICLE I: GENERAL PROVISIONS

Section:

1.1 Short Title
1.2 Purpose
1.3 Application
1.4 Recording Of Plat
1.5 Fees Established
1.6 Penalties
1.7 Zoning Compliance Permit To Be Denied

1.1 **Short Title.** This ordinance may be known and cited as the "Subdivision Ordinance of Webster County, Iowa".

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

1.3 **Application.** A subdivision plat shall be made when any of the following occur:

a. A simultaneous division of a forty-acre aliquot part, government lot, or a Lot within an Official Plat into three or more parcels;

b. An incremental division of a forty-acre aliquot part, government lot, or a Lot within an Official Plat that results in three or more parcels in said forty-acre aliquot part, government lot, or a Lot within an Official Plat.

A subdivision plat shall not be required if the division of land or rights in land is created as the result of a conveyance or condemnation for right-of-way purposes by an agency of the government or other persons having the power of eminent domain.

The boundary of the Subdivision Plat shall include both the Parcel(s) being conveyed and the remaining Parcel(s).

1.4 **Recording Of Plat.** No subdivision plat, resubdivision plat, or street dedication within the unincorporated portion of Webster County, Iowa, shall be filed for the record with the County Recorder, until the final plat of such subdivision, resubdivision, or street dedication has been reviewed and approved in accordance with the provisions of this ordinance.

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

There shall be three (3) copies stamped as approved by the Board of Supervisors

a. One (1) copy shall be retained for file by the County Zoning Administrator

b. One (1) copy shall be filed with the County Recorder.

c. One (1) copy, with accompanying resolution by the Board of Supervisors approving and accepting the Plat, shall be filed with the County Auditor. A certificate must accompany this copy by the owner that the subdivision is with the desire of the owners. This certificate must be signed and acknowledged by the owner before some officer authorized to take the acknowledgments of deeds.

1.5 **Fees Established.** The Board of Supervisors shall establish by resolution a fee schedule for the review of plats, with such schedule being updated as needed. No plat for any subdivision or resubdivision shall be considered filed with the Board of Supervisors, unless and until the established fee accompanies the plat.

1.6 **Penalties.** Any person who shall dispose of any lot or lots within the area of jurisdiction of this ordinance until the plat thereof has been approved by the Board of Supervisors and recorded as required by law, shall forfeit and pay five hundred dollars ($500.00) to the County for each lot or portion thereof sold, disposed of, or offered for sale. Nothing contained herein shall in any way limit the County's right to any other remedies available to the County for the enforcement of this ordinance.

1.7 **Zoning Compliance Permit To Be Denied.** No zoning compliance permit shall be issued for construction on any lot or tract where a subdivision is required unless and until a final plat of such subdivision has been approved and recorded in accordance with this ordinance, and until the improvements required by this ordinance have been installed and accepted by the County.

ARTICLE II: DEFINITIONS

Section:

2.1 Terms Defined

2.1 **Terms Defined.** For the purposes of this ordinance certain terms and words are hereby defined. Words used in the present tense shall include the future, the singular number shall include the plural, and the plural the singular; the word shall is mandatory, the word may is permissive; and the word he includes she.

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

b. Alley: Public property dedicated to public use primarily for vehicular access to the back or side of properties otherwise abutting a street. An alley shall not be used to provide primary access to a lot;

c. Auditor's Plat: A subdivision plat prepared at the request of the County Auditor or Assessor to clarify property descriptions for the purposes of assessment and taxation. An Auditor's Plat shall be prepared by a licensed land surveyor;

d. Block: An area of land within a subdivision that is entirely bounded by streets, highways, or rights-of-ways, except alleys, and the exterior boundary or boundaries of the subdivision;

e. Board of Supervisors: The Webster County Board of Supervisors;

f. Building Line: A line on a plat between which line and a street, alley, or private places no building or structure may be erected. Building lines are established by set-backs in the Webster County Zoning Ordinance;

g. Collector Streets: Those that carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development;

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

i. County Sanitarian: The Webster County Sanitarian;

j. County Zoning Administrator: The Webster County Zoning Administrator;

k. Comprehensive Plan: The general plan for development of the community, that may be titled the "Master Plan," "Comprehensive Plan," or some other title, which plan has been adopted by the Board of Supervisors. Such Plan shall include any part of such plan separately adopted, and any amendment to such plan or parts thereof;

l. Conveyance: An instrument filed with the County Recorder as evidence of the transfer of title to land, including any form of deed or contract;

m. Cul-de-sac: A short, minor street, having one end open to motor traffic, and the other end being permanently terminated by a vehicular turnaround;

n. Division: Dividing a tract of land into two (2) tracts of land by conveyance or for tax purposes. The conveyance of an easement shall not be considered a division for the purpose of this ordinance;

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

p. Flood Hazard Area: Any area subject to flooding by a one percent (1%) probability flood, otherwise referred to as a one-hundred (100) year flood; as designated by the Federal Emergency Management Agency/Federal Insurance Administration;

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

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

s. Lot: A portion of subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development. A lot shall have its principal frontage upon a street;

t. Lot, Corner: A lot situated at the intersection of two streets;

u. Lot, Double Frontage: A lot that is not a corner lot, but abuts on two streets;

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

w. Major Street: A street used primarily for fast, large volume traffic;

x. Minor Street: A street used primarily for access to the abutting properties;

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

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

aa. Performance Bond: A surety bond or cash deposit made out to the County in an amount equal to the full costs of the improvements which are required by this ordinance, said cost being estimated by the County Engineer, and said improvements to be constructed in accordance with this ordinance;

bb. Plat: A map, drawing, or chart on which the subdivider's plan of the subdivision is presented and which is submitted for approval and intended to be in final form to record;

cc. Plat of Survey: The graphical representation of a survey of one (1) or more of the tracts of land, including the complete and accurate description of each tract within the plat and is prepared by a Licensed Land Surveyor;

dd. Planning and Zoning Commission: The Webster County Planning and Zoning Commission;

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

ff. Right-of-Way: The area measured between property lines, dedicated to and accepted for public use and providing access to abutting properties;

gg. Street (also Road): Public property, not an alley, dedicated or intended for vehicular circulation. In appropriate context the term "street" may refer to right-of-way bounded by the property lines of such public property, or may refer to paving installed within such right-of-way;

hh. Subdivider: The owner of the property being subdivided, or such other person or entity empowered to act on the owner's behalf;

ii. Subdivision: The division of land into three (3) or more parts for the purpose, whether immediate or future, of transfer of ownership or building development. The term when appropriate to the context may refer to the process of subdividing or to land subdivided. For purposes of this ordinance the following types of subdivision are identified and defined:

1. Minor Subdivision: Any subdivision that contains not more than five (5) lots fronting on an existing public street and that does not require construction of any public improvements, and that does not adversely affect the remainder of the tract, shall be classified as a Minor Subdivision;
2. Major Subdivision: Any subdivision that, in the opinion of the County Zoning Administrator, does not for any reason meet the definition of a Minor Subdivision, shall be classified as a Major Subdivision;

jj. Surveyor: A licensed surveyor authorized to practice surveying, as defined by the registration act of the State of Iowa or Chapter 355, Code of Iowa;

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

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

ARTICLE III: IMPROVEMENTS

Section:

3.1 Improvements Required
3.2 Inspection
3.3 Minimum Improvements
3.4 Easements Required
3.5 Alternative Systems For Sewer And Water

3.1 **Improvements Required.** The subdivider shall, at his expense, construct/install all improvements required by this ordinance. All required improvements shall be installed/constructed in accordance with accepted design standards and according to plans and specifications prepared by a Licensed Civil Engineer. The County is to receive copies of all plans and specifications of proposed improvements.

3.2 **Inspection.** All improvements shall be inspected by a Certified Inspector to insure compliance with the requirements of this ordinance and copies of inspection reports, structural tests, etc. shall be forwarded to the County Engineer. The cost of such inspection shall be borne by the subdivider.

3.3 **Minimum Improvements.** The improvements set forth below shall be considered the minimum improvements necessary to protect the public health, safety and welfare.

a. Streets: The subdivider of land being subdivided shall provide the grading of the entire street right of way, alley or public place. Streets in Major Subdivisions shall be public streets and paved. All shall be so constructed as to meet the design standards in Article 4 of this ordinance.

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

b. Sanitary Sewer System: The subdivider of the land being platted shall make adequate provision for the disposal of sanitary sewage for the platted area with due regard being given to present or reasonably foreseeable needs. Where a public sewer system is accessible there shall be constructed, at the subdividers expense, a sanitary sewer system including all necessary pumping stations, pumping equipment, sewer manholes, and all other necessary or desirable appurtenances to provide for the discharge of sanitary sewage from all lots or tracts of land within the platted area to a connection with a public sanitary sewer. The sanitary sewer system shall be constructed in accordance with the plans and specifications of that public system and at sewer grades as established by the public system. Major Subdivisions within two miles of the corporate limits of any City shall connect to City's sanitary sewer system unless no system is present in the City.

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

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

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

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

d. Water Main System: The subdivider of land being platted shall install and construct a water main system to adequately serve all lots or tracts of land within the platted area, with due regard to the present and reasonably foreseeable needs of the entire area. Major Subdivisions within two miles of the corporate limits of any City shall connect to City's water main system unless no system is present in the City.

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

e. Other Improvements: The subdivider of the land being platted shall be responsible for grading and seeding or sodding of all lots, the planting of any required trees or shrubbery, and the installation of proper street signage and adequate street lighting.

3.4 Easements Required.

Utility Easements: Where required for the placement of present or future utilities, easements of not less than ten (10) feet in width shall be granted by the owner along rear and, where necessary, along side lot lines for public utility requirements. Except where prohibited by topography, such easements shall be centered on lot lines. Easements of greater width may be required along lot lines or across lots when necessary for the placement and maintenance of utilities. No buildings or structures except as necessary for utilities shall be permitted on such easements.

b. Easements Along Streams Or Watercourses: Wherever any stream or surface watercourse is located in an area that is being subdivided, the subdivider shall, at his or her own expense, make adequate provisions for the proper drainage of surface water and shall also provide and dedicate to the County an easement along said stream or watercourse as necessary for the proper maintenance of the watercourse, and as approved by the County.

3.5 Alternative Systems For Sewer And Water. Where the connection to a public sewer or water system cannot be reasonably made, the County may approve alternate facilities for the distribution of water or the collection and disposal of sanitary wastes. Such alternate systems shall be designed to fully protect the public health, safety and welfare, and shall meet all requirements of state, county, or other applicable health regulations. The use of septic tanks will require the subdivider to discuss with the County Sanitarian the current requirements for the area requirements for septic tanks for the specific soil types of the subdivision. Prior to granting approval of such alternate systems, the County shall require that the owner and subdivider provide to the County a waiver of assessment protest or other legally binding documents necessary to protect the County from the expense of subsequent installation of sewer or water facilities.

Alternate systems for sewer and water are not permitted in a Major Subdivision unless a variance has been requested and approved under Article 6 Section 1 of this ordinance. When septic tanks are approved by the Board of Supervisors as an alternate sewer system in a Major Subdivision, the subdivider shall designate on the preliminary plat of each lot two locations where the leach field may be located. A soil scientist shall verify that the two locations provide proper drainage for the septic tank.

ARTICLE IV: MINIMUM DESIGN STANDARDS FOR SUBDIVISIONS

Section:

4.1 Standards Prescribed
4.2 Land Suitability
4.3 Lands Subject To Flooding
4.4 Plan to Conform To Comprehensive and Other Plans
4.5 Construction Standards For Improvements
4.6 Street Layout And Design
4.7 Street Standards
4.8 Block And Lot Standards
4.9 Plans
4.10 Railroads

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

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

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

4.3 Lands Subject To Flooding. No subdivision containing land located in a floodway or a flood hazard area shall be

approved by the County without the approval of the Federal Emergency Management Agency. No lot shall be located so as to include land located within a floodway or flood hazard area unless the lot is of such a size and shape that it will contain a buildable area that is not within the floodway or flood hazard area, suitable for development as allowed by the zoning ordinance under the appropriate zoning classification in which the lot is located.

4.4 **Plat To Conform To Comprehensive And Other Plans.** The arrangement, character, extent, width, grade, and location of all streets and the general nature and extent of the lots and uses proposed shall conform to the Comprehensive Plan of the County and other plans, including but not limited to Public Works Plans, Utilities Plans, Urban Revitalization Plans, Urban Renewal Plans, Neighborhood Plans, Recreation Plans, Solid Waste Plans, Economic Development Plans, Industrial Park Development Plans, and Housing Rehabilitation Plans.

4.5 **Construction Standards For Improvements.** The Board of Supervisors may adopt by resolution additional design standards for streets, sanitary sewer systems, storm sewer systems, water main systems, and other improvements.

4.6 **Street Layout And Design.** The arrangement, character, extent, width, grade and location of all streets shall be designed with consideration of and in relationship to existing and planned streets, topographical conditions, public convenience and safety, and the proposed uses of land to be served by such streets. The layout and design of streets in all subdivisions shall conform to the following:

a. Streets shall provide, where practical, for the continuation or appropriate projection of existing streets in the surrounding area.

b. Streets shall be related appropriately to the topography. All streets shall be arranged so as to obtain as many as possible of the building sites at, at or above, the grade of the streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided.

c. Streets shall be properly related to special traffic generators such as industries, business districts, schools, churches, and shopping centers; to population densities; and to the pattern of existing and proposed uses.

d. Streets shall be laid out to conform as much as possible to the topography, to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access of property.

e. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by the topography or other physical conditions, or unless in the opinion of the Board of Supervisors, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

4.7 **Street Standards.** Street standards including, but not limited to, right-of-way widths, grades, sight distances, vertical curve length, and pavement type, width and thickness, shall be based upon standards equal or greater than current American Association of State, Highway and Transportation Officials (AASHTO) design standards and current Iowa Department of Transportation specifications pertaining to paving and drainage facilities. Hydraulic design of drainage facilities shall meet or exceed the minimum requirements currently utilized by the County Engineer.

a. Dedication of additional right-of-way shall be required for any subdivision having frontage on an existing street, which does not meet with the minimum right-of-way width required by the County Engineer.

b. Dead-end streets shall be no longer than nine hundred (900) feet. All dead-end streets shall terminate in a cul-de-sac with a minimum right-of-way diameter of one-hundred (100) feet.

c. Guard rails and warning posts shall be placed as required by the County Engineer, along the shoulder of any street where the construction of such street has created a severe embankment.

d. Curb and gutter type construction of streets may be required by the County Engineer in subdivisions wherein lot density and topography has the potential of creating erosion, drainage and/or stormwater management problems.

e. All pavements shall meet or exceed the structural equivalency of seven (7) inches of portland cement concrete (pcc), based on current AASHTO "Guide for Design of Pavement Structures".

f. Streets which exceed nine hundred (900) feet in length shall use a slip form paver when furnishing portland cement concrete.

g. Private streets, not dedicated to the county, shall be avoided. Private streets shall not be permitted in a Subdivision unless a variance is requested and approved under Article 6 Section 1 of this ordinance. The Board of Supervisors may approve a private street in a subdivision where unusual conditions make a private street desirable, provided that adequate covenants or other legal documents ensure that the county will not have or need to assume any maintenance or other responsibility for such street. The Subdivider and the Board of Supervisors may negotiate alternative street improvements to be used on streets that will not be dedicated for public use and/or public maintenance. If private roads are to be used the following shall be required:

1. All private streets shall have a right of way width, grading, and storm water drainage to meet the design standards of this ordinance, but the surface type may be of a lesser standard, if approved by the Board of Supervisors. Improvements agreed to by the Board of Supervisors on private streets shall be completed within a period of two (2) years from the date of approval of final plat.

2. An agreement in the form of a covenant running with the land, in a form approved by the County Attorney, providing for the construction or reconstruction of any improvements to meet County standards, and the assessment of all costs to the property owners in the event of acceptance of the roads by the County, shall be required. The Subdivider shall place on the deed of each lot within the Subdivision a notification that the road is a private road and not maintained by the County.

3. The Subdivider shall create a homeowners association to own the roads in the subdivision. Membership in the homeowners association shall include those persons who own lots in the subdivision.

4.8 **Block And Lot Standards.** The following standards shall apply to the layout of blocks and lots in all subdivisions,

and to the extent possible, in all resubdivisions.

a. No residential block shall be longer than nine hundred (900) feet or shorter than three hundred (300) feet measured from street centerline to street centerline. The width of blocks should be arranged so as to allow two tiers of lots, with utility easement.

b. The size and shape of blocks or lots shall be adequate to provide for the use intended, and to meet the parking, loading, and other requirements for such uses contained in the zoning ordinance.

c. Lot arrangement and design shall be such that all lots will provide satisfactory building sites, properly related to topography and surrounding land uses.

d. The size and shape of all lots shall comply with all requirements of the zoning ordinance for the zoning classification in which the lot is located.

e. All lots shall abut a public street, or upon an approved private street, with a minimum frontage to meet the zoning classification setback requirements measured as a straight line between the two front lot line corners.

f. Unless unavoidable, lots shall not front or have direct access to Collector streets. Where unavoidable, lots shall be so arranged as to minimize the number of access points.

g. All lot lines shall be at right angles to straight street lines or radial to curved street lines, except where, in the judgment of the Board of Supervisors, a variation to this provision will provide a better street and lot layout.

h. Corner lots shall have sufficient extra width to permit the required front yard setback as specified in the zoning ordinance, oriented to either street.

i. Double frontage lots shall only be permitted where abutting a major street and a minor street, and such lots will be determined to have frontage on the minor street. The Board of Supervisors may require the subdivider to create a buffer strip along the major street frontage if deemed necessary. This buffer strip may include various plantings or landscaping.

j. Any lot not to be served by a sanitary sewage system shall have sufficient area to allow for a satisfactory drainfield. No subdivision to be served by septic systems shall be approved by the Board of Supervisors until percolation tests have been performed and the results of said tests have been provided to, and reported on, by the County Sanitarian.

4.9 **Plans.** All plans, specifications, installation and construction required by these regulations shall be subject to review, approval and inspection by the County Engineer, County Sanitarian, and County Zoning Administrator. The subdivider shall furnish the County Engineer with a construction schedule prior to commencement of any and or all construction; and shall notify the County Engineer, not less the forty-eight (48) hours in advance of readiness of required inspections.

4.10 **Railroads.** If a railroad is involved, the subdivision plans should provide for one of the following:

a. Be so arranged as to permit, where necessary, future grades separation at highway crossing of the railroad.

b. Border the railroad with a parallel street at a sufficient distance from it to permit deep lots to go back onto the railroad; or form a buffer strip for park, commercial or industrial use.

c. Provide cul-de-sacs at right angles to the railroad so as to permit lots to back thereunto.

ARTICLE V: PROCEDURES AND SUBMISSION REQUIREMENTS FOR SUBDIVISION PLATS

Section:

5.1 Minor Subdivision Plat Exempt From Certain Procedures And Submissions
5.2 Pre-Application Conference
5.3 Sketch Plan Required
5.4 Presentation To The Planning And Zoning Commission
5.5 Plats Required
5.6 Requirement Of The Subdivision Preliminary Plat
5.7 Procedures For Review Of Subdivision Preliminary Plats
5.8 Duration Of Approval Of The Subdivision Preliminary Plat
5.9 Requirements Of Subdivision Final Plat
5.10 Documents To Accompany The Final Plat
5.11 Procedures For Review Of Final Plats
5.12 Authorization To Install Improvements
5.13 Performance Bond
5.14 Completion And Acceptance Of Improvements

5.1 **Minor Subdivision Plat Exempt From Certain Procedures And Submissions.** Subdivisions classified as Minor Subdivisions by the County Zoning Administrator shall be subject to all requirements of Article 5 of this ordinance except that Minor Subdivisions shall not be required to submit a preliminary plat.

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

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

If any portion of the land to be subdivided lies within two (2) miles of any Municipality within the County that has adopted subdivision regulations in accordance with the provisions of Chapter 354, Code of Iowa, the County Zoning Administrator shall notify the City in writing, and shall invite the appropriate City representatives to attend the Pre-Application Conference.

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

5.4 **Presentation To The Planning And Zoning Commission.** The subdivider may present the sketch plan to the Planning and Zoning Commission for review, prior to incurring significant costs preparing the preliminary or final plat.

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

5.6 **Requirements Of The Subdivision Preliminary Plat.** The subdivider shall prepare and file with the County Zoning Administrator thirteen (13) copies of the preliminary plat, drawn at a scale of one inch equals one hundred feet (1" = 100') or larger. Sheet size shall not exceed twenty-two inches by thirty-four inches (22" X 34"). Where more than one sheet is required, the sheets shall show the number of the sheet and the total number of sheets in the plat, and match lines indicating where other sheets adjoin.

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

a. Title, scale, north compass point, and date.

b. Proposed name of the subdivision that shall not duplicate or resemble existing subdivision names in the County.

c. The name and address of the owner and the name, address and the profession of the person preparing the plat.

d. A key map showing general location of the proposed subdivision in relation to surrounding development.

e. The names and locations of adjacent subdivisions and the names of record owners and location of adjoining tract of unplatted land. A list of all owners of record of property located within two hundred (200) feet of the subdivision boundary shall be attached.

f. The location of property lines, streets, alleys, easements, buildings, utilities, watercourses, tree masses, and other existing features affecting the plat.

g. Existing and proposed zoning of the proposed subdivision and adjoining property.

h. Contours at vertical intervals of not more than two (2) feet if the general slope of the site is less than ten (10) percent and at vertical intervals of not more than five (5) feet if the general slope is ten (10) percent or greater.

i. The legal description of the area being platted.

j. The boundary of the area being platted.

k. The layout, numbers and approximate dimensions of proposed lots.

l. The location, width and dimensions of all streets and alleys proposed to be dedicated for public use.

m. The proposed names for all streets in the area being platted.

n. Present and proposed utility systems, including sanitary and storm sewers, other drainage facilities, water lines, gas mains, electric lines, and other facilities. If a proposed subdivision shall fall within two or more utility service districts, such divisions shall be noted on the map. Documentation shall be provided that the utilities proposed to serve the subdivision are aware and support the Subdivision.

o. Two proposed locations of where the leach field may be located on each lot when septic tanks will be used as an alternate sewer system. A soil scientist shall verify that the two locations provide proper drainage for the septic tank.

p. Proposed easements, showing locations, widths, purposes and limitations.

q. Tracts of land proposed to be dedicated or reserved for schools, parks, playgrounds, other public, semi-public or community purposes, or shown for such purpose in the Comprehensive Plan or other adopted plans.

r. A general summary description of any protective covenants or private restrictions to be incorporated into the final plat.

s. A statement by the Superintendent of the school district within which the Subdivision is to be located indicating their knowledge of and opinion on the proposed Subdivision.

t. Any other pertinent information, as necessary.

u. The fee, as required by this ordinance.

5.7 **Procedures For Review Of Subdivision Preliminary Plats.**

a. The County Zoning Administrator, upon receipt of thirteen (13) copies of the preliminary plat, shall keep one copy for the Planning and Zoning Office, and forward one copy to the Board of Supervisors, County Auditor, County Engineer, County Sanitarian, County Emergency 911 Coordinator, and each member of the Planning and Zoning Commission member and shall schedule the plat for consideration by the Planning and Zoning Commission and the Board of Supervisors.

b. The County Engineer and County Zoning Administrator shall examine the plat as to its compliance with the ordinances and standards of the County, and its conformance with the preliminary plat; and shall set forth their findings in writing. A copy of the findings shall be provided to the subdivider.

c. The Planning and Zoning Commission shall examine the plat and the report of the County Engineer and County Zoning Administrator, and such other information as it deems necessary or desirable, to ascertain whether the plat conforms to the ordinances of the Comprehensive Plan and other duly adopted plans of the County.

d. The Board of Supervisors shall examine the plat, the report of the County Engineer, the report of the County Zoning Administrator, the report of the Planning and Zoning Commission, and such other information, as it deems necessary or desirable. Upon such examination, the Board of Supervisors shall ascertain whether the plat

conforms to the ordinances of the County, conforms to the Comprehensive Plan and other duly adopted plans of the County, and will be conducive to the orderly growth and development of the County; in order to protect the public health, safety, and welfare.

e. Following such examination, the Board of Supervisors may approve, approve subject to conditions, or disapprove the plat. Action on the preliminary plat by the Board of Supervisors shall be taken within sixty (60) days of the filing of the plat with the Board of Supervisors. However, if any portion of the land to be subdivided lies within two (2) miles of any Municipality within the County that has adopted subdivision regulations in accordance with the provisions of Chapter 354, Code of Iowa, the Board of Supervisors shall defer final action on the plat until the Municipality has taken action.

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

5.9 **Requirement Of Subdivision Final Plat.** The subdivider shall, within one (1) year from the date of approval of the preliminary plat, unless such time period has been extended, prepare and file with the Board of Supervisors, through the County Zoning Administrator, five (5) copies of the final plat and required attachments, as set forth in this ordinance. No Major Subdivision final plat shall be considered by the Board of Supervisors until and unless a preliminary plat for the area included in the proposed final plat has been approved and has not expired and become void as set forth above.

The final plat shall be drawn at a scale of one inch equals one hundred feet (1"= 100') or larger. Sheet size shall not exceed twenty-two inches by thirty-four inches (22" x 34") nor be smaller than eight and one-half inches by eleven inches (8½"x 11"). Where more than one sheet is required, the sheets shall show the number of the sheet and the total number of sheets in the plat, and match lines indicating where other sheets adjoin.

a. Scale and a graphic bar scale, north compass point, and date on each sheet.

b. Name of the subdivision.

c. The name and address of the owner and the name, addresses and profession of the person preparing the plat.

d. All monuments to be of record, as required by Chapter 355 of the Code of Iowa.

e. Sufficient survey data to positively describe the bounds of every lot, block street, easement, or other area shown on the plat, as well as the outer boundaries of the subdivided lands.

f. All distance, bearing curve, and other survey data, as required by Chapter 355 of the Code of Iowa.

g. All adjoining properties shall be identified, and where such adjoining properties are a part of a recorded subdivision, the name of that subdivision shall be shown. If the subdivision platted is a resubdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made. Resubdivision shall be labeled as such in a subtitle following the name of the subdivision wherever it appears on the plat.

h. Street names and designation of public alleys.

i. If private streets have been approved, the road shall be labeled as a private road.

j. Block and lot numbers.

k. Accurate dimensions for any property to be dedicated or reserved for public use, and the purpose for which such property is dedicated or reserved for public use.

l. The purpose of any easement shown on the plat shall be confined to only those easements pertaining to public utilities including gas, power, telephone, cable television, water, sewer; easements for trails, bikeways, ingress and egress; and such drainage easements as are deemed necessary for the orderly development of the land encompassed with the plat.

m. All interior excepted tracts clearly indicated and labeled, "not a part of this plat."

n. The subdivider shall not reserve a strip of land unless the land is of sufficient size and shape to be of some practical use or service as determined by the Board of Supervisors.

o. The minimum unadjusted acceptable error of closure for all subdivision boundaries shall be 1:10,000 and shall be 1:5,000 for any individual lot.

p. A Licensed Land Surveyor shall certify to the plat.

5.10 **Documents To Accompany The Final Plat.** The following documents shall accompany the final plat:

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

b. An attorney's opinion showing that the fee title to the subdivision land is in the owner's name, holders of mortgages, and that the land is free from encumbrances other than those secured by an encumbrance bond, free from unpaid taxes, free from all judgements, attachments, or mechanics or other liens of record.

c. The encumbrance bond, if any.

d. A statement of restrictions of all types that run with the land and become covenants in the deeds of lots.

e. A statement from the appropriate representative from the fire and rescue district the subdivision shall be located in that the subdivision shall be covered for fire and rescue protection by that district.

f. An agreement in the form of a covenant running with the land, in a form approved by the County Attorney, providing for the construction or reconstruction of any improvements to meet County standards, and the assessment of all costs to the property owners in the event of acceptance of the roads by the County, shall be required. The Subdivider shall place on the deed of each lot within the Subdivision a notification that the road is

a private road and not maintained by the County.

g. A resolution and certificate for approval by the Board of Supervisors and for signatures of the Chair and County Auditor.

h. A resolution and certificate for approval by the Council with signatures of the Mayor and Clerk of any Subdivision within two (2) miles of a city requiring approval of said subdivision.

i. The applicable fee, if any.

j. A reproducible copy of the plat from which legible copies can be made. Sheet size shall not exceed eight and one-half inches by fourteen inches (8½"x 14")

5.11 Procedures For Review Of Final Plats.

a. The County Zoning Administrator, upon receipt of Five (5) copies of the final plat, shall keep one copy for the Planning and Zoning Office, and forward one copy to the Board of Supervisors, County Auditor, County Engineer, and County Sanitarian, and shall schedule the plat for consideration by the Board of Supervisors.

b. The County Engineer and County Zoning Administrator shall examine the plat as to its compliance with the ordinances and standards of the County, and its conformance with the preliminary plat for Major Subdivisions; and shall set forth their finding in writing. A copy of the findings shall be provided to the subdivider.

c. For Major Subdivisions, if the plat is found to substantially conform to the preliminary plat as approved, the final plat shall be forwarded to the Board of Supervisors for review. If the plat is found not to conform to the preliminary plat, the Board of Supervisors shall refer it to the Planning and Zoning Commission for review, prior to viewing. The Planning and Zoning Commission shall then review the plat and shall forward a written recommendation thereon to the Board of Supervisors within forty-five (45) days of the filing of the plat with the County Zoning Administrator. If the recommendation is to disapprove the plat, or to require modification of the plat, the reasons therefor shall be set forth in writing, and a copy of the recommendation shall be provided to the subdivider.

d. Upon receipt of the plat and written reports thereon, the Board of Supervisors shall review the plat and attachments thereto. If the plat is found to conform to the ordinances and standards of the County and the Comprehensive Plan and the other duly adopted plans of the County, all as of the date of approval of the preliminary plat, and is found to substantially conform to the preliminary plat, the Board of Supervisors shall approve the plat, and shall cause its approval to be entered on the plat as required by law.

e. Action on the final plat by the Board of Supervisors shall be taken within sixty (60) days of the date of filing the plat with the County Zoning Administrator. If the action is to disapprove the plat, the reasons therefor shall be set forth in the official records of the Board of Supervisors and such decision shall be provided to the subdivider. However, if any portion of the land to be subdivided lies within two (2) miles of any Municipality within the County that has adopted subdivision regulations in accordance with the provisions of Chapter 354, Code of Iowa, the Board of Supervisors shall defer final action on the plat until the Municipality has taken action. If the action is to disapprove the plat, the reasons therefor shall be set forth in the official records of the Board of Supervisors and such decisions shall be provided to the subdivider.

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

5.13 Performance Bond. The subdivider shall post a performance bond with the County, guaranteeing that improvements shall be completed within a period of two (2) years from the date of approval of such final plat; but such approval of the plat shall not constitute final acceptance of any improvements to be constructed. Improvements will be accepted only after their construction has been completed. The performance bond shall be held for a period of one (1) year from the date of acceptance of any improvements. In the event the improvements are not completed within the time specified or improvements are not completed to the standards set by the County, the bond shall be kept by the County to complete the improvements.

5.14 Completion And Acceptance Of Improvements. Before the Board of Supervisors will accept the improvements, County Engineer shall report said improvements meet all County specifications and ordinances or other County requirements, and the agreements between the subdivider and the County. When improvements are determined to meet all specifications, the Board of Supervisors shall approve improvements at their regular board meeting.

ARTICLE VI: OTHER PROVISIONS

Section:

6.1 Variances
6.2 Repeal And Saving Clause
6.3 Severability Clause
6.4 Changes And Amendments
6.5 Ordinance Not To Limit Other Ordinances
6.6 Approval

6.1 Variances. Where in the case of a particular proposed subdivision, it can be shown that a strict compliance with the requirements of this ordinance would result in extraordinary hardship to the subdivider, because of unusual topography or other conditions, the Board of Supervisors may vary, modify, or waive the requirements so that substantial justice may be done and the public interest secured, provided, however, that such variance modification or waiver will not have the effect of nullifying the intent and purpose of this ordinance. The subdivider may request a variance prior to submitting the final plat. Variance request shall be made in writing and be submitted to County Zoning Administrator for review by the Board of Supervisors. In no case shall any variance or modification be more than minimum easing of the requirements as necessary to eliminate the hardship. In so granting a variance, the

Board of Supervisors may impose such additional conditions as is necessary to secure substantially the objectives of the requirements so varied, modified, or waived.

6.2 **Repeal And Saving Clause.** Ordinances in contradiction to this ordinance are hereby repealed. The repeal of said ordinance(s) shall not have the effect to release or relinquish any penalty, forfeiture, or liability under said ordinance or any part thereof. Said ordinances, and all parts thereof, shall be treated as still remaining in force for the purpose of instituting or sustaining any proper action or prosecution for enforcement of such penalty, forfeiture, or liability.

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

6.4 **Changes And Amendments.** This ordinance or any provision of this ordinance may be changed or amended from time to time by the Board of Supervisors, provided, however, that such changes or amendments shall not become effective until after a public hearing has been held, public notice of which shall have been published according to state statute.

6.5 **Ordinance Not To Limit Other Ordinances.** Nothing contained herein shall serve to abrogate, limit, repeal, or otherwise modify any other ordinance or regulation except as expressly set forth herein. If any provision of this ordinance conflicts with the provisions of any other ordinance, regulation, or statute, the most restrictive shall apply.

6.6 **Approval.** This ordinance shall be effective after its final passage, approval and publication as provided by law.

S/Floyd A. Magnusson
Chairman, Board of Supervisors

S/Dennis O'Farrell
Board Member

S/Eddie Peterson
Board Member

S/Phil Condon
Board Member

S/Jill Kirkberg
Board Member

I, Carol Messerly, being duly sworn under oath, hereby state that I am the Auditor for Webster County, Iowa, and that this is a true and accurate copy of the Webster County Ordinance No. 035, passed by the Webster County Board of Supervisors on April 29, 2002.

S/Carol Messerly
County Auditor

First Hearing: April 29, 2002

Second Hearing: Waived

Third Hearing: Waived

Final Passage: April 29, 2002

Published: May 9, 2002

ORDINANCE NUMBER 036

Ordinance Establishing a Local Office Fee for Uniform Commercial Code (UCC) Information Request

WHEREAS, Pursuant to Iowa Code 554.9525(3) an ordinance must be adopted to set the fee for responding to a request for information from the filing office, and

WHEREAS, the fee for responding to a request communicated in writing must not be less than twice the amount of the fee for responding to a request communicated by another medium authorized by the Secretary of State's office or the Board of Supervisors for the filing office.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors from Webster County, Iowa, that the fee for a Uniform Commercial Code information request shall be $5.00 for each debtor name being requested if the request form is supplied, and $6.00 for each debtor name requested if the filing office supplies the form. The fee for a copy of a filed UCC is $1.00 per page.

PASSED AND APPROVED THIS 27TH DAY OF AUGUST, 2002

First reading: July 30, 2002

Second reading: Waived

Third reading: August 27, 2002

Publication Date: September 4, 2002

Webster County Board of Supervisors
S/Floyd A. Magnusson, Chairperson

S/Dennis O'Farrell, Supervisor

S/Eddie Peterson, Supervisor

S/Phil Condon, Supervisor

S/Jill Kirkberg, Supervisor

Attest:
S/Carol Messerly
Webster County Auditor

I, Carol Messerly, being duly sworn under oath, hereby state that I am the Auditor for Webster County, Iowa and that this is a true and accurate copy of Ordinance 036 passed by the Webster County Board of Supervisors on August 27, 2002.

S/Carol Messerly

ORDINANCE NO. 039

AN ORDINANCE ESTABLISHING THE WEBSTER COUNTY SUPERVISOR DISTRICTS AND ELECTION PRECINCTS

NOW, THEREFORE, BE IT ORDAINED BY BOARD OF SUPERVISORS OF WEBSTER COUNTY, IOWA:

Section 1. Pursuant to Chapter 21 of the *Code of Iowa*, a public hearing has been duly held and the Board of Supervisors of Webster County, Iowa hereby establishing the Webster County Election Precincts as follows.

A. VOTING PRECINCTS. The County shall be divided into precincts as required by Chapter 49 of the *Code of Iowa* in the following manner:

1. Deer Creek-Jackson precinct shall consist of all of Deer Creek and Jackson Townships, including the City of Clare.

2. Badger-North Cooper precinct shall consist of all of Badger Township, including the City of Badger, and all land in Cooper Township lying north of County Road D20 except that portion of the City of Fort Dodge located in North Cooper Township.

3. Johnson precinct shall consist of all of Johnson Township, including the City of Barnum.

4. Northeast Douglas precinct shall consist of all land in Douglas Township lying north of Iowa Highway 7 and east of County Road P41.

5. Douglas precinct shall consist of all land in Douglas Township not included in Northeast Douglas precinct, except that potion of the City of Fort Dodge located in Douglas Township.

6. South Cooper precinct shall consist of all land in Cooper Township lying south of County Road D20 except that portion of the City of Fort Dodge located in South Cooper Township.

7. Colfax-Duncombe precinct shall consist of all of Colfax Township and the City of Duncombe.

8. Elkhorn precinct shall consist of all of Elkhorn Township.

9. Fulton precinct shall consist of all of Fulton Township, including the City of Moorland.

10. Lost Grove precinct shall consist of all of Lost Grove Township, including the City of Harcourt, except for that portion of the City of Gowrie located in Lost Grove Township.

11. Newark precinct shall consist of all of Newark Township, including the City of Vincent.

12. Otho precinct shall consist of all of Otho Township, including the City of Otho.

13. Pleasant Valley-Washington precinct shall consist of all of Pleasant Valley Township, and all of Washington Township except for the City of Duncombe.

14. Clay-Roland precinct shall consist of all of Clay and Roland Townships, including the City of Callender.

15. Sumner-Webster-Yell-Hardin precinct shall consist of all of Sumner, Webster, and Yell Townships, including the City of Lehigh, and all of Hardin Township and that portion of the City of Stratford located in Webster County.

16. Gowrie precinct shall consist of all of Gowrie Township including the City of Gowrie.

17. Dayton-Burnside precinct shall consist of all of Dayton Township, including the City of Dayton, and of all of Burnside Township.

B. SUPERVISOR DISTRICTS. . The County shall be divided into precincts as required by Chapter 49 of the *Code of Iowa* in the following manner:

1. The first Supervisor District in Webster County shall consist of Deer Creek-Jackson, Badger- North Cooper, Colfax-Duncombe, and Newark precincts as well as precincts 1 and 11 in the City of Fort Dodge.

2. The second Supervisor District in Webster County shall consist of South Cooper, Otho, Pleasant Valley-Washington, Clay-Roland, Fulton, Sumner-Webster-Yell-Hardin, Gowrie, Lost Grove, and Dayton-Burnside Precincts.

3. The third Supervisor District in Webster County shall consist of precincts 8, 9, 10, and 12 in the City of Fort Dodge.

4. The fourth Supervisor District in Webster County shall consist of Northeast Douglas precinct as well as precincts 2, 3, 4, and 7 in the City of Fort Dodge.

5. The fifth Supervisor District in Webster County shall consist of Johnson, Douglas, and Elkhorn precincts as well as precincts 5 and 6 in the City of Fort Dodge.

Section 2. A copy of the plan shall be kept at the County Auditor's office for public inspection.

Section 3. Severability Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. This ordinance shall take effect upon publication.

Passed, approved and adopted this 27th day of December, 2005.

First reading:	December 27, 2005
Second reading:	Waived
Third reading:	Waived
Date of Publication:	January 4, 2006

Webster County Board of Supervisors

(Absent)

Floyd A. Magnusson, Chairperson

S/Greg Nolting

Greg Nolting, Supervisor

S/James Gill

James Gill, Supervisor

S/Joel Lizer

Joel Lizer, Supervisor

S/Phil Con don

Phil Condon, Supervisor

ATTEST:

S/Carol Messerly

Carol Messerly, County Auditor

I, Carol Messerly, being duly sworn under oath, hereby state that I am the Auditor for Webster County, Iowa and that this is a true and accurate copy of Ordinance 039 passed by the Webster County Board of Supervisors on 27th day of December, 2005.

ORDINANCE NO. 40

An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the Frontier Ethanol Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa

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

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

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

"County" shall mean Webster County, Iowa.

"Urban Renewal Area" shall mean the Frontier Ethanol Urban Renewal Area, the boundaries of which are set out below, such area having been identified in the Urban Renewal Plan approved by the Board of Supervisors by resolution adopted on December 6, 2005:

Parcel #	Approximate Description of Parcel
"A"	A parcel located in the East Half of Section 25, Township 87 North, Range 30 West of the 5th Principal Meridian, Webster County, Iowa, being more particularly described as follows: Commending at the N ¼ corner of said Section 25; thence S 89°03'37" E a distance of 170.27' to the point of beginning, being the corner common with the east line of the railroad right of way and the northwest corner of Said Parcel B; thence along the north line of the northeast quarter of said Section 25 a bearing of S 89°03'37" E a distance of 1,492.45'; thence S 00°34'06" W a distance of 5,275.38' to a set rebar with cap #16629; thence N 89°14'49" W a distance of 1,442.51' to a set rebar with cap #16629 and being an intersection of the east line of railroad right of way; thence along the east line of railroad right of way a bearing of N 00°01'36" E a distance of 5,280.54'; which is the point of beginning.
"B"	A tract of land located in the Northeast Quarter of Section 36, Township 87 North, Range 30 West of the 5th Principal Meridian, Webster County, Iowa being more particularly described as follows: Beginning at the northeast corner of said Section 36, being a found rebar; thence N 89°14'49" W a distance of 2,337.56' to the Northeast corner of said tract, being a set rebar with cap #16629; thence S 00°01'36" W a distance of 2,657.47' being a set rebar with cap #16629; thence N 89°46'44" W a distance of 100.0' being a set rebar with cap #16629; thence N 00°01'36" E a distance of 2,658.40' being a set rebar with cap #16629; thence S 89°14'49" E a distance of 100.01'; which is the point of beginning.
"C"	The right of way of 320th Street from its intersection with Garfield Avenue, then west to its intersection with County Road P-33 (Fairbanks Avenue)
"D"	The right of way of P-33 (Fairbanks Avenue) north and south of the intersection with 320th Street. The parcel extends 500 feet north and 500 feet south of the intersection with 320th Street.

Approximately 185 acres, plus adjoining road right-of-way, located one and one-half miles north of the City of Gowrie, adjacent to the Union Pacific Railroad and approximately one-half mile east of the intersection of County Road P-33 and 320th Street.

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

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

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

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

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

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

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

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

Passed and approved by the Board of Supervisors of Webster County, Iowa, on December 6, 2005.

s/Floyd A. Magnusson
Chairperson, Board of Supervisors

December 6, 2005
Date of First Hearing

Waived
Date of Second Hearing

Waived
Date of Third Hearing

December 14, 2005
Date of Publication

I, Carol Messerly, being duly sworn under oath, hereby state that I am the Auditor for Webster County, Iowa and that this a true and accurate Copy of the Ordinance No. 40 passed by the Webster County Board of Supervisors on December 6, 2005.

s/Carol Messerly
Webster County Auditor

INSTRUMENT NO. 2010 00205
WEBSTER COUNTY, IOWA
FILED FOR RECORD
JAN 18 2010 AT 8 50 A.M. P.M.
JUDY B. COSGROVE, RECORDER
By [signature] Deputy
Recording Fee $ -0-
Auditor's Transfer Fee $
Surcharge $ -
EComm $ -

Prepared by: Irene Blair 723 1st Ave So, Fort Dodge,IA 50501
Return to: Webster County Auditor's Office

Webster County
General Assistance Ordinance No.043

I. PURPOSE

The purpose of this ordinance is to describe the forms of assistance provided by Webster County, in accordance with Chapter 252, to poor persons and needy persons. This ordinance establishes criteria which must be met by an applicant before assistance is made available to persons in any of the two categories.

II. PERSONS ELIGIBLE FOR GENERAL ASSISTANCE

Assistance shall be available as specified in this ordinance to persons legally residing in the United States with an established residence in Webster County and meets the following:

A. Poor Person

Shall be construed to mean those who have no property, exempt or otherwise, and are unable, because of physical or mental disabilities, to earn a living by labor. Verification of disability by a physician is required. Assistance is to be provided to poor persons as required by Iowa Code Chapter 252, for poor persons lawfully in the county who are ineligible for, or are in immediate need and are awaiting approval and receipt of, assistance under programs provided by state or federal law, or whose actual needs cannot be fully met by the assistance furnished under those programs.

B. Needy Person

A needy person is one who is not a "poor person" as defined above. This ordinance does not provide for assistance for needy persons.

III. General Assistance Requirements

A. Proof of Disability

All applicants who claim disability must provide written verification from a physician or other source ie: Social Security

B. Applicant /Recipient Responsibilities

Applicants for General Assistance will verify all aspects of eligibility as requested. Recipients shall report any and all circumstances that change, such as income, resources, address, etc. Failure to obtain verification will result in denial or termination of General Assistance benefits. Recipients who fail to report changes within ten (10) days of the change will be ineligible for General Assistance for (3) months.

IV. FORMS OF ASSISTANCE AVAILABLE AND LIMITS OF ASSISTANCE

A. Scope of Assistance

The forms of assistance hereinafter described, shall be available only for current bills or expenses. Assistance is not available for bills or expenses accrued prior to application for General Assistance. No cash assistance will be allowed.

B. Rent

Payment for actual rent, up to a maximum of $250.00 per month for the applicant and an additional $50.00 per month for each additional member of the family unit that actually resides with the applicant up to a maximum of $350.00 per month, will be approved unless it appears the rent is excessive to community standards, or the type of rental is inappropriate to the total situation. If utilities are included in the rent, no more than $200.00 per month will be added to the maximum rental payment.

No payment will be made for deposits or first month rent, applicant must have already established a residence. The lease or rental agreement must be in the applicant's name or that of an adult member of the household. Rent payments shall be made only to owners of property or their designees. Rent shall not be paid to relatives. Rent shall not be paid for housing units that are subsidized by the federal government or other sources where rental amount is based on income.

No rent shall be paid to any person having ownership rights in any room, apartment, or home including unencumbered ownership, co-

ownership, being a mortgagor or mortgagee, or being a contract seller or purchaser.

In situations of shared living arrangements where it is determined that separate households are sharing the same dwelling, the amount of rent to be approved for each household shall be determined by dividing the actual rent, up to the maximum allowable for the household, by the number of households residing in the dwelling.

C. Utilities

Actual utility bills can be approved for lights, heat, water, and cooking; however, the maximum monthly payment for all utilities shall not exceed $200.00. Only current bills will be considered. No payment will be made for deposits. No payments will be made for telephone service unless a telephone is needed because of a medical emergency. All utility accounts must be in the name of the applicant or an adult member of the household to be eligible for General Assistance. Utility companies offer a moratorium on disconnection of heating-related utilities annually for eligible customers. To be eligible for General Assistance after the moratorium, an applicant must have made reasonable effort to pay all or part of the ongoing bills during the moratorium period, excluding assistance from other sources. Persons living in subsidized housing are not eligible for assistance with utilities, as utility allowances are included in calculating the rental amount.

In situations of shared living arrangements where it is determined that separate households are sharing the same dwelling, the amount of utility payments to be approved for each household shall be determined by dividing the actual bill, up to the maximum of $200.00 per month, by the number of households residing in the dwelling.

D. Food

Applicants will be referred to the Food Pantry in their respective town of residency. Grocery orders will be allowed only if the applicant is not eligible for food stamps or is awaiting approval and need exists and if the household's needs can not be met by the local food pantry. Orders will be for no more than the allotment under the Food Stamp Program by family size. Orders may be pro-rated by one-half or one-quarter month to cover time prior to receipt of Food Stamps.

E. Medical, Prescription Drugs and Dental

Payment will not be made for any medical, dental, eye exams or chiropractic services. Anyone requesting medical assistance will be

referred to the Iowa Department of Human Services, IowaCare Program. Prescriptions drugs, other necessary medical supplies, and necessary repair of medical appliances will be allowed.

Payment for prescription drugs and related necessary medical supplies may be approved if all other options have been exhausted (samples, etc) Payments shall be limited to a maximum of 2 months for a 12 month period and shall not exceed $150.00 per month.

F. Funeral

Vendor payment for funeral expense is limited to $1,100.00 per poor person. Payment for funeral expenses will not be paid for needy persons.

Allowable costs may include vault, casket, preparation of the body, visitation, church, chapel or graveside service and securing permits, filing death certificate and other forms and claims. Non-allowable costs include flowers, musicians, speakers and singers, but these may be furnished by family or friends.

If cost for cremation, a child or infant funeral is less than $1,100, General Assistance will pay the actual cost minus insurance, assets, resources and family contributions.

The General Assistance Office must have an itemized statement that does not exceed the $1,100.00 of all funeral expenses before a check will be issued to the vendor.

Vendor payment for funeral expenses will be considered for those vendors located in Webster County. If arrangements are made with a vendor located outside of Webster County, costs will be considered self pay by applicant.

G. Temporary Shelter

Temporary emergency shelter provided on a day to day basis for those having suffered a loss of their normal domiciliary shelter through fire, explosion, flood, tornado or wind storm, blizzard, any natural disaster, and emergency situations which are beyond the control of the person.

H. Transportation

Transportation to return to original residence

Transportation will be paid one time in order to enable an applicant to return to their original residence or to their previous residence in lieu of other assistance from General Assistance.

Transportation that is paid will be that with the lowest cost, such as bus tickets. Bus transportation will be used to return a person to his legal residence.

Transportation to out of county medical appointments

Transportation may be paid in order that an applicant may obtain medical services when there are no other resources available. Webster County General Assistance will reimburse the same mileage rate for medical appointments paid by the Department of Human Services.

Payment will be made to the driver. A transportation voucher for medical appointment must be completed and submitted to the General Assistance office for reimbursement.

Payment shall be made directly to fuel vendor or transportation vendor.

V. APPLICATION PROCEDURES

A. Application

All applicants for General Assistance must fully complete the Webster County General Assistance Application. Upon reviewing the application the General Assistance Director or staff determines an individual is not eligible for assistance, a notice of decision will be sent to the person within 10 days. If upon review of the application, it appears the person may be eligible for assistance, an appointment with the individual will be scheduled within 10 days. The person will be given an appointment time and a list of items to bring to the appointment. At the appointment, the Webster County General Assistance Director or designee will assist the individual in completing additional information forms and appropriate release forms will be signed by the applicant in order to be considered for assistance. The applicant must have an interview with the General Assistance Director or designee prior to a decision. This requirement will be waived only in an emergency situation.

B. Verification of Income & Resources

It is the responsibility of the applicant to provide verification of any eligibility factors. Verification may include tax returns, bank statements, wage stubs, etc. Failure to provide requested information will result in rejection of assistance.

C. Eligibility

Eligibility will be determined within 30 days from date of application according to guidelines established herein. Applicants will receive a written notice of eligibility determination.

D. Appeals

Applicants or recipients of General Assistance, who are dissatisfied with any decision regarding their eligibility, have the right to appeal that decision to the Webster County Board of Supervisors in accordance with Chapter 28 A, Code of Iowa. The appeal shall be in writing to the General Assistance Director, and shall be received by the Director not more than ten (10) days from the date of the Notice of Decision to the applicant. To be considered, the appeal must state the reasons for the appeal, and the written appeal must include the applicant's current address and telephone number.

Upon receipt of the written appeal, the General Assistance Director will contact the Board of supervisors and such appeal shall be heard within ten (10) working days. If the appeal cannot be heard within ten (10) working days, the appeal shall be heard at the first regularly scheduled meeting for the Board of Supervisors after the expiration of ten (10) working days. The applicant shall be informed by ordinary mail of the date and time of hearing before the Board. Applicant and his or her attorney, upon written authorization, shall be granted access by the General Assistance Director to his or her assistance case file if request is made.

Appeal Hearing

The Board of Supervisors shall hear applicant's appeal at the time scheduled unless continuance is requested by applicant in writing, and the continuance is granted by the Board of Supervisors. Applicant shall be permitted to present whatever evidence desired in support of the appeal including testifying, having other witnesses testify, offering documentary evidence and reasonable cross examination of other witnesses, if present. The technical rules of evidence do not apply. The Board may set reasonable times for the present action of the parties at any appeal. The applicant's file shall be admitted into evidence. The board may question the applicant, and the Director shall present the Board with the reasons for the determination. The appeal will be tape recorded. The hearing before the Board will not be an open meeting under Chapter 28A, Code of Iowa, since the confidential files of the applicant will be in evidence. When the Board deliberates on the appeal, no parties shall be present.

The Board shall make a decision on the appeal within ten (10) working days. The Board's decision shall be only on the basis of the evidence submitted before the Board. The Board shall mail its written decision to the applicant within five (5) working days thereafter (within 15 days of the appeal hearing). The decision shall state the reasons for the action, together with any statute or resolution applied. The Board's written decision shall also state that further appeal may be made to the District Court according to Iowa Administrative Procedures Act, Chapter 17A, Code of Iowa.

E. Eligibility Review

All General Assistance cases will be reviewed for continued eligibility as follows:

1. Cases will be reviewed at least annually and more often if deemed necessary due to a change in circumstances.

VI. MISCELLANEOUS PROVISIONS

A. Residence

There is no residence requirement for applying for General Assistance. However, assistance requested and/or granted may be referred to the applicant's county of legal settlement for payment. Legal Settlement is gained by continuously residing in any county in this state for a period of one year, with the exception of other situations described in Section 252, Code of Iowa.

B. Liability of Relatives

Relatives of applicants or recipients of General Assistance shall not be held liable for support unless a legal obligation for support exists. However, the possibility of assistance from parents or adult children shall be explored with the applicant or recipient. Parents are responsible for the support of children under the age of 18. Parents are responsible for the support of children over the age of 18 if they continue to claim the child as a dependent for income tax purposes.

C. Recovery of Assistance

Webster County reserves the right to enact the provisions of Section 252.13, Code of Iowa, if it appears that the possibility of recovery of assistance exists.

APPROVAL: This ordinance was approved by the Webster County Board of Supervisors on January 5, 2010.

EFFECTIVE DATE: January 13, 2010

Webster County Board of Supervisors

Keith Dencklau, Chair

Kim Motl, Board Member

Bob Singer, Board Member

Eddie Peterson, Board Member

Phil Condon, Board Member

I, Carol Messerly, being duly sworn under oath, hereby state that I am the Auditor for Webster County, Iowa, and that this is a true and accurate copy of the Webster County Ordinance No. 043, passed by the Webster County Board of Supervisors on January 5, 2010.

Carol Messerly, Webster County Auditor

First Reading: December 15, 2009
Second Reading: Waived
Final Passage: January 5, 2010
Published: January 13, 2010

Webster County
Judy R. Cosgrove, Recorder
Instrument #2011-02247
05/17/2011 809:02 AM
MISC MISCELLANEOUS
Pages: 2
Total Fees: $0.00

Prepared by: Irene Blair, Community Services, Director 723 First Avenue South; Fort Dodge, IA 50501 Telephone 515 573-1485

AMENDMENT TO Webster County General Assistance Ordinance No.043, an ordinance describing the forms of General Assistance provided by Webster County, in accordance with Chapter 252, Code of Iowa

STRIKE CURRENT LANGUAGE under IV. FORMS OF ASSISTANCE AVAILABLE AND LIMITS OF ASSISTANCE: F. Funeral

REPLACE WITH:

F. Funeral

Webster County will pay the vendor for immediate cremation of $700.00 per poor person. This includes removal of the body within a thirty mile radius of Fort Dodge. Payment for cremation will not be paid for needy persons.

Webster County will **not** pay for funeral services or opening and closing of a grave site. Also, Webster County does not pay for flowers or obituaries in the newspaper.

The family must pay for the medical examiners cremation authorization permit.

APPROVAL: This ordinance was approved by the Webster County Board of Supervisors on May 10, 2011.

EFFECTIVE DATE: Upon publication

First Reading: April 26,2011

Second Reading: Waived

Final Passage: May 10,2011

Published: May 17, 2011

WEBSTER COUNTY
BOARD OF SUPERVISORS

Keith Dencklau, Chairman,

Phil Condon, Supervisor

Robert Singer, Supervisor

Clark Fletcher, Supervisor

Eddie Peterson, Supervisor

I, Carol Messerly, being duly sworn under oath, hereby state that I am the Auditor for Webster County, Iowa, and that this is a true and accurate copy of the amendment to Webster County Ordinance No. 043, passed by the Webster County Board of Supervisors on May 10,2011.

Carol Messerly, Webster County Auditor

Prepared by: Carol Messerly, Auditor 703 Central Avenue Fort Dodge, Iowa 50501 (515) 573 - 7175

WEBSTER COUNTY ORDINANCE NO. 044
ORDINANCE FOR IOWA "REGULAR" LOCAL OPTION

An ordinance establishing a Local Option Sales and Services Tax applicable to transaction with the incorporated areas of the City of Badger, City of Barnum, City of Callender, City of Clare, City of Dayton, City of Duncombe, City of Fort Dodge, City of Gowrie, City of Harcourt, City of Lehigh, City of Moorland, City of Otho, City of Stratford, City of Vincent and the non-incorporated area of Webster County, Iowa.

Pursuant to the authority granted by Chapter 423B of the Iowa Code, Be It Enacted by the Board of Supervisors of Webster County, Iowa:

Section 1. Local Option Sales and Service Tax. There is imposed a Local Option Sales and Services Tax applicable to transaction within of the City of Badger, City of Barnum, City of Callender, City of Clare, City of Dayton, City of Duncombe, City of Fort Dodge, City of Gowrie, City of Harcourt, City of Lehigh, City of Moorland, City of Otho, City of Stratford, City of Vincent and the non-incorporated area of Webster County, Iowa.

The rate of the tax shall be one percent (1%) upon the sales price taxed under Chapter 423B - Local Option Taxes of the Iowa Code in the following: the City of Badger, City of Barnum, City of Callender, City of Clare, City of Dayton, City of Duncombe, City of Fort Dodge, City of Gowrie, City of Harcourt, City of Lehigh, City of Moorland, City of Otho, City of Stratford, City of Vincent and the non-incorporated area of Webster County, Iowa.

The local sales/services tax is imposed on transaction occurring on or after July 1, 2009, with the City of Badger, City of Barnum, City of Callender, City of Clare, City of Dayton, City of Duncombe, City of Fort Dodge, City of Gowrie, City of Harcourt, City of Lehigh, City of Moorland, City of Otho, City of Stratford, City of Vincent and the non-incorporated area of Webster County, Iowa. All persons required to collect state sales tax and any use tax which the local option tax may be applicable shall collect the tax. However, the tax shall not be imposed on the sales or purchase price from transactions exempted from tax by Section 423B.5 of the Iowa Code.

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

Section 2. Effective Date. This ordinance shall be in effect on July 1, 2009.

First Reading:	March 31, 2009	Approved
Second Reading:	March 31, 2009	Waived
Final Passage:	March 31, 2009	Waived
Published:	April 7, 2009	

Passed by the Board of Supervisors on this 31 day of March, 2009.

s/Phil Condon
Phil Condon, Chairman

s/Keith Dencklau
Keith Dencklau, Supervisor

s/Kim Motl
Kim Motl, Supervisor

s/Bob Singer
Bob Singer, Supervisor

s/Eddie Peterson
Eddie Peterson, Supervisor

Attest:

s/Carol Messerly
Carol Messerly, County Auditor

I, Carol Messerly, being duly sworn under oath, hereby state that I am the Auditor for Webster County, Iowa, and that this is a true and accurate copy of the Webster County Ordinance No. 044 passed by the Webster County Board of Supervisors on March 31, 2009.

ORDINANCE NO. 045

AN ORDINANCE TO PROVIDE FOR THE SPECIAL VALUATION OF WIND CONVERSION PROPERTY

045.01 Title and Purpose
045.02 Definitions
045.03 Authority to Establish
045.04 Establishment
045.05 Amount of Valuation
045.06 Declaration of Intent
045.07 Reporting Requirements
045.08 Repeal of Special Valuation
045.09 Severability Clause
045.10 Effective Date

045.01 TITLE

An Ordinance to Provide for the Special Valuation of Wind Conversion Property Pursuant to Iowa Code Section 427B.26. The purpose of the Ordinance is to provide for special valuation of wind energy conversion property pursuant to Iowa Code Section 427B.26.

045.02 DEFINITIONS

1. Net Acquisition Cost- The acquired cost of property including all foundations and installation cost less any excess cost adjustment.
2. Wind Energy Conservation Property- 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.

045.03 AUTHORITY TO ESTABLISH

The Board of Supervisors is authorized to provide a special valuation of wind energy conservation property pursuant to Iowa Code Section 427B.26(1)(a).

045.04 ESTABLISHMENT

1. A special valuation of wind energy conversion property is allowed in lieu of the valuation assessment provided in Iowa Code Section 441.21(8)(b) and 441.21(8)(c) as well as Iowa Code Section 428.24 and 428.29.
2. The special valuation only applies to wind energy conversion property first assessed on or after January 1, 1994, and on or after the effective date of the Ordinance.

045.05 AMOUNT OF VALUATION

Wind energy conservation property first assessed on or after the effective date of the ordinance shall be valued by the County Assessor for property ax 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 percentage of the net acquisition cost which rate increases by five percentage points (5%) each assessment year.
3. For the seventh and succeeding assessment years, at thirty percent (30%) of the net acquisition cost.

045.06 DECLARATION OF INTENT

The taxpayer shall file with the County Assessor by February 1 of the assessment year in which the wind energy conservation property is first assessed for property tax purposes, a declaration of intent to have the property assessed at the value determined under this section in lieu of the value and assessment provisions in Iowa Code Section 441.21(8)(b) and 441.21(8)(c) as well as Iowa Code Section 428.24 to 428.29.

045.07 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 by Subsection 6 of this Ordinance and by February 1 of each year thereafter:

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

045.08 REPEAL OF SPECIAL VALUATION
If the opinion of the Board of Supervisors continuation of the special valuation provided under Iowa Code Section 427B.26 ceases to be of benefit to the County, the Board of Supervisors may repeal this Ordinance. Property specifically valued under this 427B.26 prior to repeal of the ordinance shall continue to be valued under this section until the end of the nineteenth assessment year following the assessment year in which the property was first assessed.

045.09 SEVERABILITY CLAUSE
If any of the provisions of this ordinance are for any reason adjudicated invalid, unconstitutional or void, then the lawful provisions of this document, which are separable form the unlawful provision shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

045.10 EFFECTIVE DATE
This ordinance shall become effective sixty (60) days from and after publication as required by law.

First Reading:	Approved	March 31, 2009
Second Reading:	Approved	April 7, 2009
Third Reading	Waived	April 7, 2009
Published:		April 10, 2009

Webster County Board of Supervisors

s/Phil Condon
Phil Condon, Chairperson

s/Keith Dencklau
Keith Dencklau, Supervisor

s/Kim Motl
Kim Motl, Supervisor

s/Robert Singer, Jr
Bob Singer, Supervisor

s/Eddie Peterson
Eddie Peterson, Supervisor

ATTEST:

s/ Carol Messerly
Carol Messerly, County Auditor

I, Carol Messerly, being duly sworn under oath, hereby state that I am the Auditor for Webster County, Iowa and that this is a true and accurate copy of Ordinance 045 passed by the Webster County Board of Supervisors on 7th day of April, 2009.

s/ Carol Messerly
Carol Messerly, County Auditor

ORDINANCE NUMBER 46
ZONING ORDINANCE FOR THE UNINCORPORATED PORTION
OF WEBSTER COUNTY

AN ORDINANCE to regulated and restrict the location and use of buildings, structures, and land for trade, industry, residence, and other purposes; to regulate and restrict the height of buildings and structures, the number and size of buildings and other structures; to establish the size of yards, courts and other open spaces; to establish minimum lot acres; to regulate the density of population and the percentage of lot that may be occupied; to require off street parking; to regulate the location, size and number of signs; to divide the county into districts for such purposes; to provide for the administration and enforcement of its provisions; to create a Board of Adjustment; to prescribe penalties for the violations of its provisions, all in accordance with Chapter 335, Code of Iowa; and to be known, and cited as "The Zoning Ordinance of Webster County, Iowa."
WHEREAS, the Board of Supervisors of Webster County, Iowa, deem it necessary to prevent and lessen congestion in the streets and highways; to secure safety from fire, flood, panic and other dangers; to protect the public health and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; to conserve the value of buildings, and encourage the most appropriate use of land throughout the County; all in accordance with the Comprehensive Land Use Management Plan.
NOW THEREFORE, BE IT ORDAINED BY BOARD OF SUPERVISORS OF WEBSTER COUNTY, IOWA THAT:

ARTICLE 1: TITLE, APPLICATION, PURPOSE, EXEMPTION, INTERPRETATION, PLANNING AND ZONING COMMISSION

Section 1.01: Title
This ordinance shall be known as the Zoning Ordinance for Webster County, Iowa.

Section 1.02: Application
This ordinance shall apply to the unincorporated territory of Webster County, Iowa.

Section 1.03: Purpose
The zoning ordinance and districts as herein established have been made in accordance with a comprehensive plan
and policies to promote, in accordance with present and future needs, the health, safety, morals, convenience, order,
prosperity and general welfare of the present and future inhabitants of Webster County, Iowa. The ordinance has
been made with reasonable consideration, among other things, for the existing use and character of property, to the
character of the particular district involved, and its peculiar suitability for particular uses, to trends of growth or
change, and with a view to conserving natural resources and the value of land and buildings and encouraging the
most appropriate use of land throughout the unincorporated territory of Webster County, Iowa.

Section 1.04: Farms Exempt
In accordance with the provisions of Chapter 335, Code of Iowa, except to the extent required to implement section
335.27, no ordinance adopted under this chapter applies to land, farm houses, farm barns, farm outbuildings or other
buildings or structures which are primarily adapted, by reason of nature and area, for use for agricultural purposes,
while so used.

In order for the land to be designated as a farm, it shall be an operation of the usual nature of local farms, raising
crops and/or livestock (such as corn, grain, beans, cattle, sheep, hogs). Animals on such farms shall be raised,
housed, and fed on the same farm. House and farm ground must be contiguous.

Section 1.05: Interpretation
In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for
the promotion of the public health, safety, convenience, order, comfort, prosperity, sustainability or general welfare.
It is not intended by this ordinance to interfere with, or abrogate or annul any easements, covenants or other agree-
ments between parties, provided, however, that where this ordinance imposes a greater restriction upon the use of
buildings or premise or upon height of buildings, or requires larger open spaces than are imposed or required by other
resolutions, ordinances, rules, ordinances, or by easements, covenants, or agreements, the provisions of this ordi-
nance shall govern.

Section 1.06 Disclaimer Regarding "Approval" Of County Representatives
Whenever the words "approve", "approved", "approval" or similar words are used in describing actions taken by the
Zoning Administrator, Planning and Zoning Commission, Board of Adjustment, County Engineer, or the County
Board of Supervisors, such words shall be construed as ministerial acts which only entail review for compliance with
the Ordinance. Webster County makes no warranties, either expressed or implied, that any plans, plats, subdivision,
re-zoning, variance, or any other actions that constitute "approval" by Webster County are merchantable, fit for any
particular purpose, or free from design or construction defects.

ARTICLE 2: DEFINITIONS

Section 2.01 Construction and General Terminology
For the purpose of carrying out the intent of this Ordinance, words, phrases, and terms shall be deemed to have the
meaning ascribed to them. When not inconsistent with the context, words used in the present tense include the future;
words in the singular number include the plural; those in the plural number include the singular; and the masculine
gender shall include the feminine.

2.01.01 The word "Assessor" shall mean the Webster County Assessor.
2.01.02 The words "Board" or "Board of Supervisors or County Board" shall mean the Webster County Board
of Supervisors.
2.01.03 The word "Building" includes the word "Structure," but shall not include "Temporary Structures".
2.01.04 The word "Commission" shall mean the Webster County Planning and Zoning Commission.
2.01.05 The word "County" shall mean Webster County, Iowa.
2.01.06 The words "County Recorder" shall mean the Webster County Recorder.
2.01.07 The word "County Engineer" or "Engineer" shall mean the Webster County Engineer or the County
Engineer's Office or Secondary Roads Department.
2.01.08 The word "District" shall refer to any zoning district created for the purpose of regulating specific uses
within a defined area.
2.01.09 The word "Federal" shall mean the Government of the United States of America.
2.01.10 The word "shall" is mandatory; and the word "may" is permissive.
2.01.11 The word "State" shall mean the State of Iowa.
2.01.12 The word "used" includes the words "arranged for, designed for, occupied or intended to be occupied
for."
2.01.13 The words "Zoning Map" shall mean the Official Zoning Map of Webster County.
2.01.14 The word "Administrator" shall mean the Webster County Zoning Administrator.
2.01.15 The word "Ordinance" shall mean the Webster County Zoning Ordinance.
2.01.16 The words "Comprehensive Plan" shall mean the Webster County Comprehensive Development Plan.

2.01.17 Abbreviations and Acronyms

For purposes of this Ordinance this section contains a listing of abbreviations and acronyms used
throughout this document.
IAC= Iowa Administrative Code
I.C. = Iowa Code or Code of Iowa
IDNR = Iowa Department of Natural Resources or successor department
FAA = Federal Aviation Administration
FCC = Federal Communication Commission
FEMA = Federal Emergency Management Agency
kV = Kilovolt
kW = Kilowatt
NPDES = National Pollutant Discharge Elimination System
NRCS = Natural Resources Conservation Service
LFO = Livestock Feeding Operation
USDA = United States Department of Agriculture

Section 2.02 Definition of Terms

ABANDONMENT shall mean to cease or discontinue a use or activity without intent to resume as distinguished from short term interruptions such as during periods of remodeling, maintenance, or normal periods of vacation or seasonal closure.
ABUTTING shall mean to border on, being contiguous with or have property or district lines in common, including property separated by an alley.

ACCESS OR ACCESS WAY shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this Ordinance.

ACCESSORY BUILDING shall mean any detached subordinate building that serves a function customarily incidental to that of the main building or main use of the premises. Customary accessory building includes garages, carports, and small storage sheds.

ACCESSORY LIVING QUARTERS shall mean living quarters within an accessory building located on the same premises with the main building, for use by temporary guests of the occupant of the premises, such quarters having no kitchen facilities and not rented or otherwise used as a separate dwelling unit.

ACCESSORY STRUCTURE shall mean a detached subordinate structure located on the same lot with the principal structure, the use of which is incidental and accessory to that of the principal structure.

ACCESSORY USE shall mean a use incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or affect other properties in the district.

ACRE shall mean a full acre containing 43,560 square feet of area within the property lines of a lot or parcel.

ACREAGE shall mean any tract or parcel of land that does not qualify as a farm or development.

ADJACENT shall mean near, close, or abutting; for example, an Industrial District across the street or highway from a Residential District shall be considered as "Adjacent".

ADULT COMPANIONSHIP ESTABLISHMENT shall mean an establishment which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

ADULT ESTABLISHMENT shall mean any business which offers its patrons services or entertainment characterized by an emphasis on matter depicting, exposing, describing, discussing or relating to "specified sexual activities" or "specified anatomical areas," including, but without limitation, adult bookstores, adult motion picture theaters, saunas, adult companionship establishments, adult health clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotel or motel, and adult body painting studios.

ADULT HOTEL OR MOTEL shall mean a hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

ADULT MASSAGE PARLOR, HEALTH CLUB shall mean a massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

ADULT MINI-MOTION PICTURE THEATER shall mean a business premises within an enclosed building with a capacity for less than 50 persons used for presenting visual-media material if such business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

ADULT MOTION PICTURE ARCADE shall mean any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motor picture machines, projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas."

ADULT MOTION PICTURE THEATERS shall mean a business premises within an enclosed building with a capacity of 50 or more persons used for presenting visual media material if said business as a prevailing practice excludes minors by virtue of age, or if said material is distinguished or characterized by an emphasis on the depiction of description of "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

ADULT NOVELTY BUSINESS shall mean a business which has as a principal activity the sale of devices which simulate human genitals or devices, which are designed for sexual stimulation.

ADULT SAUNA shall mean a sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas."

ADVERTISING STRUCTURE shall mean any notice or advertisement, pictorial or otherwise, and all such structures used as an outdoor display, regardless of size and shape, for the purposes of making anything known, the origin or place of sale of which is not on the property with such Advertising Structure.

AGRICULTURAL AND FARM BUILDINGS AND STRUCTURES shall

mean any building or structure which is necessary or incidental to the normal conduct of a farm including but not limited to residence of the operator, barns, buildings and sheds for housing livestock, poultry and farm machinery, buildings for the storage or shelter of grain, hay and other crops, silos, windmills and water storage tanks.

AGRICULTURE shall mean the art or science of cultivating the ground, including the harvesting of crops and the rearing and management of livestock.

AGRICULTURE - CROP PRODUCTION shall mean the raising and harvesting of the following, including, but not limited to crops, vegetables, and melons; orchards; deciduous and evergreen tree farms; sod farms and other horticultural specialties such as bedding plants, bulbs and flowers grown under cover or outdoors.

AGRICULTURE- LIVESTOCK PRODUCTION shall mean livestock production uses, including, but not limited to pasture land or production facilities, either isolated or in conjunction with a farmstead, to the keeping, grazing or feeding of livestock for the sale of livestock or livestock products; animal specialties such as bees, fur- bearing animals and fish.

AGRICULTURAL PROCESSING, VALUE-ADDED shall mean a facility used for the cooking, dehydrating, refining, bottling, canning, or other treatment of agricultural products which changes the naturally grown product for consumer use. The facility also includes the warehousing and packaging as a secondary use. This definition does not include commercial kitchens, bakeries, wineries or breweries

AIRPORT shall mean any area which is used or is intended to be used for the taking off and landing of aircraft, including helicopters, and any appurtenant areas which are used or are intended to be used for airport buildings or facilities, including open spaces, taxiways, and tie-down areas.

AIRPORT HAZARD ZONE consists of Operation Zones, Approach Zones, Turning Zones and Transition Zones. The outer boundary of the Hazard Zone is composed of a series of connected tangents and simple curves which also constitute the outer boundaries of the Approach and Turning Zones. See Federal Aviation Administration, Administrative Code Part 77.

ALLEY shall mean a minor public service street or public thoroughfare 20 feet or less in width, through a block of lots primarily for vehicular service access to the rear or side of properties otherwise abutting on another street. Buildings facing an alley shall not be construed as satisfying the requirements of this Ordinance related to frontage on a dedicated street.

ALL-TERRAIN VEHICLE shall mean any motorized, off-road vehicle 50 inches or less in overall width, having a dry weight of 600 pounds or less, designed to travel on three or more low pressure tires, having a seat designed to be straddled by the operator and handle bars for steering control.

ALL-TERRAIN VEHICLE PARK shall mean any off-road course designed for the use of All-terrain vehicles, Moto-cross bikes, and similar powered vehicles

ALTERATION shall mean any change, addition or modification in construction or occupancy of an existing structure.

ALTERATION, STRUCTURAL (see Structural Alteration)

AMENDMENT shall mean a change in the wording, context, or substance of this Ordinance, an addition or deletion or a change in the district boundaries or classifications upon the zoning map.

AMUSEMENT ARCADE shall mean a building or a part of a building where five or more pinball machines, video games, or other similar player-orientated amusement devices are available and are maintained for use.

AMUSEMENT PARK shall mean an outdoor facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and buildings for shows and entertainment.

AMUSEMENT PARK EQUIPMENT shall mean a mechanical, aquatic, or other device or attraction that carries passengers over a fixed or restricted area, primarily for the passengers' amusement.

AnIMAL HOSPITAL (see Hospital, Animal)

ANIMALS, DOMESTIC (see Household Pet)

ANIMALS, FARM shall mean livestock associated with agricultural operation, commonly kept or raised as a part of a agricultural operation including but not limited to horses, cattle, sheep, swine, goats, chickens and turkeys.

ANTENNA shall mean any attached or external system of wires, poles, rods, reflecting disks or similar devices used for the transmission or reception of electromagnetic waves. (Also, see Satellite Dish Antenna and Tower.)

APARTMENT shall mean a room or a suite of rooms within an apartment house or multiple family dwelling arranged, intended or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit. (Also, see Dwelling Unit.)

APARTMENT HOTEL shall mean a multiple family dwelling under resident supervision which maintains an inner lobby through which all tenants must pass to gain access to the apartments and which may furnish services ordinarily furnished by hotels, such as drug store, barber shop, beauty parlor, shoeshine shop, cosmetologists shop, cigar stand or newsstand, when such uses are located entirely within the building with no entrance from the street nor visible from any public sidewalk, and having no sign or display visible from the outside of the building indicating the existence of such use.

APARTMENT HOUSE (see Dwelling, Multiple Family)

APPROVED LOT (see Lot, Approved)

ARCHITECTURAL CANOPY SIGN (see Sign, Architectural Canopy)
ATTACHED PERMANENTLY shall mean attached to real estate in such a way as to require dismantling, cutting away, unbolting from permanent foundation or structural change in such structure in order to relocate it to another site.
AUTOMOBILE WRECKING YARD shall mean any lot, or the use of any portion of a lot, for the dismantling or wrecking of automobiles, tractors, farm machinery, or other motor vehicles, or for the storage or keeping for sale of parts and equipment resulting from such dismantling or wrecking.
AUTOMOTIVE shall mean any motorized means of transporting one or more individuals including but not limited to cars, trucks and motorcycles
BAR shall mean any establishment whose principal business is serving alcoholic beverages at retail for consumption on the premises. (Also, see Nightclub.)
BASE FLOOD shall mean a flood having a one percent chance of being equaled or exceeded in any given year.
BASEMENT shall mean a building space partly underground, and having at least one-half of its height, measuring from its floor to its ceiling, below the average adjoining finished ground grade line.
BED AND BREAKFAST INN shall mean a house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises.
BEDROOM shall mean a room within a dwelling unit planned and intended for sleeping, separable from other rooms by a door.
BERM shall mean an earthen mound designed to provide visual interest on a site, screen undesirable views, reduce noise, or fulfill other such purposes.
BEST INTERESTS OF COMMUNITY shall mean interests of the community at large and not necessarily the interest of an individual or group of specific people.
BILLBOARD shall mean the same as "Advertising Structure".
BLOCK shall mean a parcel of land platted into lots and bounded by public streets or by waterways, right-of-ways, unplatted land, City-County boundaries, or adjoining property lines.
BLOCK FRONTAGE shall mean that section of a block fronting on a street between two intersecting streets or other block boundary.
BOARD OF ADJUSTMENT shall mean that board which has been created by the county and which has the authority to hear and determine appeals, interpretations of, and variances, as well as hear requests for Conditional Uses of the Zoning Ordinance.
BOARDING OR ROOMING HOUSE shall mean a building containing a single dwelling unit and provisions for not more than five guests, where lodging is provided with or without meals for compensation.
BORROW PIT shall mean any place or premises where dirt, soil, sand, gravel or other material is removed below the grade of surrounding land for any purpose other than that necessary and incidental to site grading or building construction; except, for County/State/Federal road construction.
BROADCASTING TOWER shall mean a structure for the transmission or broadcast of radio, television, radar, or a microwave which exceeds the maximum height permitted in the district in which it is located; provided, however, that noncommercial radio towers not exceeding 50 feet in height shall not be considered broadcast towers.
BUFFER shall mean a strip of land established to protect one type of land use from another incompatible land use or between a land use and a private or public road. (Also, see Screening.)
BUILDING means any structure having a roof supported by columns or walls built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind. The building should be constructed from wood, concrete, steel or other materials to withstand wind, snow and uplift. The building does not include any vehicle, trailer (with or without wheels) nor any movable device such as furniture, machinery or equipment.
BUILDING AREA shall mean the sum in square feet of the ground areas occupied by all buildings and structures on a lot.
BUILDING HEIGHT shall mean the vertical distance above grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched, hipped, or shed roof, measured from the highest adjoining sidewalk or ground surface within five feet along a horizontal distance at the exterior wall of the building.
BUILDING, PRINCIPAL shall mean a building within which the main or primary use of the lot or premises is located. (Also, see Use, Principal.)
BUILDING SETBACK LINE shall mean the minimum of distance as prescribed by this Ordinance between any property line and the closed point of the building line or face of any building or structure related thereto. (See Lot Diagram Illustration)
CAMPGROUND shall mean a parcel of land intended for the temporary occupancy of tents, campers, and major recreational vehicles and which primary purpose is recreational, having open areas that are natural in character.
CARETAKER shall mean a person residing in the home where a human care

facility operates, whose duties include, but are not limited to, direct care, supervision and guidance.
CARETAKER, PROPERTY shall mean one who is employed to maintain, repair, and protect a facility or property.
CARPORT shall mean a permanent roofed structure with not more than two enclosed sides used or intended to be used for automobile shelter and storage.
CAR WASH shall mean a building or structure or an area of land with machine or hand operated facilities for the cleaning, washing, polishing, or waxing of motor vehicles.
CELLAR shall mean a building space having more than one-half of its height below the average adjoining grade lines.
CEMETERY shall mean land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbarium, crematoriums, and mausoleums.
CENTERLINE shall have the same meaning as "Street Center Line".
CENTRAL SANITARY see "On-site wastewater treatment and disposal system" within IAC 567 Chapter 69, and other applicable definitions in Chapter 69, Iowa Administrative Code.
CHANNEL shall mean the geographical area within either the natural or artificial banks of a watercourse or drainway.
CHARITABLE shall mean a public or semi-public institutional use of a philanthropic, charitable, benevolent, religious, or eleemosynary character, but not including sheltering or caring of animals.
CHARITABLE INSTITUTIONS shall mean an institution supported by charity and designed to assist persons such as those recovering from mental or emotional illness.
CHURCH shall mean a permanently located building commonly used for religious worship fully enclosed with walls (including windows and doors) and having a roof and conforming to applicable legal requirements.
CLEARING shall mean any intentional or negligent act to cut down, remove all or a substantial part of, or damage a tree or other vegetation that will cause the tree or other vegetation to decline and/or die. Such acts shall include but not be limited to damage inflicted upon the root system of the vegetation by the application of toxic substances, by the operation of equipment and vehicles, by storage of materials, by the change of natural grade due to unapproved excavation or filling, or by the unapproved alteration of natural physical conditions.
CLINIC shall mean a building designed and used for the examination, diagnosis and treatment of human patients and not including overnight care facilities.
CLUB shall mean an association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.
CLUSTER DEVELOPMENT shall mean a development designed to concentrate buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and the preservation of environmentally sensitive areas.
COMMISSION shall mean the Webster County Planning and Zoning Commission.
COMMON AREA OR PROPERTY shall mean a parcel or parcels of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners of the individual building sites in a Planned Development or condominium development.
COMMUNITY CENTER shall mean a place, structure, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve various segments of the community.
COMMUNITY SANITARY SEWER SYSTEM shall mean an approved central sewer collecting system, meeting IAC 567 Chapter 69 and all county requirements, available to each platted lot and discharging into a treatment facility. This does not include individual sewage treatment systems.
COMMUNITY WATER SUPPLY SYSTEM shall mean a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year; as per IAC 567 Chapter 49.
COMPATIBLE USES shall mean a land use that is congruous with, tolerant of, and has minimal or no adverse effects on existing neighboring uses. Incompatibility may be affected by pedestrian or vehicular traffic generation, volume of goods handled and environmental elements such as noise, dust, odor, air pollution, glare, lighting, debris generated, contamination of surface or ground water, aesthetics, vibration, electrical interference, and radiation.
COMPREHENSIVE PLAN shall mean the Comprehensive Development Plan of Webster County, Iowa as adopted by the County Board of Supervisors, setting forth policies for the present and foreseeable future community welfare as a whole and meeting the purposes and requirements of the residents of Webster County.
CONDITIONAL USE shall mean a use where allowed by the district regulations, that would not be appropriate generally throughout the zoning district without restrictions, but which, if controlled as to number, size, area, location, relation to the neighborhood or other minimal protective characteristics would

not be detrimental to the public health, safety, and general welfare.
CONDITIONAL USE PERMIT shall mean a permit issued by the Board of Adjustment that authorizes the recipient to make conditional use of property in accordance with the provisions of Article 5 and any additional conditions placed upon, or required by said permit.
CONDOMINIUM shall be a multiple dwelling as defined herein whereby the title to each dwelling unit is held in separate ownership, and the real estate on which the units are located is held in common ownership solely by the owners of the units with each having an undivided interest in the common real estate.
CONFINED ANIMAL FEEDING OPERATION (CAFO) shall mean an establishment engaged in the fattening, raising, or breeding of animals typically for the commercial production of food, where the animals are fed primarily in pens, lots, or buildings (partially or wholly enclosed). Uses include but are not limited to hog ranches, poultry/egg farms, and cattle feed lots. The term does not include slaughterhouses.
CONFINEMENT shall mean totally roofed buildings, which may be open-sided (for ventilation purposes only) or completely enclosed on the sides, wherein animals or poultry are housed over solid concrete or dirt floors, or slatted (partially open) floors over pits or manure collection areas in pens, stalls, cages, or alleys, with or without bedding materials and mechanical ventilation. The word "confinement" shall not mean the temporary confined feeding of livestock during seasonal adverse weather.
CONFLICTING LAND USE shall mean the use of property which transfers over neighboring property lines negative economic, or environmental effects, including, but not limited to, noise, vibration, odor, dust, glare, smoke, pollution, water vapor, mismatched land uses and/or density, height, mass, mismatched layout of adjacent uses, loss of privacy, and unsightly views.
CONGREGATE HOUSING shall mean a residential facility for four or more persons 55 years or over, their spouses, or surviving spouses, providing living and sleeping facilities including meal preparation, dining areas, laundry services, room cleaning and common recreational, social, and service facilities for the exclusive use of all residents including resident staff personnel who occupy a room or unit in the residential facility. Also see Housing for the Elderly.
CONSERVATION AREAS shall mean environmentally sensitive and valuable lands protected from any activity that would significantly alter their ecological integrity, balance or character, except in overriding public interest, including but not limited to: wetlands, floodways, flood plains, drainage ways, river or stream banks, and areas of significant biological productivity or uniqueness.
CONSERVATION EASEMENT shall mean an easement granting a right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open, or wooded condition and retaining such areas as suitable habitat for fish, plants, or wildlife, or maintaining existing land uses.
CONVENIENCE STORE shall mean a one-story, retail store that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket.") It is dependent on, and is designed to attract and accommodate large volumes of stop-and-go traffic. Also see Self-Service Station.
CONTIGUOUS shall mean the same as "Abutting" and "Adjacent".
CORN SUITABILITY RATING (CSR) shall mean an indexing system for rating the ability of soil to produce a certain quantity of corn. Also includes identifying prime farmland.
COUNTRY CLUB shall mean buildings and facilities owned and operated by a corporation or association of persons for social and recreational purposes, but not operated for a profit. The affairs and management of such club are conducted by a board of directors, executive committee, or similar body chosen by the members. It is designed to serve food and alcoholic beverages on such premises to members and their guests, provided that the serving of food and alcoholic beverages is secondary to some other principal purpose of the association or corporation. Customary country clubs include, but are not limited to: swimming, tennis, and golf course country clubs.
COURT shall mean an open, unoccupied space, other than a yard, on the same lot with a building or buildings and abounded on two or more sides by such buildings.
COURT, INNER shall mean a court enclosed on all sides by the exterior walls of a building or buildings.
COURT, OUTER shall mean a court enclosed on all but one side by exterior walls of building or buildings or lot lines on which fences, hedges, or walls are permitted.
CREMATORIUM shall mean a location containing properly installed, certified apparatus intended for use in the act of cremation of human or animal.
CRITICAL ROOT ZONE shall mean a circular region measured outward from a tree trunk representing the essential area of the roots that must be maintained or protected for the tree's survival. Critical root zone is one foot of radial distance for every one inch of tree, with a minimum of eight feet. For specimen trees, the formula changes to one and one-half feet for every inch of tree DBH.
CROWN shall mean the above ground parts of a tree consisting of the branches, stems, buds, fruits, and leaves. May also be referred to as "canopy".
CUL-DE-SAC shall mean a short public way which has only one outlet for

vehicular traffic and terminates in a vehicular turn-around.
CURB LEVEL shall mean the mean level of the curb in front of the lot, or in case of a corner lot, along that abutting street where the mean curb level is the highest.
CURVE LOT see "Lot, Curve".
DAIRY FARM shall mean any place or premises upon which milk is produced for sale or other distribution.
DBH shall mean the diameter-at-breast-height and is tree trunk diameter measured in inches at a height of four and one-half feet above the ground. If a tree splits into multiple trunks below four and one-half feet, the trunk is measured at its most narrow point beneath the split.
DENSITY shall mean the number of dwelling units per gross acre of land.
DENSITY BONUS shall mean the ability to develop an area to the same density level, on smaller lots; while, providing for some level of Conservation Easement in the development.
DEVELOPER shall mean any person, corporation, partnership, or entity that is responsible for any undertaking that requires a building or zoning permit, conditional use permit or sign permit.
DEVELOPMENT shall mean any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations for which necessary permits may be required.
DEVELOPMENT AREA shall mean an area of land that may or may not have been subdivided.
DEVELOPMENT CONCEPT PLAN see "Site Plan".
DEVELOPMENT IMPACT FEE shall mean a fee imposed on developers to pay for the costs associated with necessary improvements to infrastructure and/or services.
DEVELOPMENT REVIEW shall mean the review, by the county's different departments of subdivision plats, site plans, rezoning requests, or permit review.
DoG KENNEL see "Kennel, Commercial"; and "Kennel, Private".
DOMESTIC ANIMALS see "Household Pet".
DORMITORY shall mean a building used as group living quarters for a student body, religious order, or other group as accessory use to a college, university, boarding school, orphanage, convent, monastery, farm labor camp, or other similar use where group kitchen facilities may be provided to serve all residents.
DOWNZONING shall mean a change in zoning classification of land to a less intensive or more restrictive district such as from commercial district to residential district or from a multiple family residential district to single family residential district.
DRAINAGEWAY shall mean any depression two feet or more below the surrounding land serving to give direction to a current of water less than nine months of the year, having a bed and well-defined banks; provided that in the event of doubt as to whether a depression is a watercourse or drainway, it shall be presumed to be a watercourse.
DRIPLINE shall be a vertical line extending from the outermost edge of the tree canopy or shrub branch to the ground.
DRIVE-IN FACILITY shall mean an establishment where customers can be served without leaving the confinement of their vehicle.
DRIVEWAY shall mean any vehicular access to an off-street parking or loading facility.
DUMP shall mean a place used for the disposal, abandonment, discarding by burial, incineration, or by any other means for any garbage, sewage, trash, refuse, rubble, waste material, offal or dead animals. Such use shall not involve any industrial or commercial process.
DUPLEX shall mean the same as "Dwelling, Two Family".
DWELLING shall mean a building or portion thereof, designed or used exclusively for residential occupancy, including a manufactured home as defined in Section 335.30 Code of Iowa, but not including trailers, mobile homes, hotels, motels, motor lodges, boarding and lodging houses, tourist courts, or tourist homes. All single-family dwellings shall be a minimum of 23 feet in width with a minimum of 700 square feet and placed upon a permanent foundation.
DWELLING, CONDOMINIUM see "Condominium".
DWELLING, MULTIPLE shall mean a residence designed for or occupied by three or more families, with separate housekeeping, bathroom, and cooking facilities for each.
DWELLING, ROW shall mean any one of three or more attached dwellings in a continuous row, each such dwelling designed and erected as a unit on a separate lot and separated from one another by an approved wall or walls.
DWELLING, SEASONAL shall mean a residence used occasionally, typically on weekends and summers, as a place to reside while recreating.
DWELLING, SINGLE FAMILY shall mean a detached residence designed for or occupied by one family only. This definition also includes Manufactured Homes.
DWELLING, SINGLE-FAMILY (ATTACHED) shall mean a one-family dwelling unit that is attached to one additional single-family dwelling. Said dwelling units are separated by an unpierced common wall through the center of the structure that also sits along the property line separating ownership of the structure.
DWELLING, TWO-FAMILY shall mean a residence designed for or occu-

pied by two families only, with separate housekeeping, bathroom, and cooking facilities for each.
DWELLING UNIT shall mean a room or group of rooms which are arranged, designed or used as living quarters for the occupancy of one family containing bathroom and kitchen facilities.
EARTH SHELTERED DWELLING shall mean a house built partially underground. An earth sheltered home is typically built in the side of a hill or an artificial hill that surrounds the dwelling on three sides and over the roof. The remaining side is typically covered with windows in order to provide passive solar heating and a maximum of natural light from the sun.
EASEMENT shall mean a space or a lot or parcel of land reserved for or used for public utilities or public or private uses. (See Lot Diagram Illustration)
EDUCATIONAL INSTITUTION shall mean a public or nonprofit institution or facility which conducts regular academic instruction at preschool, kindergarten, elementary, secondary, and collegiate levels, including graduate schools, universities, junior colleges, trade schools, nonprofit research institutions and religious institutions. Such institutions must either: (1) Offer general academic instruction equivalent to the standards established by the State Board of Education; or (2) Confer degrees as a college or university or undergraduate or graduate standing; or (3) Conduct research; or (4) Give religious instruction. Private schools, academies, or institutes, incorporated or otherwise, which operate for a profit, commercial, or private trade schools are not included in this definition.
EFFECTIVE DATE shall mean the date that this chapter shall have been adopted, amended, or the date land areas became subject to the regulations contained in this chapter as a result of such adoption or amendment.
ELDER FAMILY HOME shall mean a private household owned by a responsible party offering a social living arrangement for at least two but not more than five persons, the majority of whom are elders, who are not related within the third degree of consanguinity and who are not able or willing to adequately maintain themselves in an independent living arrangement, but who are essentially capable of physical self-care, which is registered as an elder family home with the state department of elder affairs in accordance with I.C. § 231A.2 as amended.
ELECTRIC DISTRIBUTION SUBSTATION shall mean an electric substation with a primary voltage of less than 161 KV, with distribution circuits served therefrom.
ELECTRIC TRANSMISSION SUBSTATION shall mean an electric transformation or switching station with a primary voltage of more than 161 KV without distribution circuits served therefrom.
ENCROACHMENT shall mean advancement or intrusion beyond the lines or limits as designated and established by the Ordinance, and to infringe or trespass into or upon the possession or right of others without permission.
ENGAGED IN AGRICULTURE For purposes of applying this ordinance, "engaged in agriculture" shall include but not be limited to any of the following: 1. Inspect agricultural operations periodically and furnish at least half the direct cost of the operations 2. Regularly and frequently make or take an important part in making management decisions substantially contributing to or affecting the success of the agricultural operation. 3. Perform physical work which significantly contributes to the agricultural operation.
ENLARGEMENT shall mean the expansion of a building, structure, or use in volume, size, area, height, length, width, depth, capacity, ground coverage, or in number.
ERECTED shall mean constructed upon or moved onto a site.
ETHANOL PLANT shall mean a facility where the conversion of corn, or other cellulous material, into an alcohol fuel product is undertaken. The facility also includes the processing of certain by-products resulting from the fermentation and distillation process.
EXPRESSWAY shall mean a street or road that provides fast and efficient movement of large volumes of vehicular traffic between areas and does not provide direct access to property.
EXTRACTIVE INDUSTRY see "Mining, Commercial"
FACADE shall mean the exterior wall of a building exposed to public view from the building's exterior.
FACTORY shall mean a structure or plant within which something is made or manufactured from raw or partly wrought materials into forms suitable for use.
FAMILY shall mean one or more persons occupying a dwelling unit as an individual housekeeping organization.
FAMILY HOME shall mean a community-based residential home which is licenses as a residential care facility under Chapter 135C, Code of Iowa, or as a child foster care facility under Chapter 237 to provide room and board, personal care, rehabilitation services, and supervision in a family environment exclusively for not more than eight developmentally disabled persons and any necessary support personnel. However, family home does not mean an individual foster family home licensed under Chapter 237.
FARM shall mean a farming enterprise which is recognized in the community as a farm rather than a rural residence.
FARM EXEMPT No regulation or requirement contained in this Ordinance shall be construed to apply to land, farm houses, farm barns, farm outbuildings, or other buildings, structures, or erections which are primarily adapted, by reason of nature and area, for use for agricultural purposes, but only while so used; provided, however, that such regulations or requirements which relate

to any structure, building, dam, obstruction, deposit or excavation in or on the flood plains of any river or stream shall apply thereto.1. Agricultural areas. Subject to the above, all agricultural areas created pursuant to Section 352.6, Code of Iowa, and the activities conducted thereon, are and shall remain exempt from county zoning and building regulations.

FARM DWELLING For purposes of applying this ordinance, "farm dwelling" shall include but not be limited to a house located on land operated as a farm which is or will be occupied by a person engaged in agriculture on that same unit, or by a person retired from agriculture that was performed on that unit of which the house is a part.

FARM OUTBUILDING See" Agricultural building."

FARMLAND A parcel of land used for agricultural activities. Also defined in the State Code of Iowa, Chapter 352 (County land Preservation and Use Commissions) as those parcels of land suitable for the production of farm products.

FARM STAND A structure used seasonally from which agricultural products grown by the owner of the site on which the farm stand is located are sold. A limited quantity of products produced off-site is allowed.

FARMSTEAD The principal center of farming operations and consists of the farmhouse, associated farm buildings and adjacent service areas of a farm.

FARM WINERY A facility in which production of wine is less than 50,000 gallons per year and: a) the farm winery must have on-site or contiguous propagated (growth stage) vineyard or orchards of at least two acres, and; (b) the farm winery must produce a majority of wine from ingredients grown or produced within the state of Iowa in accordance with Iowa Native Winery laws.

FEED LOT (CONFINEMENT AREA) shall mean any tract of land, portion of a tract of land or building on which the principal use is the concentrated feeding within a confined area of cattle, hogs, sheep, poultry or other livestock. A commercial feed lot is a feed lot, as defined, in which the livestock on feed are owned by someone other than the owner or lease operator of the feed lot.

FEED LOT (OPEN LOT) shall mean any tract, portion of a tract of land or structure on which the principal use is the concentrated feeding within an open air confined area of cattle, hogs, sheep, poultry or other livestock. Open lot feed lots shall include small shed-type areas or open front buildings, with dirt, or concrete (or other hard surfaced material) surfaces, wherein animals or poultry are substantially or entirely exposed to the outside environment by windbreaks or small shed-type areas.

FLEA MARKET shall mean a building or open area in which stalls or sale areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either new, old, homemade, homegrown, handcrafted, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade. This definition does not include informal or private garage or yard sales.

FLOOD shall mean the water of any watercourse or drainage way that is above the banks or outside the channel and banks of such watercourse or drainageway.

FLOOD PLAIN shall mean the area adjoining a watercourse which has been or may be covered by flood waters.

FLOODWAY shall mean the channel of a watercourse or drainageway and those portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge the flood water of any watercourse or drainageway.

FLOOR AREA whenever the term "floor area" is used in this Ordinance as a basis for requiring off-street parking for any structure, it shall be assumed that, unless otherwise stated, said floor area applies not only to the ground floor area but also to any additional stories of said structure. All horizontal dimensions shall be taken from the exterior faces of walls.

FOREST shall be a biological community dominated by trees and other woody plants covering a land area of 10,000 square feet or greater. Forests include areas that have at least 100 trees per acre with at least 50 percent of those trees having a 12 inch or greater diameter at four and one-half feet above the ground, and forest areas that have been cut but not cleared. An orchard is not a forest.

FOREST STAND shall be a contiguous group of trees sufficiently uniform in species composition, arrangement of age classes, and condition to be a distinguishable, homogeneous unit.

FORESTED SLOPES shall mean an area meeting the definition of forest, growing on an area with a slope of 25 percent or more, and covering an area of at least 10,000 square feet.

FOUNDATION, PERMANENT shall mean a permanent foundation consisting of an eight-inch thick concrete foundation wall or concrete blocks extending from not less than eight inches above finished grade to not less than 42 inches below finished grade, together with tie-down anchors imbedded in concrete at the top of the foundation to permanently affix the structure to the foundation and resist wind and overturning forces. If a slab on grade is utilized in conjunction with the foundations, it shall be placed over six inches of crushed stone and ties to the foundation with reinforcing bars, extending 18 inches into both slab and the foundation. Tie-down anchors shall then be provided with the slab.

FRONTAGE shall mean that portion of a parcel of property that abuts a dedi-

cated public street, private drive or highway. (See Lot Diagram Illustration)
FUNERAL HOME shall mean a building or part thereof used for human funeral services. Such building may contain space and facilities for (1) a funeral chapel; (2) embalming and the performance of other services used in preparation of the dead for burial; (3) the performance of autopsies and other surgical procedures; (4) the storage of caskets, funeral urns, and other related funeral supplies; (5) the storage of funeral vehicles; and (6) facilities for cremation.
GARAGE, PRIVATE shall mean a detached accessory building or a portion of a main building on the same lot as a dwelling for the housing of vehicles of the occupants of the dwelling, including carports.
GARAGE, PUBLIC shall mean any garage other than a private garage.
GARAGE, REPAIR shall mean a building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint, and body work. Also, see "Service Station".
GARBAGE shall mean all solid and semisolid, putrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing, serving, and consuming of food or material intended for use as food, and all offal, excluding useful industrial byproducts, and shall include all such substances from all public and private establishments and from residences.
GRADE shall mean the average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the ground level shall be measured at the sidewalk.
GRADING, MINOR shall mean any non-agricultural project involving the movement of 50 cubic yards or more of earth that involves a change in natural or preexisting grades of less than 10 vertical feet, except for excavation of a basement for which a building permit has been issued.
GRADING PLAT shall mean an official drawing developed by an applicant to show the existing grading contours as well as any new grading contours that will result due to the movement of earth on a project site.
GRANNY FLAT shall mean a secondary dwelling, or mobile home, unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot. This unit shall not be rented unless the renter is an immediate family member.
GREENHOUSE shall mean a building or premises used for growing plants, preparation of floral arrangements for off-site delivery to customers, cold storage of flowers or dry storage of materials used for agricultural or horticultural purposes.
GREENWAY shall mean a parcel or parcels of land, together with the improvements thereon, dedicated as an easement for access and/or recreation; usually a strip of land set aside for a walkway, bicycle trail, bridle path, or other similar access-way.
GROUND COVER shall mean plant material used in landscaping which remains less than 12 inches in height at maturity. Also see "Landscaping".
GROUND WATER shall mean water occurring beneath the surface of the ground that fills available openings in the rock or soil materials such that they may be considered saturated.
GROUP CARE HOME shall mean a home which is operated under the auspices of an organization which is responsible for providing social services, administration, direction, and control for the home which is designed to provide twenty-four hour care for individuals in a residential setting.
GROUP HOME, ELDER shall mean a single-family residence that is a residence of a person who is providing room, board and personal care to three through five persons 60 years of age or older who are not related to the person providing the service within the third degree of consanguinity or affinity and which is certified by the state department of elder affairs as an elder group home in accordance with Iowa Code §231B.2.
GROUP HOUSING shall mean two or more separate buildings on a lot, each containing one or more dwelling units.
GUEST ROOM shall mean a room which is designed to be occupied by one or more guest(s) for sleeping purposes, having no kitchen facilities, not including dormitories.
HALF-STORY shall mean a story under a gable, hip or gambrel roof, plates of which are not more than three feet above the floor of such story.
HALFWAY HOUSE shall mean a licensed home for individuals on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, living together as a single housekeeping unit, wherein supervision, rehabilitation and counseling are provided to mainstream residents back into society, enabling them to live independently.
HARD SURFACED ROAD shall mean a graded roadway within an established right-of-way, either public or private, that has been paved with either asphaltic concrete or concrete.
HAZARDOUS SUBSTANCE shall mean any substance or mixture of a substance that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, or corrosive, or flammable, that is an irritant or that generates pressure through decomposition, heat or other means. "Hazardous Substance" may include any hazardous waste identified or listed by the Administrator of the United Stated Environmental Protection Agency under the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under section 307

of the Federal Water Pollution Act, as amended January 1, 1977, or any hazardous substance material designated by the Secretary of Transportation under the Hazardous Materials Transportation Act (455B code of Iowa as amended).

HEALTH CARE FACILITIES shall mean a facility licensed or approved by the state or an appropriate agency, if required, used in any of the following: (1) Hospitals including offices or medical societies, offices of charitable public health associations, and private office space for the practice of medicine and dentistry under a license from the Department of Health; provided, that any such private offices for the practice of medicine and dentistry shall be occupied only by those on the staff of the hospital; (2) Convalescent or nursing home; (3) A facility for outpatient physical, occupational, or vocational therapy or rehabilitation; (4) Public health clinics and facilities; and (5) Ambulatory surgical care center which does not allow for overnight stay by patients. Except as herein provided, health care facilities do not include doctors or dentists professional offices and private clinics.

HEALTH CLUB shall mean privately owned for profit facilities such as gymnasiums, athletic clubs, health clubs, recreational clubs, reducing salons, and weight control establishments.

HEALTH RECREATION FACILITY shall mean an indoor or outdoor facility including uses such as game courts, exercise equipment, locker rooms, whirlpool spa and/or sauna and pro shop.

HELIPORT shall mean a designated landing area used for the landing and taking off of helicopters and may include all necessary passenger and cargo facilities, fueling, and emergency service facilities.

HELISTOP shall mean any landing area used for the landing and taking off of helicopters for the purpose of picking up or discharging of passengers or cargo. No fueling, refueling, or service facilities.

HIGHWAY SETBACK LINE shall mean the future right-of-way line or plan lines of any highway. A yard abutting such a highway shall be measured from this future right-of-way line.

HILLSIDE shall mean land having an average of 14 percent or greater grade for 200 feet or more.

HIRED HAND shall mean any person(s) employed, typically for an agricultural operation, for pay to assist with all types of tasks.

HOLDING POND shall mean an impoundment made by constructing an excavated pit, dam, embankment, or combination of these for temporary storage of liquid livestock wastes.

HOLDING ZONE shall mean a zoning district, usually a very low density district, placed on property for the purpose of temporarily holding back the development of land for a more intensive desired use as indicated by the comprehensive development plan until such time as community facilities are economically available and thereby avoiding the "leap frogging" of land uses.

HOME BASE BUSINESS/OCCUPATION shall mean any occupation or activity that is clearly incidental and secondary to use of the premises for dwelling and is carried on wholly within a main building or accessory building by a member of a family residing on the premises, in connection with which there is no advertising other than an identification sign of not more than two square feet in area, and no other display or storage of materials or exterior indication of the home occupation or variation from the residential character of the main building or accessory building; and in connection with which not more than one person outside the family is employed and no equipment used which creates offensive noise, vibration, smoke, dust, odors, heat or glare.

HOMEOWNERS ASSOCIATION shall mean a private, nonprofit corporation or association of homeowners of properties in a fixed area, established for the purpose of owning, operating, and maintaining various common properties and facilities.

HOSPITAL shall mean an institution providing health and emergency services of medical or surgical nature to human patients and injured persons and are licensed by the state to provide facilities and services in surgery, obstetrics, and general medical practice.

HOSPITAL, ANIMAL shall mean a place where animals or pets are given medical or surgical treatment and are cared for during the time of treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

HOTEL shall mean a building or portion thereof, or a group of buildings, offering transient lodging accommodations on a daily rate to the general public and providing services associated with restaurants, meeting rooms, and recreational facilities. The word "hotel" includes motel, inn, automobile court, motor inn, motor lodge, motor court, tourist court, motor hotel.

HOUSEHOLD PET shall mean an animal that is customarily kept for personal use or enjoyment within the home. Household pet shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, fish, and rodents.

HOUSING FOR THE ELDERLY shall mean a building or group of buildings containing dwellings in which each dwelling unit is occupied by at least one person of 55 years of age or more. This does not include developments containing convalescent or nursing facilities. Also see "Congregate Housing".

HOUSING FOR THE PHYSICALLY HANDICAPPED shall mean a building containing a dwelling or a group of dwellings in which each occupied dwelling unit is occupied by at least one physically handicapped person with a mobility impairment which requires certain construction design features for ingress, egress, and freedom of movement within the premises.

IMPACT FEE see "Development Impact Fee".
IMMEDIATE FAMILY shall mean the smallest unit of family that an individual lives with, typically including, a father, a mother, siblings, and any other relatives who are financia ly supported.
IMPERVIOUS SURFACE shall mean a surface that has been compacted or covered with a layer of material making the surface highly resistant to infiltration by water, such as compacted sand, rock, gravel, or clay and conventionally surfaced streets, roads, sidewalks, parking lots, and driveways.
INCIDENTAL USE shall mean a use that is subordinate to the main use of a premise.
INDIVIDUAL SEPTIC SYSTEM shall mean a wastewater treatment system for a dwelling that has a septic tank and absorption system.
INDUSTRIAL PARK shall mean a planned coordinated development of a tract of land with two or more separate industrial buildings. The development is planned, designed, constructed, and managed on an integrated and coordinated basis with an enforceable master plan and/or covenants, conditions, and restrictions with special attention to on-site vehicular circulation, parking, utility needs, building design, storm water runoff and orientation and open space.
INDUSTRY shall mean the manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof and including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.
INOPERABLE MOTOR VEHICLE shall mean any motor vehicle which:
(1) Does not have a current registered state license plate; or, (2) Which may or may not have a current state license plate, but is disassembled or wrecked in part or in whole, or is unable to move under its own power, or is not equipped as required by Iowa Code for operation upon streets or highways. A vehicle which is wholly or partially dismantled shall not be considered inoperable when said vehicle is inside a completely enclosed building.
INSTITUTION shall mean a building occupied by a non-profit corporation or a not for-profit corporation or a non-profit establishment for public use.
INTENSITY shall mean the degree to which land is used referring to the levels of concentration or activity in uses ranging from uses of low intensity being agricultural and residential to uses of highest intensity being heavy industrial uses. High intensity uses are normally uses that generate concentrations of vehicular traffic and daytime population and are less compatible with lower intensive uses.
INTENT AND PURPOSE shall mean that the Planning and Zoning Commission and Board of Supervisors by the adoption of this Ordinance have made a finding that the health, safety, and welfare of the County will be served by the creation of the Districts and by the regulations prescribed therein.
JUICE BAR see "Adult Establishment".
JUNK VEHICLE shall mean a motorized vehicle including automobiles, motorcycles, trucks, truck tractors, commercial vehicles, trailers, etc., which do not have a current Iowa Department of Transportation registration or its equivalent and has either had parts removed for reuse, salvage or sale or the vehicle has been incapable of operating under its own power.
KENNEL, BOARDING shall mean a place or establishment other than a pound or animal shelter where dogs or cats not owned by the proprietor are sheltered, fed, and watered in return for a fee.
KENNEL, COMMERCIAL shall mean a kennel which performs grooming, boarding, or training services for dogs or cats in return for a fee.
LAGOON shall mean a wastewater treatment facility that is a shallow, artificial pond where sunlight, bacterial action, and oxygen interact to restore wastewater to a reasonable state of purity. This includes both human and livestock wastes. All lagoons shall meet the minimum design criteria established by the Iowa Department of Natural Resources. All lagoons shall have the proper permits approved prior to starting construction.
LAND ALTERATION, SUBSTANTIAL shall mean a development activity that meets or exceeds any of the following thresholds AND exceeds the definition of minor grading as defined herein:
a. Grading activities designed to occur for more than 24 months and less than 48 months; or
b. The removal from a site of more than 10,000 cubic yards of earth material per acre (gross) and less than 20,000 cubic yards of earth material per acre (gross); or
c. Resulting at any time during or following excavation, in an exposed bedrock slope steeper than 3:1 that is over 10 feet and less than 25 feet in height; or
d. A movement of 500 cubic yards or more of earth that involves a change in natural or pre-existing grades of 10 or more vertical feet for any portion of a parcel; or
e. Any movement of earth on the entire parcel in excess of 100,000 cubic yards.
LANDFILL shall mean a disposal site employing a method of disposing solid wastes in a manner that minimizes environmental hazards in accordance with state and federal requirements.
LANDSCAPING shall include the original planting of suitable vegetation in conformity with the requirements of this Ordinance and the continued maintenance thereof.

LAUNDRY, SELF SERVICE shall mean an establishment that provides home-type washing, drying, and/or ironing facilities for customers on the premises.

LEAPFROG DEVELOPMENT shall mean the development of cheaper land on the urban fringe by jumping over more expensive land located immediately adjacent to an existing development resulting in inadequate or lack of support services such as access to a street system designed to carry high volume traffic, utilities, and other commercial facilities or public services such as police, fire, schools, and parks, thus adding to the tax burden of the general public and being an uneconomical growth pattern to the community or county.

LIFE CARE FACILITY shall mean a facility for the transitional residency of the elderly and/or disabled persons, progressing from independent living to congregate apartment living where residents share common meals and culminating in full health and continuing care nursing home facility. Also see "Congregate Housing" and "Housing for the Elderly".

LIMITS OF CLEARING shall be the boundaries of that area of land to be trees and other vegetation in conjunction with a proposed development or land use, except that the area within these limits for such proposed development or use shall not include the removal of any outstanding or monarch trees unless approved by the Zoning Administrator.

LIMITS OF GRADING shall mean the outermost edge of the area in which the existing topography is to be altered by cutting and/or filling.

LIQUID MANURE shall mean that type of livestock waste that is in liquid form, collected in liquid manure pits or lagoons and which can be sprayed or injected beneath the surface; provided, however, only liquid manure collected in lagoons may be applied through the use of a center pivot or tow-line irrigation systems. Also see "Lagoon".

LIQUID MANURE STORAGE PITS shall mean earthen or lined pits wholly or partially beneath a semi or totally housed (ECH) livestock operation or at some removed location used to collect waste production. In no event shall liquid manure that is stored or collected in a Liquid Manure Storage Pit be applied through the use of a center pivot or tow-line irrigation system. (See definition of Liquid Manure and Lagoon.)

LIVESTOCK see "Animals, Farm".

LIVESTOCK WASTES shall mean animal and poultry excreta and associated feed losses, bedding, spillage, or overflow from watering systems, wash and flushing waters, sprinkling waters from livestock cooling, precipitation polluted by falling on or flowing onto a livestock operation, and other materials polluted by livestock or their direct product.

LOADING SPACE shall mean an off-street space or berth on the same lot with a main building, or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading, and which abuts a street, alley, or other appropriate means of ingress and egress.

LODGING HOUSE shall mean a building or place where lodging is provided (or which is equipped regularly to provide lodging by pre-arrangement for definite periods), for compensation, for three or more, but not exceeding 12 individuals, not open to transient guests, in contradistinction to hotels open to transients.

LOT shall mean a parcel or tract of land which is or may be occupied by any use herein permitted, together with yards, and other open spaces herein required, that has frontage upon a street, and is a part of a recorded subdivision plat or has been recorded prior to the adoption of the Ordinance, or a parcel of real property delineated on an approved record of survey, lot-split or subparceling map as filed in the office of the County Recorder and abutting at least one public street or right-of-way, two thoroughfare easements, or one private road.

LOT AREA shall mean the total area, on a horizontal plane, within the lot lines of a lot.

LOT, CORNER shall mean a lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an "Interior Lot". The setbacks for a front yard shall be met on all abutting streets. (See Lot Diagram Illustration)

LOT COVERAGE shall mean the portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools, regardless of whether said building or structure is intended for human occupancy or not.

LOT, CURVE shall mean a lot fronting on the outside curve of the right-of-way of a curved street, which street has a centerline radius of 300 or less.

LOT DEPTH shall mean the horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines. (See Lot Diagram Illustration)

LOT, DOUBLE FRONTAGE shall mean a lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

LOT, FLAG shall mean a lot with frontage and access provided to the bulk of the lot by means of a narrow corridor. (See Lot Diagram Illustration)

LOT, FRONTAGE shall mean the side of a lot abutting on a legally accessible street right-of-way other than an alley or an improved county road. For the purposes of this definition, on corner lots, all sides of a lot adjacent to streets or roads shall be considered frontage.

LOT, INTERIOR shall mean a lot other than a corner lot. (See Lot Diagram Illustration)

LOT LINE shall mean the property line bounding a lot. (See Lot Diagram

Illustration)
LOT LINE, FRONT shall mean the property line abutting a street. (See Lot Diagram Illustration)
LOT LINE, REAR shall mean a lot line not abutting a street which is opposite and most distant from the front lot line. (See Lot Diagram Illustration)
LOT LINE, SIDE shall mean any lot line not a front lot line or rear lot line.
LOT, NONCONFORMING shall mean a lot having less area or dimension than that required in the district in which it is located and which was lawfully created prior to the zoning thereof whereby the larger area or dimension requirements were established, or any lot, other than one shown on a plat recorded in the office of the County Recorder, which does not abut a public road or public road right-of-way and which was lawfully created prior to the effective date of this Ordinance.
LOT, THROUGH shall mean a lot having frontage on two dedicated streets, not including a corner lot. (See Lot Diagram Illustration)
LOT OF RECORD shall mean a lot held in separate ownership as shown on the records of the County Recorder of Webster County at the time of the passage of an Ordinance or Ordinance establishing the zoning district in which the lot is located. Said Lot of Record shall be part of a subdivision, a plat of survey, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
LOT WIDTH shall mean the average horizontal distance between the side lot line, measured at right angles to the lot depth at a point midway between the front and rear lot lines. (See Lot Diagram Illustration)
MANUFACTURED HOME shall mean a factory built single-family structure, which is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403. Federal Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site, and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home. For purposes of this Ordinance, manufactured home shall be considered the same as any site built single-family detached dwelling.
MANUFACTURING shall mean uses primarily engaged in the mechanical or chemical transformation of materials or substances into new products. These uses are usually described as plants, factories, or mills and characteristically use power driven machines and materials handling equipment. Uses engaged in assembling component parts of manufactured products are also considered manufacturing if the new product is neither a structure nor other fixed improvement. Also included is the blending of material such as lubricating oils, plastics, resins, or liquors. Manufacturing production is usually carried on for the wholesale market, for interplant transfer, or to order for industrial users, rather than for direct sale to the domestic consumer.
MAP, OFFICIAL ZONING DISTRICT shall mean a map delineating the boundaries of zoning districts which, along with the zoning text, is officially adopted by the Webster County Board of Supervisors' Zoning Ordinance for Webster County, Iowa.
MASSAGE shall mean any method of treating the external parts of the human body by rubbing, stroking, kneading, tapping, or vibrating with the hand, other parts of the body, or any instrument, for any consideration or gratuity.
MASSAGE ESTABLISHMENT shall mean any establishment having a fixed place of business where massages are administered for any form of consideration or gratuity, including but not limited to, massage parlors, health clubs, sauna baths, and steam baths. This definition shall not be construed to include an establishment employing 1) persons licensed by the State of Iowa under the provisions of Chapters 148,148A, 148B, 150,150A,151,152,157, or 158 of the Iowa Code, when performing massage services as a part of the profession or trade for which licensed; 2) persons performing massage therapy or massage services under the direction of a person licensed as described in 1) above; 3) persons performing massage therapy or massage services upon a person pursuant to the written instruction or order of a licensed physician; 4) nurses, aides, technicians and attendants at any hospital or health care facility licensed pursuant to Chapter 135B, 135C, or 145A of the Iowa Code, in the course of their employment and under the supervision of the administrator thereof or of a person licensed as described in 1) above; 5) an athletic coach or Trainer (i) in any accredited public or private secondary school, junior college, college or university, or (ii) employed by a professional or semi-professional athletic team or organization, in the course of his or her employment as such coach or trainer. This definition shall not be construed to include a volunteer fire department, a pool, tennis court, or other educational, cultural, or recreational and athletic facilities, and facilities for the welfare of the residents of the
area.
MASSAGE PARLOR see "Adult Establishment".
MEDICAL OR DENTAL CLINIC shall mean any building or portion thereof, other than a hospital, used or intended to be used as an office for the practice of any type of medicine, including chiropractic, dentistry, or optometry.
MINING, COMMERCIAL shall mean the extraction of sand, gravel, mineral, stone, rock and soils for resale on the commercial market; commercial mining shall also include the removal of said materials from the extraction site. This shall not include the cut and fill process to level or terrace an agri-

cultural property, pits owned and/or operated by the County and State and a construction site.

MINI-STORAGE OR MINI-WAREHOUSE see "Self-Service Storage Facility".

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

a. A mobile home is factory-built housing built on a chassis.

b.A mobile home shall not be construed to be a travel trailer or other form of recreational vehicle.

c.A mobile home shall be construed to remain a mobile home, subject to all regulations applying thereto, whether or not wheels, axles, hitch or appurtenances of mobility are removed and regardless of the nature of the foundation provided

MOBILE HOME PARK shall mean any lot or portion of a lot upon which one or more trailers or mobile homes, occupied for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for such accommodation.

MODEL shall mean any person who for consideration or gratuity appears either nude or semi-nude to be either viewed, photographed, sketched, drawn, sculptured; to dance; to provide reading or counseling sessions; for body painting; to deliver a service or in connection with the sale of merchandise; or to present materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

MODEL STUDIO shall mean any establishment where, for any form of consideration or gratuity, models who display specified anatomical areas are provided to be observed, or subject to lawful tactile conduct, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity, or where for any form of consideration or gratuity, nude or semi-nude dancing, readings, counseling sessions, body painting and other activities that present materials distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas are provided for observation by or communication to persons paying such consideration or gratuity.

MODULAR HOME means a movable or portable dwelling designed and constructed without a carriage or hitch as a stationary house. Modular homes are constructed for placement upon a permanent foundation, to be connected to utilities, for year-round occupancy. It is capable of being separated from its foundation and utilities and relocated. It can consist of one or more components that can be retracted when transported and subsequently expanded for additional capacity, or of two or more units separately transportable, but designed to be jointed into one integral unit. For purposes of this Ordinance Modular homes shall be considered as Single-family dwellings.

MOTEL see "Hotel".

MOTOR VEHICLE shall mean every self-propelled land vehicle, not operated upon rails, except mopeds and self-propelled invalid chairs.

NIGHTCLUB shall mean a commercial establishment dispensing beverages for consumption on the premises and in which dancing is permitted or entertainment is provided. Also see "Bar".

NONCOMMUNITY WATER SUPPLY SYSTEM shall mean any public water supply system that is not a community water supply system.

NONCONFORMING BUILDING shall mean a building or portion thereof which was lawful when established but which does not conform to subsequently established zoning or Zoning Ordinance.

NONCONFORMING USE shall mean a use lawful when established but which does not conform to subsequently established zoning or Zoning Ordinance.

NUDE ENCOUNTER PARLOR shall mean an establishment having a fixed place of business where any person, therein engages in, conducts, or carries on, or permits to be engaged in, conducted or carried on, any business of viewing any person or persons or actual encounter of any person or persons depicting, describing or relating to "specified sexual activities" as defined herein.

NUDE PHOTOGRAPHIC PARLOR shall mean an establishment having a fixed place of business, where any person, association, firm or corporation therein engages in, conducts, or carries on, or permits to be engaged in, conducted or carried on any business of photographing any person or persons depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" as defined herein.

NUISANCE shall mean that which is defined in Webster County Health and Sanitation Ordinance.

NURSERY shall mean the use of a premises for the propagation, cultivation, and growth of trees, shrubs, plants, vines, and the like from seed or stock, and the sale thereof, and including the sale of trees, shrubs, plants, vines, and the like purchased elsewhere and transplanted into the soil of the premises. In connection with the sale of plants, such fungicides, insecticides, chemicals, peat moss, humus, mulches, and fertilizers as are intended to be used in pre-

serving the life and health of the plants may be sold.
NURSING HOME shall mean a facility used or occupied by persons recovering from illness or suffering from infirmities of old age requiring skilled nursing care and related medical services and licensed by the appropriate state or federal agency or agencies.
OFFICE shall mean a building or a portion of a building wherein services are performed involving, primarily, administrative, professional, or clerical operations.
OFFICE PARK shall mean a tract of land that has been planned, developed, and operated as an integrated facility for a number of office buildings and supporting accessory uses, with special attention given to circulation, parking, utility needs, aesthetics, and compatibility.
OFFICIAL MAP see "Map, Official Zoning District".
OFF-STREET PARKING AREA or VEHICULAR USE shall refer to all off street areas and spaces designed, used, required, or intended to be used for parking, including driveways or access ways in and to such areas.
OPEN LOTS shall mean pens or similar concentrated areas, including small shed-type areas or open-front buildings, with dirt, or concrete (or paved or hard) surfaces, wherein animals or poultry are substantially or entirely exposed to the outside environment except for possible small portions affording some protection by windbreaks or small shed-type areas.
OPEN SPACE shall mean a parcel or parcels of land, together with the improvements thereon, primarily set aside for recreational use and enjoyment, exclusive of land areas used for streets, alleys, roads, driveways, parking areas, structures, and buildings.
OPEN SPACE, COMMON shall mean a separate and distinct area set aside as open space within or related to a development, and not on individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development. Rights-of-way, private streets, driveways, parking lots or other surfaces designed or intended for vehicular use or required yards shall not be included as common open space.
OUTDOOR ADVERTISING shall include the definitions of "Advertising Structure" and "Sign".
OUTSTANDING OR MONARCH TREE shall mean a tree that has been determined by the County Conservation Director and/or County Extension Agents to be of high value because of its species, size, age, form, historical significance, or some professional criteria.
OVERLAY DISTRICT shall mean a district in which additional requirements may act in conjunction with the underlying zoning district. The original zoning district designation does not change.
OWNER shall mean one or more persons, including corporations, who have title to the property, building or structure in question.
PARCEL shall mean a lot or a contiguous group of lots in single ownership or under single control that may be considered as a unit for purposes of development.
PARK shall mean any public or private land available for recreational, educational, cultural, or aesthetic use.
PARK, PRIVATE shall mean any park and/or recreational area that is in private ownership and where entry into the facility mean require a membership or special fee.
PARK, PUBLIC shall mean any park and/or recreational area that in owned by a public entity.
PARKING AREA, PRIVATE shall mean an area, other than a street, used for the parking of automotive vehicles capable of moving under their own power and restricted from general public use.
PARKING AREA, PUBLIC shall mean an area, other than a private parking area or street used for the parking of vehicles capable of moving under their own power, either free or for remuneration.
PARKING SPACE, AUTOMOBILE shall mean an area, other than a street or alley, reserved for the parking of an automobile.
PARKWAY shall mean an arterial highway with full or partial control of access, and located within a park or ribbon of park like development.
PERFORMANCE GUARANTEE shall mean a financial guarantee to ensure that all improvements, facilities, or work required by this chapter will be completed in compliance with these regulations as well as with approved plans and specifications of a development. Also, see "Maintenance Guarantee".
PERMANENT TREE PROTECTION DEVICES shall be structural measures, such as retaining walls or aeration devices that are designed to protect the tree and its root systems throughout its lifetime.
PERMANENTLY ATTACHED shall mean connected to real estate in such a way as to require dismantling, cutting away, or unbolting in order to remove, relocate, or replace.
PERMITTED USE shall mean any land use allowed without special condition within a zoning district.
PERSON shall mean an individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, syndicate, City, County, special district or any other group or combination acting as an entity, except that it shall not include Webster County, Iowa.
PLANNED UNIT DEVELOPMENT shall mean a development designed to provide for an unusual or different arrangement of residential, business, or

industrial uses in accordance with an approved development plan.
PLANNING AND ZONING COMMISSION shall mean the Planning and Zoning Commission of Webster County, Iowa.
PLAT OF SURVEY shall mean the graphical representation of a survey of one or more parcels of land, including a complete and accurate description of each parcel within the plat, prepared by a registered land surveyor.
POLICY shall mean a statement or document of the county, such as the comprehensive development plan, that forms the basis for enacting legislation or making decisions.
POULTRY, COMMERCIAL FEEDING shall mean a poultry commercial feed lot, whether the confined feeding operations are enclosed or outdoors.
PREMISES shall mean a tract of land, consisting of one lot or irregular tract, or more than one lot or irregular tract, provided such lots or tracts are under common ownership, contiguous, and used as a single tract. A building or parcel of land located within a prescribed area.
PRIME AGRICULTURAL LAND shall mean a parcel of land having a corn suitability rating (CSR) of 61 or above.
PRIVATE WELL shall mean a well that does not supply a public water supply system as per Chapter 49, Iowa Administrative Code.
PROHIBITED USE shall mean any use of land, other than nonconforming, which is not listed as a permitted use or conditional use within a zoning district.
PROMOTIONAL DEVICE shall mean any sign intended to be displayed either with or without a frame, with or without characters, letters, illustrations, or other material, on a fabric of any kind. National flags, flags of political subdivisions, or symbolic flags of any institutions or business shall be considered a promotional device for the purpose of this definition. Banners, pennants, inflatable characters, streamers, or fringe-type ribbons or piping, shall be considered as a promotional device.
PROTECTED ZONE shall mean all lands that fall outside the buildable areas of a parcel, all areas of a parcel required to remain in open space, and/or all areas required as landscaping strips according to the provisions of the Zoning Ordinance.
PUBLIC USE AREA shall mean any area owned and/or operated by any governmental entity for purposes of recreation, hunting, and/or conservation. This includes functions on land and water.
PUBLIC UTILITY shall mean any business which furnishes the general public telephone service, telegraph service, electricity, natural gas, water and sewer, or any other business so affecting the public interest as to be subject to the supervision or regulation by an agency of the state or federal government.
PUBLIC WATER AND SEWER SYSTEMS shall mean a water or sewer system owned and operated by a private individual or a corporation or government approved by the governing body and properly chartered and certified by the appropriate state agency, and subject to special ordinances as herein set forth.
QUARRY shall mean a development activity that meets or exceeds any of the following thresholds AND exceeds the definition of minor grading as defined herein:
a. Activities principally designed to mine, extract, or remove bedrock materials for commercial purposes; or
b. Resulting at any time during or following excavation, in an exposed bedrock slope steeper than 3:1 that is over 25 feet in height; or
c. The temporary or permanent exposure of rock face, made as part of or following excavation, in excess of 25 feet in height. The measurement of height of the exposed rock face shall be the vertical measurement from the lowest elevation of the excavation to the top of the exposed face. Multiple faces shall be added together to determine height; or
d. Removal from a site of more than 20,000 cubic yards of earth material per acre of land being excavated or 100,000 cubic yards of earth for the entire site; except landfill operations or
e. An excavation activity utilizing a crusher; or
f. A substantial land alteration (see above) meeting any of the above characteristics.
RACE TRACK, COMMERCIAL shall mean a facility designed for driving race cars or other motorized vehicles in competition; while, charging an admission fee for the general public to attend and observe organized races.
RACE TRACK, PRIVATE shall mean a facility designed for driving race cars or other motorized vehicles in competition or for time and is privately owned and not intended public admission.
rAILROAD shall mean the land use including the right-of-way (R. O. W.) abutting railroad properties occupied by uses pertinent to the railroad operation and maintenance, but not including properties owned by the railroad and leased for use by others.
RECREATIONAL FACILITY shall mean facilities for the use by the public for passive and active recreation including tennis, handball, racquetball, basketball, track and field, jogging, baseball, soccer, skating, swimming, or golf. This shall include country clubs and athletic clubs, but not facilities accessory to a private residence used only by the owner and guests, nor arenas or stadiums used primarily for spectators to watch athletic events. In addition, recreational facilities shall mean museums, amphitheaters, race tracks (including all motor powered vehicles) and wildlife conservation areas (used for public viewing), and theme parks

RECREATIONAL VEHICLE (RV) shall mean a vehicular unit less than 40 feet in overall length, eight feet in width, excluding sliding rooms, or 12 feet in overall height, primarily designed as a temporary living quarter for recreational camping or travel use having either its own power or designed to be mounted on or drawn by a motor vehicle. Recreational vehicle includes motor home, truck camper, travel trailer, camping trailer, and fifth wheel.

RECREATIONAL VEHICLE (RV) PARK shall mean a tract of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes by campers, vacationers, or travelers.

RECYCLING CENTER shall mean a facility other than a salvage yard in which recoverable resources such as paper, glass, metal cans, and plastics, are collected, bundled, stored, flattened, crushed, or reduced in some manner within a completely enclosed building, in preparation for shipment to others for reuse.

RECYCLING COLLECTION POINT shall mean a drop-off point for temporary storage of recoverable resources such as paper, glass, cans, and plastics, and where no processing of such items takes place.

RECYCLING PLANT shall mean a facility other than a salvage yard where recoverable resources such as paper products, glass, metal cans and other products are recycled, reprocessed, and treated to return the products to a condition in which they may be reused for production.

RESEARCH LABORATORY OR CENTER shall mean a building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, and not including manufacture or sale of products, except as incidental to the main purpose of the laboratory.

RESIDENCE shall mean a building used, designed, or intended to be used as a home or dwelling place for one or more families.

RESTAURANT shall mean a public eating establishment at which the primary function is the preparation and serving of food primarily to persons seated within the building. The use shall also include the selling of beverages, including alcoholic beverages when conducted as a secondary feature of the use, producing less than 50 percent of the income.

RESTAURANT, DRIVE-IN shall mean an establishment that has the facilities to serve prepared food and/or beverages to customers seated within motor vehicles for consumption either on or off the premises.

RESTAURANT, FAST FOOD shall mean an establishment whose principal business is the sale of food and/or beverages in ready-to-consume individual servings, for consumption either within the establishment, for carry-out, or drive-in; and where foods are/or beverages are usually served in paper, plastic, or other disposable containers.

RETAIL TRADE shall mean uses primarily engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of goods. Uses engaged in retail trade sell merchandise to the general public or to households for personal consumption.

REVEGETATION shall mean the replacement of trees and landscape plant materials into the minimum required landscape areas, as determined by the Zoning Ordinance.

REVERSE SPOT ZONING shall mean an arbitrary zoning or rezoning of a small tract of land that is not consistent with the comprehensive land use plan and that uniquely burdens an individual owner largely to secure some public benefit. Reverse spot zoning usually results from downzoning a tract of land to a less intensive use classification than that imposed on nearby properties.

REZONING shall mean an amendment to or change in the Zoning Ordinance either to the text or map or both.

RIDGELINE shall mean the long, narrow crest or horizontal line of hills usually at the highest elevation.

rIGHT-OF-WAY shall mean an area or strip of land, either public or private, on which an irrevocable right of passage has been dedicated, recorded, or otherwise legally established for the use of vehicles or pedestrians or both.

ROaD shall mean the same as "Private-Street".

ROAD, PUBLIC shall mean all public right-of-way reserved or dedicated for street or road traffic. Also, see "Right-of-Way" and "Street".

ROADSIDE STAND shall mean a temporary structure or vehicle used solely for the sale of products.

ROOM shall mean an un-subdivided portion of the interior of a dwelling unit, excluding bathroom, kitchen, closets, hallways, and service porches.

SALVAGABLE MATERIAL shall mean old or scrap copper, brass, household appliances, wood, rope, rags, batteries, paper, trash, rubber debris, waste or junked, dismantled, wrecked or junk vehicles or machinery, iron, steel, or other old or scrap ferrous or nonferrous material. Any item that no longer functions or is not usable for the original purpose it was made or its intended use.

SALVAGE YARD shall mean any site which is used for storing, keeping, sorting, buying or selling junk whether or not for profit. The visible presence of two or more junk vehicles on a parcel of land or the stockpiling of scrap metals, wood, plastic or other materials not attached to a farming operation shall constitute prima facie evidence of a salvage yard and shall be regulated as a salvage yard.

SAND OR GRAVEL EXCAVATION shall mean an excavation of unconsolidated sediments that meets or exceeds any of the following thresholds

AND exceeds the definition of minor grading as defined herein:
a. Activities principally designed to mine, extract, or remove unconsolidated sediments for commercial purposes; or
b. A substantial land alteration designed to occur for more than 48 months.

SATELLITE DISH ANTENNA shall mean a round, parabolic antenna incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, or cone and used to transmit and/or receive radio or electromagnetic waves.

SCENIC EASEMENT shall mean an easement for the purpose of limiting land development in order to preserve a view or scenic area.

SCHOOL, DAY shall mean a preschool or nursery school for children.

SCHOOL, DAY, PRE-, OR NURSERY shall mean a school or center for children under school age.

SCHOOL, ELEMENTARY, JUNIOR HIGH, or HIGH shall mean public and other non-profit institutions conducting regular academic instruction at kindergarten, elementary, and secondary levels. Such institutions shall offer general academic instruction equivalent to the standards prescribed by the Code of Iowa, Title VII.

SCHOOL, PRIVATE shall mean an institution conducting regular academic instruction at kindergarten, elementary or secondary levels operated by a non-governmental organization in conformance with the Code of Iowa, Title VII.

SCHOOL, TRADE shall mean an institution offering extensive instruction in the technical, commercial, or trade skills and operated by a non-governmental organization.

SCREENING shall mean a method by which a view of one site from another adjacent site is shielded, concealed, or hidden during all seasons of the year and may include fences, walls, hedges, beams, or other features. Also see Buffer.

SELECTIVE CLEARING shall be the careful and planned removal of trees, shrubs, and plants using specific standards and protection measures.

SELF-SERVICE STATION shall mean an establishment where motor fuels are stored and dispensed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

SELF-SERVICE STORAGE FACILITY shall mean a building or group of buildings containing individual, compartmentalized, and controlled access stalls or lockers for storage.

SEPARATE OWNERSHIP shall mean ownership of a parcel of land by a person who does not own any of the land abutting such parcel.

SEPTIC, ON-SITE WASTEWATER, see Chapter 69, IAC 567, also known and used as septic systems.

SERVICE STATIONS shall mean buildings and premises where the primary use is the supply and dispensing at retail of motor fuels, lubricants, batteries, tires, and motor vehicle accessories and where light maintenance activities such as engine tune-ups, lubrications, and washing may be conducted, but not including heavy maintenance and repair such as engine overhauls, painting, and body repair.

SETBACK LINE, FRONT YARD shall mean the line which defines the depth of the required front yard. Said setback line shall be parallel with the right-of-way line or highway setback line when one has been established.

SETBACK LINE, HIGHWAY shall mean the same as "Highway Setback Line".

SETBACK LINE, REAR YARD OR SIDE YARD shall mean the line which defines the width or depth of the required rear or side yard. Said setback line shall be parallel with the property line by the perpendicular distance prescribed for the yard in the district.

SHOPPING CENTER shall mean a grouping of retail business and service uses on a single site with common parking facilities.

SIDEWALK CAFE shall mean an area adjacent to a street level eating or drinking establishment located adjacent to the public pedestrian walkway and used exclusively for dining, drinking, and pedestrian circulation. The area may be separated from the public sidewalk by railings, fencing, or landscaping or a combination thereof.

SIGHT TRIANGLE shall mean an area at a street or road intersection in which nothing shall be erected, placed, painted, or allowed to grow in such a manner as to materially impede vision of traffic at an intersection as established within this Ordinance. This definition does not include traffic control signs, permanent or temporary that may be placed by the County or State that provide for public safety as well as the safety of secondary roads maintenance employees.

SIGN shall mean and include any outdoor sign, display, declaration, device, figure, drawing, illustration, message, placard, poster, billboard, insignia, or other things which are designed, intended, or used for direction, information, identification, or to advertise, to inform, or to promote any business, product activity, service, or any interest, except the following:
a. A name plate or sign designating location, direction, information, or identification, providing the surface area or face of such sign does not exceed 10 square feet.
b. Sign less than 25 square feet in surface area advertising activities conducted on the premise, products grown, made, or produced on the premise.
c. Signs less than 50 square feet in area and less than 25 feet in height of a

public or quasi-public nature or other official notices that are authorized by the State of Iowa, Webster County, or a Federal Government Agency, directional, informational, or other official signs or notices authorized by law.
SIGN, ADVERTISING shall mean a sign which directs attention to any product, activity, or service; provided, however, that such sign shall not be related or make reference to the primary use, business activity, or service conducted on the premises.
SIGN, ARCHITECTURAL CANOPY shall mean an enclosed, illuminated (back-lit awning) or non-illuminated structure that is attached to the wall of a building with the face of the sign approximately parallel to the wall and with the sign's area integrated into its surface.
SIGN AREA shall mean the entire area including the background of a sign on which copy can be placed but not including the minimal supporting framework or bracing. The area of individually painted letter signs, individual letter signs or directly or indirectly illuminated individual letter signs, shall be calculated on the basis of the smallest geometric figure that will enclose the entire copy area of the sign. Any such calculation shall include the areas between the letters and lines, as well as the areas of any devices, illuminated or non-illuminated.
SIGN, AWNING, CANOPY OR MARQUEE shall mean a sign that is mounted, painted, or attached to an awning, canopy, or marquee that is otherwise permitted by the Zoning Ordinance.
SIGN, BILLBOARD shall mean a sign that identifies or communicates a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.
SIGN, BUILDING shall mean any sign supported by, painted on or other wise attached to any building or structure.
SIGN, DESTINATION OR DIRECTIONAL shall mean a sign used to inform and direct the public to important public places and buildings, landmarks, and historical sites in the most simple, direct, and concise manner possible.
SIGN, ELECTRONIC MESSAGE BOARD shall mean a sign that uses changing lights to form a sign message or messages wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.
SIGN, FLASHING shall mean a sign, which, by method or manner of illumination, flashes on or off, winks, or blinks with varying light intensity, shows motion, or creates the illusion of being on or off.
SIGN, FREESTANDING shall mean any sign supported by uprights or braces placed on or in the ground, which is used principally for advertising or identification purposes and is not supported by any building.
SIGN, GROUND (LOW PROFILE) shall mean a sign mounted directly to the ground with a maximum height not to exceed six feet.
SIGN, ILLUMINATED shall mean a sign illuminated in any manner by an artificial light source.
SIGN, OBSOLETE shall mean a sign that advertises a business no longer in existence or a product no longer offered for sale and has advertised such business or product for a period of six months after the termination of the existence of such business or the termination of sale of the product advertised.
SIGN, ON-PREMISE shall mean a sign, display, or device advertising activities conducted on the property on which such sign is located.
SIGN, OPEN shall mean a sign attached to or hung from a marquee, canopy, or other covered structure, projecting from and supported by the building and extending beyond the building wall, building line, or street lot line.
SIGN, PORTABLE shall mean a sign, usually of a temporary nature, not securely anchored to the ground or to a building or structure and which obtains some or all of its structural stability with respect to wind or other normally applied forces by means of its geometry or character.
SIGN, PROJECTING shall mean a projecting sign attached to a building.
SIGN, ROOF shall mean a sign identifying the name of a business, enterprise, or the product sold on the premises and erected on the roof of the building.
SIGN, SUBDIVISION shall mean a sign erected on a subdivision identification lot that identifies the platted subdivision where the sign is located.
SIGN, SURFACE shall mean the entire area of a sign.
SIGN, TEMPORARY shall mean a sign constructed of cloth, fabric, or other material with or without a structural frame intended for a limited period of display, including displays for holidays or public demonstrations. Temporary signs shall include portable signs as defined in this section.
SIGN, WALL shall mean a sign attached to or erected against the wall of a building with the exposed face of the sign in a plane parallel to the wall of the building and not projecting more than 18 inches from the face of the building wall.
SIGN, WINDOW shall mean a sign painted, stenciled, or affixed on a window, which is visible from a right-of-way.
SIMILAR USE shall mean the use of land, buildings, or structures of like kind or general nature with other uses within a zoning district as related to bulk, intensity of use, traffic generation and congestion, function, public services requirements, aesthetics or other similarities.
SITE PLAN shall mean a plan, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all

buildings, structures, uses, drives, parking, drainage, landscape features, erosion control and other principal site development improvements for a specific parcel of land.
SITE PLAN, SEPTIC shall mean the area bounded by the dimensions required for the proper location of the septic tank system.
SKETCH PLAN shall mean a concept, informal map of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion and classification.
SLOPE, STEEP shall mean any slanting surface in the landscape that has a grade of 14 percent to 30 percent.
SLOPE, VERY STEEP shall mean any slanting surface in the landscape that has a grade of 30 percent or more.
SLUDGE shall mean solids removed from sewage during wastewater treatment and then disposed of by incineration, dumping, burial, or land application.
SOLID WASTE shall mean waste materials consisting of garbage, trash, refuse, rubble, sewage, offal, dead animals, or paunch manure.
SPECIFIED ANATOMICAL AREAS shall mean anatomical areas consisting of:
a. Less than completely and opaquely covered human genitals, pubic region, buttock, anus, or female breast(s) below a point immediately above the top of the areola; and,
b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
SPECIFIED SEXUAL ACTIVITIES shall mean activities consisting of the following:
a. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually-oriented acts of conduct: Anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or clearly depicted human genitals in the state of sexual stimulation, arousal, or tumescence; or
b. Use of human or animal ejaculation, sodomy, oral copulation, coitus, or masturbation; or
c. Fondling or touching of nude human genitals, pubic region, buttocks, or female breast(s); or
d. Situation involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding, or other physical restraint or any such persons; or
e. Erotic or lewd touching, fondling, or other sexually-oriented contact with an animal by a human being; or
f. Human excretion, urination, menstruation, vaginal, or anal irrigation.
SPOT ZONING shall mean an arbitrary zoning or rezoning of a small tract of land that is not consistent with the comprehensive land use plan and primarily promotes the private interest of the owner rather than the general welfare. Spot zoning usually results from an upzoning to a more intensive use classification.
STABLE, PRIVATE shall mean a detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire or sale.
STABLE, RIDING shall mean a structure in which horses or ponies, used exclusively for pleasure riding or driving, are housed, boarded, or kept for remuneration, hire, or sale.
STANDARD SYSTEM shall mean a sewage treatment system employing a building sewer, septic tank, and a standard soil absorption system.
STATE shall mean the State of Iowa.
STORAGE shall mean the keeping, in a roofed or unroofed area, of any goods, junk, material, merchandise, or vehicles on the same tract or premises for more than 30 days.
STORY shall mean a space in a building between the surface of any floor and the surface of the floor above, or if there is not floor above, then the space between such floor and the ceiling or roof above.
STORY, ONE-HALF shall mean the same as "Half-Story".
STREAM BUFFER shall mean all lands lying within 50 feet, measured from the top of each normal bank of any perennial or intermittent stream, creek, or river.
STREET shall mean a public thoroughfare or right-of-way dedicated, deeded, or condemned for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except as excluded in this Ordinance.
STREET, CURVILINEAR shall mean local streets that deviate from straight alignment and change direction without sharp corners or bends.
STREET, FRONTAGE ACCESS shall mean a street para lel and adjacent to a major street, major inter-regional highway, or major collection road and primarily for service to the abutting properties, and being separated from the major street by a dividing strip.
STREET, LOOPED shall mean a continuous local street without intersecting streets and having its two outlets connected to the same street.
STREET, PRIVATE shall mean an open, unoccupied space, other than a

street or alley dedicated to the public, but permanently established as the principal means of vehicular access to abutting properties, and is maintained by the home owners association.
STREET, SIDE shall mean that street bounding a corner or reversed corner lot and which extends in the same general direction as the line determining the depth of the lot.
STREET CENTERLINE shall mean the centerline of a street right-of-way as established by official surveys.
STREET LINE shall mean a dividing line between a lot, tract, or parcel of land and the contiguous street.
STRUCTURE shall mean anything constructed or built, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, excepting outdoor areas such as paved areas, walks, fences, tennis courts, and similar recreation areas.
STRUCTURE, ADVERTISING shall mean the same as "advertising structure".
STRUCTURAL ALTERATION shall mean any change in the support members of a building, such as in a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, or retaining walls or similar components.
SUBDIVISION see Webster County Subdivision Ordinance.
SUBDIVISION PLAT see Webster County Subdivision Ordinance.
SURFACE WATER -- PRIMARY CONTACT RECREATION shall mean surface waters which are used, or have a high potential to be used, for primary contact recreational activities. Primary contact recreation includes activities where the body may come into prolonged or intimate contact with the water, such that water may be accidentally ingested and sensitive body organs (e.g. eyes, ears, nose, etc.) may be exposed. Although the water may be accidentally ingested, it is not intended to be used as a potable water supply unless acceptable treatment is supplied. These waters may be used for swimming, water skiing, canoeing, and similar activities.
SURFACE WATERS shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, springs, canal systems, drainage systems, and all other bodies or accumulations of water, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.
TAVERN see "Bar".
TEMPORARY PAVING PLANTS shall mean portable equipment used to produce Hot Mix Asphalt (HMA) or Portland Cement Concrete (PCC) pavement materials primarily for road construction projects.
TEMPORARY TREE PROTECTION DEVICES shall mean structural measures, such as fencing or berms, installed prior to construction for the purpose of preventing damage to trees during construction.
TEMPORARY USE shall mean a use intended for limited duration to be located in a zoning district not permitting such use.
TOWER shall mean a structure situated on a site that is intended for transmitting or receiving television, radio, or telephone communications. (Also, see Antenna.)
TOWNHOUSE see "Dwelling, Single-Family (Attached)
TRADING AREA shall mean the area served by an existing commercial development or to be served by the proposed commercial development and from which said development draws its support.
TRAILER, AUTOMOBILE shall mean a vehicle without motive power, designed and constructed to travel on the public thoroughfares and to be used for human habitation or for carrying property, including a trailer coach.
TRANSIENT shall mean a person who is receiving accommodations for a price, with or without meals, for a period of not more than 180 continuous days in any one year.
TRANSITIONAL USE shall mean a permitted use or structure that, by nature or level and scale or activity, acts as a transition or buffer between two or more incompatible uses.
TRANSPORTABLE HOUSE shall mean a trailer house, mobile home, double wide trailer house, transportable factory built house constructed to travel on wheels and to be used for temporary human habitation. (e.g. construction area housing)
TREE shall mean:
a. Any self-supporting woody plant growing upon the earth that usually provides one main trunk and produces a more or less distinct and elevated head with many branches.
b. Any self-supporting woody plant, usually having a single woody trunk, and a potential DBH of four inches or more.
TREE COVER shall mean an area directly beneath the crown and within the dripline of the tree.
TRUCK REPAIR shall mean the repair, including major mechanical and body work, straightening of body parts, painting, welding, or other work that may include noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in gasoline service stations, of trucks having a hauling capacity of over one ton and buses but excluding pickups and other vehicles designed for the transport of under eight passengers.
TRUCK TERMINAL shall mean a building or an area in which freight

brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor and/or trailer units and other trucks, are parked or stored for a short time period.

UPZONING shall mean a change in zoning classification of land to a more intensive or less restrictive district such as from residential district to commercial district or from a single family residential district to a multiple family residential district.

URBAN SERVICES AREA shall mean a defined region, not always coincidental with a municipalities corporate boundary, that defines the geographical limit of governmental-supplied public facilities and services.

USE, BEST shall mean the recommended use or uses of land confined in an adopted comprehensive plan. Such uses represent the best use of public facilities, and promotes health, safety and general welfare.

USE, HIGHEST shall mean an appraisal or real estate market concept that identifies the use of a specific tract of land that is most likely to produce the greatest net return on investment.

USE, PRINCIPAL shall mean the main use of land or structure, as distinguished from an accessory use. Also see "Building, Principal".

USED MATERIALS YARD shall mean any lot or a portion of any lot used for the storage of used materials. This shall not include "Salvage Yards" or "Automobile Wrecking Yards".

UTILITY EASEMENT shall mean the same as "Easement".

UTILITIES, OVERHEAD OR UNDERGROUND "LOCAL DISTRIBUTION" SYSTEM OF shall mean the local service distribution circuit or lines and related appurtenances served from a substation, town border station, reservoir, or terminal facility which is served from a main supply line, main transmission line, or main feeder line as may be applicable to electric, communications, gas, fuel, petroleum, fertilizer, or other chemical utilities. Local electric distribution systems shall be limited to include all lines and appurtenances carrying a primary voltage of less than 161 KV from an electric transformer substation to the consumer. The local telephone distribution system shall be limited to include the local exchange lines, the local toll lines, and the local communications equipment facilities structure.

UTILITIES, OVERHEAD OR UNDERGROUND "TRANSMISSION LINE, SUPPLY LINE, WHOLESALE CARRIER OR TRUNK LINE, MAIN FEEDER LINE", or other applicable designation shall mean the main supply or feeder line serving a local distribution system of utilities, and shall include but is not limited to pumping stations, substations, regulating stations, generator facilities, reservoirs, tank farms, processing facilities, terminal facilities, towers, and relay stations, and treatment plants.

VARIANCE shall mean a relief from or variation of the provisions of this ordinance, other than use regulations, as applied to a specific piece of property, as distinct from rezoning.

VEGETATION shall mean all plant life; however, for purposes of this Zoning Ordinance it shall be restricted to mean trees, shrubs, and vines.

VEHICLE shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved solely by human power or used exclusively upon stationary rails or tracks.

VEHICLE, MOTOR see "Motor Vehicle".

VINE shall mean a woody plant whose stem climbs by tendrils or twining or creeps along the ground.

VISUAL BARRIER shall mean any vegetative or solid material to creates a physical impediment to seeing from one side to the other.

VISUAL OBSTRUCTION shall mean any fence, hedge, tree, shrub, wall or structure exceeding two feet in height, measured from the crown of intersecting or intercepting streets, alleys or driveways, which limit the visibility of persons in motor vehicles on said streets, alleys, or driveways. This does not include trees kept trimmed of branches below a minimum height of eight feet.

WAREHOUSE shall mean a building used primarily for the storage of goods and materials.

WAREHOUSE AND DISTRIBUTION shall mean a use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment.

WASTEWATER LAGOON see "Lagoon".

WATERS OF THE STATE shall mean all waters within the jurisdiction of this state, including all streams, lakes, ponds, impounding reservoirs, marshes, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water surface or underground, material or artificial, public or private, situated wholly within or bordering upon the state.

WETLAND shall mean an area of two or more acres in a natural condition that is mostly under water or waterlogged during the spring growing season and is characterized by vegetation of hydric soils.

WHOLESALE ESTABLISHMENT shall mean an establishment for the on-premises sales of goods primarily to customers engaged in the business of reselling the goods.

WHOLESALE TRADE shall mean a use primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. The principal types of establishments included are: Merchant wholesalers;

sales branches and sales offices (but not retail stores) maintained by manufacturing enterprises apart from their plants for the purpose of marketing their products; agents, merchandise or commodity brokers, and commission merchants; petroleum bulk storage, assemblers, buyers, and associations engaged in cooperative marketing of farm products. The chief functions of uses in wholesale trade are selling goods to trading establishments, or to industrial, commercial, institutional, farm and professional; and bringing buyer and seller together. In additional to selling, functions frequently performed by wholesale establishments include maintaining inventories of goods; extending credit; physically assembling, sorting and grading goods in large lots, breaking bulk and redistribution in smaller lots; delivery; refrigeration; and various types of promotion such as advertising and label designing.
WIND ENERGY CONVERSION SYSTEM (WECS) shall mean any device such as wind charger, windmill, or wind turbine which converts wind energy to a form of useable energy.
YARD shall mean any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed from the ground upward to the sky, except for building projections or for accessory buildings or structures permitted by this Ordinance.
YARD, FRONT shall mean a space between the front yard setback line and the front lot line or highway setback line, and extending the full width of the lot.
YARD, REAR shall mean a space between the rear yard setback line and the rear lot line, extending the full width of the lot.
YARD, SIDE shall mean a space extending from the front yard, or from the front lot line where no front yard is required by this Ordinance, to the rear yard, or rear lot line, between a side lot line and the side yard setback line.
ZONING ADMINISTRATIVE OFFICER shall mean the person or persons authorized and empowered by the county to administer and enforce the requirements of this chapter.
ZONING DISTRICT shall mean the same as "District".
ZONING DISTRICT, CHANGE OF shall mean the legislative act of removing one or more parcels of land from one zoning district and placing them in another zoning district on the zone map of the County.
ZONING PERMIT a lawful permit issued by the Zoning Administrator pf Webster County, Iowa, for the erection, reconstruction of alteration of a building or structure or use of land.

ARTICLE 3: GENERAL REGULATIONS

Section 3.01 Comprehensive Development Plan Relationship

These regulations are designed to implement various elements of the comprehensive development plan as required by Iowa Code. Any amendment to the district regulations or map shall conform to the comprehensive development plan adopted by Webster County.

Section 3.02 General

The regulations set forth by this Ordinance within each district shall be minimum standards applicable uniformly to each class or kind of building, structure, or land, except as provided hereinafter.

Section 3.03 Scope of Ordinance

No building, structure, or land in the unincorporated areas shall hereafter be used or occupied; and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered, except in conformity with the provisions of this Ordinance herein specified for the district in which it is located and except after receiving a zoning permit from the Webster County Zoning Administrator and:

1. Only one principal building will be permitted on one lot of record.
2. Accessory structures shall not be used as a primary dwelling.

Section 3.04 Zoning Variance Standards

A Variance is required if any of the following items are requested:

1. To reduce any required yard setbacks.
2. To exceed the height or bulk.
3. To occupy a greater percentage of lot area.
4. To accommodate or house a greater number of families.

Section 3.05 Planning and Zoning Commission Recommendations

Pursuant to Iowa Code Ann. §335.8, it shall be the purpose of the Planning and Planning and Zoning Commission to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. The Planning and Zoning Commission shall make a pre-

liminary report and hold public hearings thereon before submitting its final report.

Section 3.06 District Regulations, Restrictions, Boundary Creation
No such regulation, restriction, or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard.
Notice of the time and place of such hearings, as well as, the location of the affected district (s) by naming township (s) and section (s) and, if possible, by describing the roads and streets that form the boundaries of the affected area shall be given by publication thereof in a paper of general circulation in the County at least one time, not less than four days or more than 20 days prior to such hearing.

Section 3.07 Courtesy Notice
1. As per State law 331.305, notification shall be published between 4 and 20 days in advance of a public meeting.
2. Whenever possible, notification will be sent to surrounding property owners up to 500 feet from the petitioning parcel according to the most current addresses within the county database.
3. As per state law 331.302, all changes in an ordinance shall not go into effect until the information has been published.

Section 3.08 Fines and Penalties
1. In the case any building is erected, constructed, reconstructed, altered, repaired, or converted or any building or land used in violation of this ordinance, the Zoning Administrator is authorized and directed to institute any appropriate action to put an end to such violation.
2. Any person or corporation who shall violate any of the provisions of this ordinance or fail to comply therewith, or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted or plan submitted and approved hereunder shall be guilty of a misdemeanor and shall be liable to a fine of not more than $500.00 dollars per offense or be imprisoned not more than 30 days, or both, and each and every day such violation shall continue shall be deemed a separate offense.
3. The owner or owners of any building or premises, or part thereof, where anything in violation of this ordinance, shall be placed, or shall exist, any architect, builder, contractor, agent, person or corporation employed in connection therewith, and who have assisted in the commission of any such violation shall be guilty of a separate offense and upon conviction thereof, shall be fined as herein provided.
4. The violation of any of the provisions of this Ordinance shall also constitute a County Infraction pursuant to Iowa Code Section 331.307 (2009). The penalties applicable to violators and the relief to the County permitted by Iowa Code Section 331.307 are hereby adopted by reference.
(a) Any person, firm, corporation or entity or individual who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance and thereby commits a County Infraction shall be subject to a civil penalty not to exceed seven hundred fifty dollars ($750), or if the infraction is a repeat offense, a civil penalty not to exceed one thousand dollars ($1,000) for each repeat offense. Each day that a violation occurs or is permitted by the defendant to exist constitutes a separate offense.
(b) In addition to or in lieu of a civil penalty for a violation of this ordinance, the County may seek any appropriate relief permitted under Iowa law, including relief to halt or abate the violation and any relief specified in Iowa Code Section 331.307. The imposition of civil penalties or other relief shall not prevent a peace officer from issuing a

criminal citation for a violation of this ordinance.

Section 3.09 Fees
All fees for any zoning action shall be adopted by the County Board of Supervisors by Resolution.

Section 3.10 Nonconformity, General Intent
It is the intent of this Ordinance to permit lawful nonconforming uses to continue until they are removed, but not encourage their survival. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that any nonconformity shall not be enlarged upon, expanded or extended nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district except as may be authorized in this title.

Section 3.11 Nonconforming Lots of Record
In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance.

Section 3.12 Nonconforming Structures
3.12.01 Authority to continue: Any structure that is devoted to a use, permitted in the zoning district, in which it is located, but which is located on a lot which does not comply with the applicable lot size requirements and/or the applicable bulk regulations, may be continued, so long as it remains otherwise lawful, subject to the restrictions of this section.

3.12.02 Enlargement, Repair, Alterations: Any such structure described in Section 3.12.01 may be enlarged, maintained, repaired or remodeled, provided, however, that no such enlargement, maintenance, repair or remodeling shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such structure, except that as to structures located on a lot that does not comply with the applicable lot size requirements, the side yard requirements shall be in conformance with

this section, and unless otherwise permitted by conditional use permit, unless otherwise approved or as specified in the District.
3.12.03 Damage or Destruction: In the event that any structure described in Section 3.12.01 is damaged or destroyed, by any means, to the extent of more than 60 percent of its structural value, such structure shall not be restored unless it shall thereafter conform to the regulations for the zoning district in which it is located; provided that structures located on a lot that does not comply with the applicable lot size requirements in Section 3.11, shall not have a side yard of less than five feet. When a structure is damaged to the extent of 60 percent or less, no repairs or restoration shall be made unless a zoning permit is obtained and restoration is actually begun within one year after the date of such partial destruction and is diligently pursued to completion.
3.12.04 Moving: No structure shall be moved in whole or in part for any distance whatever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

Section 3.13 Nonconforming Uses

3.13.01 Nonconforming Uses of Land: Where at the effective date of adoption or amendment of this Ordinance, a lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted or amended, such use may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment or this Ordinance;
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
3. If any such nonconforming use of land ceases for any reason for a period of more than 12 consecutive months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.

3.13.02 Nonconforming Uses of Structures: If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the district under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:
1. Existing structure (s) devoted to a use not permitted by this Ordinance in the district in which it is located may be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to use permitted in the district in which it is located;
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance but no such use shall be extended to occupy any land outside such building;
3. Any structure, or structure and land in combination, in any or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located and the nonconforming use may not thereafter be resumed;

4. When a nonconforming use of a structure or structure and premises in combination is discontinued or abandoned for 12 consecutive months, the structure or structure and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located;
5. Where nonconforming use status is applied to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

Section 3.14 Lot
Every building hereafter erected, reconstructed, converted, moved or structurally altered shall be located on a lot or lot of record and in no case shall there be more than one principal building on a lot unless otherwise provided.

Section 3.15 Reductions in Lot Area Prohibited
No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this Ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

Section 3.16 Yard Requirements
3.16.01 Yard requirements shall be set forth in the Schedule of Lot, Yard, and Bulk Requirements for each zoning district. Front, side and rear yards shall be provided in accordance with the regulations hereinafter indicated and shall be unobstructed from the ground level to the sky, except as herein permitted.
3.16.02 All accessory buildings that are attached to principal buildings (i.e., attached garages) shall comply with the yard requirements of the principal building, unless otherwise specified.
3.16.03 Any yard for a commercial or industrial use which is adjacent to any residential use or district shall be increased to 40 feet and shall contain landscaping and planting suitable to provide effective screening.

Section 3.17 Permitted Obstructions in Required Yards

The following shall not be considered to be obstructions when located in the required yards:

3.17.01 All Yards:

1. Steps and accessibility ramps used for wheelchair and other assisting devices which are necessary for access to a permitted building or for access to a lot from a street or alley; chimneys; recreational and laundry-drying equipment;
2. Approved freestanding signs;
3. Arbors and trellises;
4. Flag poles;
5. Window unit air conditioners projecting into the required yard
6. Fences or walls subject to applicable height restrictions are permitted in all yards.

3.17.02 Front Yards:

1. Bay windows projecting into the yard are permitted.
2. Open porches, platforms, decks, or terraces
3. Awnings and canopies

3.17.03 Rear and Side Yards:

1. Open off-street parking spaces,
2. Balconies or outside elements of central air conditioning systems.
3. Open porches, platforms, decks, or terraces including a permanently roofed-over terrace or porch.
4. Open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers, so long as the same are so placed as not to obstruct lights and ventilation.

3.16.04 Double Frontage Lots: The required front yard shall be provided on each street.

Section 3.18 Accessory Building and Uses

3.18.01 No accessory building shall be constructed upon a lot until construction of the principal building has commenced. In no event shall such building be used as a dwelling unless it is a facility designed for human habitation.

3.18.02 No accessory building shall be erected in or encroach upon the required front yard or side yard on a corner lot or the front yard of a double frontage lot; except in the A-1 Agricultural District or the TA-1 Transitional Agricultural District.

3.18.03 Regulation of accessory shall be as follows:

1. Service station pumps and pump island may occupy the required yards, provided, however, that they are not less than fifteen feet from street lines.
2. No accessory building shall be used as a residence.

Section 3.19 Permitted Modifications of Height Regulations

3.19.01 The height limitations of this Ordinance shall not apply to:

Belfries	Public Monuments
Chimneys	Ornamental Towers and Spires
Flag Poles	Radio and Television Towers less than 125 feet in height
Conveyors	Air-Pollution Prevention Devices
Cooling Towers	Grain Elevators and Silos
Elevator Bulkheads	Smoke Stacks
Fire Towers	Stage Towers or Scenery Lots

3.19.02 When permitted in district, public or semi-public service buildings, hospitals, institutions, or schools may be erected to a height not exceeding 75 feet when each required yard line is increased by at least one foot for each one foot of additional building height above the height regulations for the district in which the building is located.

Section 3.20 Repairs and Maintenance

3.20.01 On any building, work may be done on ordinary repairs or replacement provided that the cubic content of the building as it existed at the time of passage of amendment of this Ordinance shall not be increased.

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

Section 3.21 Side Yards

No side yards are required where dwelling units are erected above commercial and industrial structures.

Section 3.22 Corner Lots

On a corner lot in any district, nothing shall be erected or placed for storage in such a manner as to materially impede vision between a height of two and one-half feet and eight feet above the grades of the centerline of the intersecting street or road, from the point of intersection 120 feet in each direction measured along the centerline of the streets or roads. Agricultural crops are specifically exempted from this section.

Section 3.23 Recreation
No such recreational equipment shall be utilized as a dwelling when parked on a residential lot or in any location not approved for such use.

Section 3.24 Building Setback
The building setback lines shall be determined by measuring the horizontal distance from the property line to the vertical face of the nearest wall of the existing or proposed structure to the right-of-way and/or property line.

Section 3.25 Temporary Structures
Temporary structures incidental to construction work may be erected in all districts, but only for the period of 18 months and shall be removed upon completion or abandonment of the construction work. Mobile homes may be utilized as a temporary residence while construction of a residence is ongoing. A zoning permit is required and shall be valid for a period of 18 months. A one (1) year extension of the permit may be granted by the Zoning Administrator upon finding conditions are such that the original 18 months is unreasonable.

Section 3.26 Caretaker's Quarters and Granny Flats
Caretaker's quarters are permitted in all districts, providing the use is incidental to the principal use.

Section 3.27 Exception- Non Conforming Setbacks
Variances allowed by staff are as follows. The setback of a structure can be reduced based on the average setbacks of the current structures within the area. Generally, this includes structures within 200 feet. If this is not feasible, a variance of up to 10 percent of the bulk regulation setback can be issued by staff.

Section 3.28 Screening
All extractive and salvage industries shall be screened by means of plant materials, earth mounding, or solid fencing at least six feet in height to provide visual and aural separation between such use and adjacent areas.

Section 3.29 Cooperatives, Condominiums
Cooperatives, condominiums and all other forms of property ownership do not affect the provisions of these ordinances and all requirements shall be observed as though the properties were under single ownership.

Section 3.30 Special Requirements
3.30.01 Petitioners requesting a parcel to be rezoned shall submit a site plan, with dimensions of the proposed development as an exhibit accompanying the petition for the change in zoning or applying for a zoning permit. The site plan shall show the following and shall be binding upon the petitioner, his heirs, successors, and assigns for construction of said use.
1. All land and its use and ownership within 500 feet of the district to be rezoned in electronic format.
2. A site plan with dimensions of the proposed building and land.
3. A description and a drawing of the outside of the building (s) to be constructed and or existing building (s), to include the following:
A. Identification of lot lines and lot size.
B. Designation of structure (s).
C. Designation of roads, ingress, and egress.

D. Designation of distance between structures, lot lines, and right-of-way.
E. Description of the use.
4. A description of the manner in which solid and liquid waste will be disposed.
5. A showing of compliance of state, federal laws, and regulations relating to the business shall be made prior to the request.
6. A complete legal description of the property shall be provided in electronic format.
6. Whenever a parcel of land is split from adjoining land, said parcel must be surveyed and a survey thereof filed with the County Recorder, as per the Webster County Subdivision Regulations.
7. The Board of Supervisors reserve the right to require a survey before the final approval.
8. Landowners applying for a zoning permit shall also submit a site plan with dimensions of the proposed building and land. Designate the use. See example below.

3.30.02 Whenever a zoning permit is issued on a property requiring or using a septic system, the zoning permit shall not become valid until the septic system design and location has been approved by the Webster County Sanitarian.

Section 3.31 Storage of Junk Vehicles
This Section shall apply to any vehicle meeting the definition of junk vehicles, junk, and inoperable vehicle in this Ordinance. Such vehicles include:
1. Automobiles,
2. Vans,
3. Trucks,
4. Semi-trailers,
5. Busses,
6. Hauling trailers (including homemade),
7. Motorcycles,
8. Motor and pull campers,
9. Flatbeds,
10. Equipment,
11. Machinery not a part of or on a farming operation,
12. Truck boxes,
13. Wagons,
14. Race cars,
15. Other types of recreational vehicles or modes of transportation,
16. Items which do not operate under their own power but were manufactured to do so,
17. Junk vehicles shall not be used as accessory uses or structures of any kind including sheds, farrowing houses, animal shelter, storage or work space.
18. All junk vehicles shall be stored completely within an enclosed building with four walls, roof, and doors.

ARTICLE 4: DISTRICTS, DISTRICT MAP, USES

Section 4.01 Districts
For the purpose of this Chapter, the County is hereby divided into districts, designated as follows:

(A-1) Agricultural Preservation District
(TA-1) Transitional Agricultural District
(R-1) Rural Residential District
(R-2) Urban Residential District
(R-3) Mobile Home Residential District
(C-1) General Commercial District
(I-1) Industrial District
(AG/I) Agricultural/Industrial District
(ME) Mineral Extraction District
(APT) Airport Overlay District

Section 4.02 District Map
4.02.01 Such land and the district classification thereof shall be as shown on the "Official Zoning District Map of Webster County, Iowa." This Zoning District Map and all notations, dimensions, references, and symbols shown thereon, pertaining to such districts shall be as much a part of this ordinance as if fully described herein and shall be filed as part of this ordinance by the County Auditor of Webster County. Said map shall be available for public inspection in the office of the Zoning Administrator of Webster County, Iowa.

4.02.02 Any additions to the unincorporated area of the County resulting from disconnection by municipalities or otherwise shall be automatically classified by amendment.

4.02.03 Whenever any road, street or other public way is vacated by official action of the Board of Supervisors of Webster County, the zoning district adjoining each side of such road, street or public way shall be automatically extended to the center of such vacation and all areas included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

4.02.04 The Official Zoning Map for Webster County is on file at the Planning and Zoning Office. The Zoning Map is also available as an electronic map in the Webster County Planning and Zoning Office as specified by a resolution of the Board of Supervisors. A layer on the "Real Estate Mapping" website can be used for reference but is not official. Click on the link to enter the website and follow the directions below to view the Zoning layer (check with the Planning and Zoning Office for any updates or changes).

Section 4.03 Rules for Interpretation of District Boundaries
Where uncertainty exists as to the boundaries of districts as shown on the "Official Zoning District Map of Webster County, Iowa," the following rules shall apply:
4.03.01 Boundaries that are indicated as approximately following the centerlines of roads, highways, or alleys shall be construed to follow such centerlines.
4.03.02 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
4.03.03 Boundaries that are indicated as following railroad lines shall be construed to be midway between the main tracks.
4.03.04 Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines.
4.03.05 Boundaries that are indicated as parallel to or extensions of features indicated above shall be so construed. The scale used on the "Official Zoning District Map of Webster County, Iowa" shall determine distances not specifically indicated on the map.
4.03.06 Where physical or cultural features existing on the ground are at variance with those shown on the "Official Zoning District Map of Webster County, Iowa," or in other circumstances not covered above, the Board of Adjustment shall interpret the district boundaries.
4.03.07 Where it is determined by the Zoning Administrator that a district boundary divides a lot of record, the entire lot of record may have the uses, structures, and bulk regulations of either district but not both districts.

Section 4.04 A-1: Agricultural Preservation District
4.04.01 Intent: It is the intent of the Agricultural Preservation District to preserve the prevailing rural agricultural farming characteristics, values, and resources of Webster County. The intent is to encourage and to promote in every practicable manner, the interest of agriculture, the facilitation of farm production, and the encouragement of soil and water conservation practices.

4.04.02 Permitted Principal Uses:
The following list as principal uses are permitted in the A-1 District.
1. Residential acreages, provided the following conditions are met:
a. Said acreage shall meet the density requirement of one non-farm residence on not less than 40 acres with an overall maximum density of two non-farm residences per quarter-section.
b. Acreages shall also show that the cropland has a CSR rating of 65 or less in order to qualify.
c. All non-farm residences shall be located along a graveled or hard-surfaced County Road/Highway, State Highway or U.S. Highway.
d. Access to said property shall meet all county and state requirements.
e. Dwelling units, accessory buildings or other structures shall not be constructed below detention/retention dams where a registered professional engineer determines they will be damaged by failure of the dam structure.
3. General agricultural operations
4. Manufactured home, not placed on a permanent foundation, provided that:
a. It has an approved septic and water facilities
b. It conforms to the regulations of an accessory structures
c. It is not closer that 10 feet to an established dwelling
d. It is occupied by an elderly or retired member of the immediate family living in the principal structure
e. The Permit shall be reviewed annually for compliance

f. The Permit shall expire upon the death or relocation of the occupant to another place of residency.
g. The manufactured home shall be removed within 30 days of the expiration of the permit.
5. Horticultural farm specialties such as apiaries and mushroom barns.
6. Confined Animal Feeding Operations as permitted by IDNR rules and regulations, particularly in regard to the use of manure collection and treatment devices, manure management plans, and site distances to adjacent non-farm uses.
7. Farm irrigation facilities as permitted under 567 IAC Chapter 50
8. Public and private overhead and underground utility distribution systems.
9. Public facilities, fire protection, police protection, fairgrounds, libraries.
10. Military installations.
11. Historical sites or monuments.
12. Temporary paving plants provided the necessary haul road maintenance agreement is completed and filed with the County Engineer to his/her satisfaction including but not limited to: dust control, vehicle speed designated haul road and road restoration plan
13. Forestry.
14. Cemeteries, including mausoleums, mortuaries, crematories.
15. Drainage and flood control projects.
16. Kennels provided that the kennel shall be located at least 300 feet from any residential dwelling other than that of the kennel owner.

4.04.03 Conditional Uses:
The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the A-1 District as required and approved by the Board of Adjustment.
1. Publicly owned facilities such as airports, community centers.
2. Privately owned air landing strip or airport.
3. Communications and television towers, transmitters, or receivers pursuant to Section 8.01.
4. Country clubs, golf courses, tennis, swimming, jogging, horseback riding, and winter sport facilities.
5. Institutions for academic instruction, clinics, charitable institutions for the treatment of diseased, juvenile residential homes or facilities, chemical dependency or mental health facilities or other similar institutions or facilities, provided:
a. The Board of Adjustment shall require that any property owner, institution, facility requesting a Conditional Use Permit under this subsection receive certification, accreditation or licensing by the Agency or Department of the State of Iowa which regulates such institutions or facilities.
b. Such certification, accreditation, or licensing shall be received prior to the opening of the facility or institution and shall be maintained during its operation as a Conditional Use.
c. No Conditional Use Permit shall be granted by the Board of Adjustment under this subsection if the property owner, institution, or facility seeking said Permit cannot or will not receive or be subject to certification, accreditation, or licensing by the State of Iowa.
6. Commercial Racetracks
7. Private Racetracks
8. Agricultural farm services such as soil preparation services, veterinary, and animal services.
9. Public or private stables
10. Hospitals or health care facilities.
11. Auto wrecking, salvage, or salvage yards.
12. Commercial recreational and camping areas.
13. Hunting, gun clubs, rifle range, trap shoot provided the location of the use shall meet the minimum siting requirements of the state and/or federal government. All said uses shall be required to have a properly designed landscaping and screening around the property and 2,500 feet from any residence.
14. Commercial/Utility Grade Wind Energy Conversion System pursuant to the provisions of Section 8.03
15. Bed and Breakfast establishments
16. Public and private parks, forest preserves, and conservation areas.
17. Sanitary landfill
18. Mineral Extraction provided:
a. Any use allowed in a Mineral Extraction District shall comply with state standards for off-site effects.
b. No structure occupied by humans or animals shall be constructed within 1200 feet of any public use area.
c. The best practical means available for the disposal of refuse matter or water-carried waste, the abatement of noxious or offensive odors, dust, smoke, gas, noise or similar nuisance shall be employed.
d. All facilities required for discharge, collection and treatment of liquid, solid or gaseous wastes shall be designed, constructed and operated in accordance with regulations of the Iowa Department of Natural Resources.

e. All mining activities within 50 feet of the right-of-way of a paved road shall have an earthen berm a minimum of six feet high above the road surface between the road and the edge of the mining activities, with said berm to have a perennial vegetative cover.
f. Any Mineral Extraction operation shall demonstrate that the roads to and from the site are adequate to handle required truck traffic and is signed off by the County Engineer; or the applicant agrees to finance the required upgrades and pay for future maintenance of the road(s) and is agreed to by the County Board of Supervisors.

19. Agricultural Enterprises Planned Developments that provide agricultural services and products to farmers; such as:
a. Commercial grain, feed storage and elevators.
b. Commercial liquid or solid fertilizer storage for distribution.
c. Commercial packages, bulk or tank storage for distribution of fuel, pesticides and herbicides.
d. Livestock auction sales yard.
e. Farm implement dealership and service shop.

4.04.04 Accessory Uses:
The following accessory buildings are permitted in the "A-1" Agricultural Preservation
District:
1. Building and uses customarily incidental to the permitted principal uses.
2. Temporary buildings and uses incidental to construction work, or those necessary in
the event of any emergency as determined by the Zoning Administrator, either of which shall be removed upon the completion or abandonment of the construction work or emergency condition.
3. Private recreational facilities used in conjunction with the permitted use.
4. Parking pursuant to Article 6.
5. Signs pursuant to Article 7.
6. Home Occupations
7. Non-Commercial Wind Energy Systems pursuant to Section 8.02.

4.04.05 Other Applicable Provisions:
1. No new building shall be hereafter erected or any existing building structurally altered with any portion of said building nearer 58 feet from the centerline of a County road.
2. All new dwellings shall gain access from hard-surfaced or gravel maintained Roads/Streets/Highways.
3. Residential Subdivisions shall gain access on hard-surface Roads/Streets/Highways. Residential acreages and farm dwellings shall not be allowed on minimum maintenance Roads/Streets/Highways.
4. All access to properties shall meet County Engineer's specifications.
5. Dwelling units, accessory buildings or other structures shall not be constructed below detention/retention dams.
6. In some cases, Webster County may require a residential development to be designed in a clustered/conservation concept.
7. Kennels shall not be constructed within 1,200 feet of any public use area.
8. All landscaping and accessory building on residential acreages shall meet the following minimum standards:
a. All hedge rows, trees and vegetative matter other than typical sod grasses shall be setback from the property line (fence line) by one foot times the mature height of the landscaping (1 foot * 25 feet mature height).
b. All accessory buildings and structures shall be setback the minimum as required in 4.04.06.
9. Homestead Density Exception
a. An existing homestead may be split off from an existing farm for purposes of creating a new residential dwelling site and exceed the maximum residential density of the district provided the following conditions are met:
i. The site currently has outbuildings and/or a residential dwelling
ii. There is an existing well located on the site
iii. The newly created site has a minimum of two acres
iv. The tree line around the site is still partially or fully intact
v. The created property has never been used in row crop production
vi. The original property has remained in single ownership prior to this application
vii. The application must be reviewed and approved by the Webster County Planning and Zoning Commission.

4.04.06 Height and Lot Requirements:

Uses	Min. Lot Area (acres) (*)	Minimum Frontage (feet) (*)	Minimum Setbacks	Max. Height (feet)	Max. Coverage (%)

			Front Yard (feet) (A)	Rear Yard (feet) (B)	Side Yard (feet) (C)		
Residential acreages	40[1]	100	25	25	10	35	-
Other Permitted Uses	40	100	25	10	10	35	-
Conditional Uses	40	100	25	10	10	35	-
Accessory Uses	-		25	10	10	35	

Residential Acreages are limited to a maximum density of two non-farm dwelling units per 1/4 section. Where a dwelling splits two different 1/4 sections, then the applicant shall assign it to the appropriate 1/4 section.

Section 4.05 TA-1: Transitional Agricultural District

4.05.01 Intent: The Transitional Agricultural District are intended to provide to protect existing crop production in the rural portions of the county; while, providing an incentive area for more densely developed residential areas, as opposed to the Agricultural Preservation District. Denser residential development is identified along major transportation corridors and around the perimeter of some communities within the county.

4.05.02 Permitted Principal Uses:

The following principal uses are permitted in the TA-1 District.

1. Single family dwellings on farmsteads.
2. Residential acreages, provided the conditions in Article 5 are met, as well as the following conditions:

a. Said acreage shall meet the density requirement of one non-farm residence on not less than twenty acres with an overall maximum density of four non-farm residences per quarter-section.
c. All non-farm residences shall be located along a graveled or hard-surfaced County Road.
d. If additional non-farm residences are requested, then the Applicant shall be required to subdivide the property in accordance with Webster County's Subdivision Ordinance. The County Planning and Zoning Commission and County Board of Supervisors may require access to paved roads and/or platted streets to accommodate said development.
e. Access to said property shall meet all county and state requirements.
f. Dwelling units, accessory buildings or other structures shall not be constructed below detention/retention dams where a registered professional engineer.

3. General farms crops and pastureland.
4. Agricultural farm production crops such as field crops, cash grain crops, vegetables, fruits, tree, and nuts.
5. Manufactured home, not placed on a permanent foundation, provided that:

a. It has an approved septic and water facilities
b. It conforms to the regulations of an accessory structures
c. It is not closer that 10 feet to an established dwelling
d. It is occupied by an elderly or retired member of the immediate family living in the principal structure
e. The Permit shall be valid for only one year and may be renewed by reapplication
f. The Permit shall expire upon the death or relocation of the occupant to another place of residency.
g. The manufactured home shall be removed within 30 days of the expiration of the permit.

6. Confined Animal Feeding Operations as permitted by IDNR rules and regulations. The Confined Animal Feeding Operation shall meet the following:

a. Shall not exceed 625,000 pounds total animal weight capacity for swine, foul, or animals other than bovine
b. Shall not exceed 1,600,000 pounds total animal weight capacity for bovine
c. Meet all IDNR regulations including manure management plan, collection and treatment of manure, and site distances.

7. Horticultural farm specialties such as apiaries and mushroom barns.
8. Nurseries, greenhouses, and truck gardens
9. Farm buildings and structures used for farm equipment, machinery, grain, animals and poultry.
9. Temporary paving plants provided the necessary haul road maintenance agreement is completed and filed with the County Engineer to his/her satisfaction including but not limited to: dust control, vehicle speed designated haul road and road restoration plan

10. Farm irrigation facilities as permitted under 567 IAC Chapter 50
11. Railroads and public thoroughfares.
12. Roadside stands offering for sale farm products produced on the farm.
13. Public and private overhead and underground utility distribution systems.
14. Public parks, forest preserves, and conservation areas.
15. Public facilities, fire protection, police protection, fairgrounds, libraries.
16. Historical sites or monuments.
17. Forestry.
18. Cemeteries, including mausoleums, mortuaries, crematories, provided the mausoleums and crematories.
19. Drainage and flood control projects.
20. Kennels provided that the kennel shall be located at least 300 feet from any residential dwelling other than that of the kennel owner.

4.05.03 Conditional Uses:
The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the TA-1 District as required and approved by the Board of Adjustment.
1. Military installations.
2. Publicly and privately owned air landing strip or airport.
3. Institutions for academic instruction, clinics, charitable institutions for the treatment of diseased, juvenile residential homes or facilities, chemical dependency or mental health facilities or other similar institutions or facilities, provided:
a. The Board of Adjustment shall require that any property owner, institution, facility requesting a Conditional Use Permit under this subsection receive certification, accreditation or licensing by the Agency or Department of the State of Iowa which regulates such institutions or facilities.
b. Such certification, accreditation, or licensing shall be received prior to the opening of the facility or institution and shall be maintained during its operation as a Conditional Use.
c. No Conditional Use Permit shall be granted by the Board of Adjustment under this subsection if the property owner, institution, or facility seeking said Permit cannot or will not receive or be subject to certification, accreditation, or licensing by the State of Iowa.
4. Public sanitary sewage treatment, water pumping and treatment facilities.
5. Communications and television towers, transmitters, or receivers pursuant to Section 8.01.
6. Country clubs, golf courses, tennis, swimming, jogging, horseback riding, and winter sport facilities.
7. Hospitals or health care facilities
8. Auto wrecking, salvage, or salvage yards.
9. Commercial recreational and camping areas.
10. Hunting, gun clubs, rifle range, trap shoot provided the location of the use shall meet the minimum siting requirements of the state and/or federal government. All said uses shall be required to have a properly designed landscaping and screening around the property and 2,500 feet from any residence.
11. Bed and Breakfast establishments
12. Public and private parks, forest preserves, and conservation areas.
13. Sanitary landfill
14. Agricultural farm services such as soil preparation services and veterinary and animal services.
15. Public or Private Horse Stables.
16. Churches, including associated halls and residences.
17. Commercial/Utility Grade Wind Energy Conversion System as per Section 8.03
18. Mineral Extraction provided:

a. Any use allowed in a Mineral Extraction District shall comply with state standards for off-site effects.
b. No structure occupied by humans or animals shall be constructed within 1200 feet of any public use area.
c. The best practical means available for the disposal of refuse matter or water-carried waste, the abatement of noxious or offensive odors, dust, smoke, gas, noise or similar nuisance shall be employed.
d. All facilities required for discharge, collection and treatment of liquid, solid or gaseous wastes shall be designed, constructed and operated in accordance with regulations of the Iowa Department of Natural Resources.
e. All mining activities within 50 feet of the right-of-way of a paved road shall have an earthen berm a minimum of six feet high above the road surface between the road and the edge of the mining activities, with said berm to have a perennial vegetative cover.
f. Any Mineral Extraction operation shall demonstrate that the roads to and from the site are adequate to handle required truck traffic and is signed off by the County Engineer; or the applicant agrees to finance the required upgrades and pay for future maintenance of the road(s) and is agreed to by the County Board of Supervisors.

19. Agricultural Enterprises Planned Developments that provide agricultural services and products to farmers; such as:
a. Commercial grain, feed storage and elevators.
b. Commercial liquid or solid fertilizer storage for distribution.
c. Commercial packages, bulk or tank storage for distribution of fuel, pesticides and herbicides.
d. Livestock auction sales yard.
e. Farm implement dealership and service shop.
20. Child Care Center.
21. Child Care Home.

4.05.04 Accessory Uses:
The following accessory buildings and uses are permitted in the "TA-1" Transitional Agricultural District:
1. Buildings and uses customarily incidental to the permitted principal uses.
2. Temporary buildings and uses incidental to construction work, or those necessary in the event of any emergency as determined by the Zoning Administrator, either of which shall be removed upon the completion or abandonment of the construction work or emergency condition.
3. Private recreational facilities used in conjunction with the permitted use.
4. Parking pursuant to Article 6.
5. Signs pursuant to Article 7.
6. Home Occupations

4.05.05 Other Applicable Provisions:
1. No new building shall be hereafter erected or any existing building structurally altered with any portion of said building nearer 58 feet from the centerline of a County road.
2. Residential Subdivisions shall gain access on hard-surface Roads/Streets/Highways. Residential acreages and farm dwellings shall not be allowed on minimum maintenance Roads/Streets/Highways.
3. A lot or parcel of land of record on or before the effective date of this Ordinance may be built on and used for a permitted principal use.
4. Residential Subdivisions shall gain access on hard-surface Roads/Streets/Highways. Residential acreages and farm dwellings shall not be allowed on minimum maintenance Roads/Streets/Highways.
3. All access to properties shall meet County Engineer's specifications.
4. Dwelling units, accessory buildings or other structures shall not be constructed below detention/retention dams.
5. The minimum densities for residential structure may be increased only when a new farm residence is constructed and the original farmhouse is sold off.
6. All landscaping and accessory building on residential acreages shall meet the following minimum standards:
a. All hedge rows, trees and vegetative matter other than typical sod grasses shall be setback from the property line (fence line) by one foot times the mature height of the landscaping (1 foot * 25 feet mature height).
b. All accessory buildings and structures shall be setback the minimum as required in 4.04.06.
7. In some cases, Webster County may require a residential development to be designed in a clustered/conservation concept.
8. When two lots are established immediately adjacent to one another, the two lots may be served by a single driveway or one access point onto any County, State and/or Federal Road, as approved by the County Engineer. Said access road shall be through a common easement of at least 50 feet in width. Exception to this provision is when said lots are fronting upon a dedicated road/street as part of a subdivision.
9. Kennels shall not be constructed within 1,200 feet of any public use area.
10. Homestead Density Exception
a. An existing homestead may be split off from an existing farm for purposes of creating a new residential dwelling site and exceed the maximum residential density of the district provided the following conditions are met:
i. The site currently has outbuildings and/or a residential dwelling
ii. There is an existing well located on the site
iii. The newly created site has a minimum of two acres
iv. The tree line around the site is still partially or fully intact
v. The created property has never been used in row crop production
vi. The original property has remained in single ownership prior to this application
vii. The application must be reviewed and approved by the Webster County Planning and Zoning Commission.

Uses	Min. Lot Area (acres) (a)	Minimum Frontage (feet) (*)	Minimum Setbacks	Max. Height (feet)	Max. Coverage (%)

			Front Yard (feet) (A)	Rear Yard (feet) (B)	Side Yard (feet) (C)		
Residential acreages	2	100	25	25	10	35	-
Other Permitted Uses	2	100	25	10	10	35	-
Conditional Uses	2	100	25	10	10	35	-
Accessory Uses	-		25	10	10	35	

Residential Acreages are limited to a maximum density of four non-farm dwelling units per 1/4 section. Where a dwell-

ing splits two different 1/4 sections, then the applicant shall assign it to the appropriate 1/4 section.

Section 4.06 R-1: Rural Residential District
4.06.01 Intent: The R-1 Rural Residential District is intended to provide for orderly develop-

ment in a subdivision format. In addition, this District allows for acreages using public
or private water supply and septic systems.

4.06.02 Permitted Principal Uses:

The following principal uses are permitted in the R-1 District.
1. Detached single family dwelling units.
2. Churches, and associated halls and residences.
3. Any use which is interpreted by the Zoning Administrator to be a use similar to the
one of the above-named and in conformance with the intent of this district

4.06.03 Conditional Uses:
The following uses are subject to any conditions listed in this Ordinance and are subject
to other conditions relating to the placement of said use on a specific tract of ground in
the R-1 District as required and approved by the Board of Adjustment.
1. Child Care Center.
2. Public sanitary sewage treatment facilities.
3. Communications and television towers, transmitters, or receivers pursuant to Section 8.01.
4. Country clubs, golf courses, tennis, swimming, jogging, horseback riding, and winter sports.
5. Public and Private elementary, junior high schools, middle schools, senior high schools and all associated uses.
6. Cemeteries, including mausoleums, mortuaries, and crematories, provided the mausoleums and crematories shall be located at least 200 feet from any street, road, or highway and at least 1,000 feet from any residential use.
7. Any use which is interpreted by the Zoning Administrator to be a use similar to the
one of the above-named and in conformance with the intent of this district

4.06.04 Accessory Uses:
The following accessory buildings and uses are permitted in this District:
1. Buildings and uses customarily incidental to the permitted principal uses.
2. Temporary buildings and uses incidental to construction work, or those necessary in the event of any emergency as determined by the Zoning Administrator, either of which shall be removed upon the completion or abandonment of the construction work or emergency condition.
3. Private recreational facilities in conjunction with the permitted use.
4. Parking pursuant to Article 6.
5. Signs pursuant to Article 7.
6. Home Occupations
7. Any use which is interpreted by the Zoning Administrator to be a use similar to the
one of the above-named uses and in conformance with the intent of this district

4.06.05 Other Applicable Provisions:
1. A lot or parcel of land of record on or before the effective date of this Ordinance
may be built on and used for a permitted principal use.
2. Dwelling units, accessory buildings or other structures shall not be constructed be-
low detention/retention dams.
3. When two lots are established immediately adjacent to one another, the two lots may be served by a single driveway or one access point onto any County, State and/

or Federal Road, as approved by the County Engineer. Said access road shall be through a common easement of at least 50 feet in width. Exception to this provision is when said lots are fronting upon a dedicated road/street as part of a subdivision.
4. Kennels shall not be constructed within 1,200 feet of any public use area.
5. The clustering of lots as per the policies in the Webster County Comprehensive Development Plan is highly recommended.
6. Any new subdivision shall comply with all design standards within the Webster County Subdivision Regulations

USES	MIN. LOT AREA (ACRES) (*)	MINIMUM FRONTAGE (FEET) (^)	MINIMUM SETBACKS			MAX. HEIGHT (FEET)	MAX. COVERAGE (%)
			FRONT YARD (FEET) (A)	REAR YARD (FEET) (B)	SIDE YARD (FEET) (C)		
Residential acreages	2	100	25	25	5	35	-
Other Permitted Uses	2	100	25	5	5	35	-
Conditional Uses	2	100	25	5	5	35	-
Accessory Uses	-		25	5	5	35	

Section 4.07 R-2: Urban Residential District
4.07.01 Intent: The R-2 Urban Residential District is intended to create or preserve some land
near the urban communities for rural high density residential home sites. Smaller lot residential home sites will be approved provided that the development is in the form of
an approved subdivision with residential streets and utilities.

4.07.02 Permitted Principal Uses:
The following principal uses are permitted in the R-2 District.
1. Detached single family dwelling units in a residential subdivision.
2. Duplex or two family dwelling units in a residential subdivision.
3. Any use which is interpreted by the Zoning Administrator to be a use similar to the
one of the above-named uses and in conformance with the intent of this district.

4.07.03 Conditional Uses:
The following uses are subject to any conditions listed in this Ordinance and are subject
to other conditions relating to the placement of said use on a specific tract of ground in
the R-2 District as required and approved by the Board of Adjustment.
1. Multi-family dwelling units.
2. Public and Private elementary, junior high schools, middle schools, senior high schools and all associated uses.
3. Churches, and associated halls and residences.
4. Child Care Center.
5. Child Care Home.
6. Private recreational facilities in conjunction with the permitted use.
7. Public sanitary sewage treatment facilities.
8. Country clubs, golf courses, tennis, swimming, jogging, horseback riding, winter sports as associated with subdivisions.
9. Any use which is interpreted by the Zoning Administrator to be a use similar to the
one of the above-named uses and in conformance with the intent of this district.

4.07.04 Accessory Uses:
The following accessory buildings and uses are permitted in this District:
1. Buildings and uses customarily incidental to the permitted principal uses.
2. Temporary buildings and uses incidental to construction work, or those necessary in the event of any emergency as determined by the Zoning Administrator, either of which shall be removed upon the completion or abandonment of the construction work or emergency condition.
3. Parking pursuant to Article 6.
4. Signs pursuant to Article 7.
5. Home Occupations
6. Any use which is interpreted by the Zoning Administrator to be a use similar to the
one of the above-named uses and in conformance with the intent of this district.

4.07.05 Other Applicable Provisions:
1. A lot or parcel of land of record on or before the effective date of this Ordinance
may be built on and used for a permitted principal use.
2. Residential Subdivisions shall gain access on hard-surface Roads/Streets/ Highways. Residential acreages and farm dwellings shall not be allowed on mini-

mum maintenance Roads/Streets/Highways.
3. Dwelling units, accessory buildings or other structures shall not be constructed below detention/retention dams.
4. When two lots are established immediately adjacent to one another, the two lots may be served by a single driveway or one access point onto any County, State and/or Federal Road, as approved by the County Engineer. Said access road shall be through a common easement of at least 50 feet in width. Exception to this provision is when said lots are fronting upon a dedicated road/street as part of a subdivision.
5. Kennels shall not be constructed within 1,200 feet of any public use area.
6. The clustering of lots as per the policies in the Webster County Comprehensive Development Plan is highly recommended.
7. Any new subdivision shall comply with all design standards within the Webster County Subdivision Regulations
8. Livestock shall not be permitted in this district.

Section 4.08: R-3: Mobile Home Residential District
4.08.01 Intent: The intent of the R-3 Mobile Home Residential District shall be to provide for mobile home dwellings on leased or owned property in areas where a mobile home park is appropriate, where such development is recognized as being in the best interests of the citizens and taxpayers of Webster County.

4.08.02 Permitted Principal Uses:
The following uses are permitted in the R-3 Mobile Home Residential District.
1. Single family dwelling.
2. Church, educational facilities and parish house.
3. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named and in conformance with the intent of this district.

4.08.03 Conditional Uses:
The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the R-3 District as required and approved by the Board of Adjustment.
1. Mobile Home Parks provided the Park meets the criteria found in Section 4.09.04.
2. Buildings and uses customarily incidental to the permitted uses.
3. Nursery or day-care schools.
4. Utility installations such as electric substations, sewer lift stations, telephone exchanges, gas regulators and major transmission lines (not including utility office, repair, storage or production facilities).
5. Public and Private elementary, junior high schools, middle schools, senior high schools and all associated uses.
6. Sewage disposal and water supply and treatment facilities.
7. Public buildings.
8. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named and in conformance with the intent of this district.

4.08.04 Mobile Home Park Design Requirements:
1. That the mobile home park shall comply with all sanitary and other requirements prescribed by Webster County and applicable state statutes.
2. That access to the mobile home park shall be from a hard-surfaced road, that number and location of access drives shall be controlled for traffic safety and protection of surrounding properties. Access drives shall be designed to provide adequate access and turnaround for emergency vehicles. No mobile home space shall be designed for direct access to a street outside the boundaries of the park and that the interior access drives shall be properly lit and at least 50 feet in width, paved with asphaltic concrete or P.C.C. and maintained at least 20 feet in width in accord with applicable county specifications and ordinances. Maintenance of drives shall be on a private basis.
3. The topography of the site shall be such as to facilitate rapid drainage and that adequate drainage facilities be provided.
4. That the design evidences a reasonable effort to preserve the natural amenities of the site.
5. The minimum width and/or depth of the mobile home park shall be 200 feet and a minimum total area of the park shall be eight acres, including one-half the width of bordering streets, except that minimum area may be two acres where the proposed park is to be located adjacent to an existing mobile home park containing an area of five acres or more.
6. That at least 20 home sites be provided in the proposed plan. No home sites shall be offered for sale or sold.
7. The mobile home park shall be surrounded by a landscape or wooded strip of open space at least 25 feet wide along street frontage.
8. Each mobile home site shall be provided with individual water and sewer connections to central sewer and water systems.
9. Each mobile home site shall be provided with electrical outlets installed in accordance with appli-

cable codes or ordinances.
10. Adequate area shall be provided in the design for such things as public laundry facilities and storage of recreation equipment and vehicles.
11. No existing mobile home park shall be enlarged or extended while such park does not meet the applicable health or safety requirements or where such park is in violation of regulations and standards regarding sewage treatment or discharge, pollution or water quality.
12. Site Plan Required. Each petition for a change to the "R-3" zoning classification submitted to the Planning and Zoning Commission shall be accompanied by a mobile home park site plan. The Planning and Zoning Commission and the Board of Supervisors shall consider the Plan concurrently with the application for amendment to the zoning map. The Board of Supervisors may approve or disapprove the Plan or require such changes thereto as are deemed necessary to accomplish the intent and purpose of these regulations.

4.08.05 Community Facilities:

1. Each lot shall have access to a hard surfaced drive not less than 22 feet in width excluding parking.
2. Community water and community sewage disposal facilities shall be provided and shall meet all applicable State Laws. The water supply shall be sufficient for domestic use and for fire protection.
3. Service buildings including adequate laundry and drying facilities, and toilet facilities for mobile homes which do not have these facilities within each unit.
4. Not less than eight percent of the total court area shall be designated and used for park, playground and recreational purposes.
5. Storm shelters shall be required and shall meet the following criteria:
a. Shelter space equivalent to two persons per mobile home lot,
b. Designed in conformance with "National Performance Criteria for Tornado Shelters" by the Federal Emergency Management Agency (FEMA) and any other referenced material by FEMA,
6. Shelters shall be sited in order to provide maximum protection to park occupants and so that residents may reach a shelter within the minimum safe time frame as directed by FEMA.

4.08.06 Lot and Area Requirements:

1. The maximum density of units in a mobile home park shall be seven per gross acre and the minimum area for a mobile home site for parking on mobile home shall be 5,000 square feet with no dimension

less than 50 feet, and with corners of each site visibly marked and numbered by a permanent marker. Adjustments between sites may be approved in order to preserve natural amenities. No more than one mobile home shall be parked on any one site.

2. An open space or spaces of not less than 5,000 square feet accessible to all mobile home occupants and suitable for use as a recreational land area shall be provided within the mobile home park at a ratio of a minimum of 400 square feet of recreational area per mobile home site in such park.
3. Dwelling units, accessory buildings or other structures shall not be constructed below detention/retention dams where a registered professional engineer.
4. Yard Requirement:
a. If a lot or tract abuts a county road or state highway, the yard abutting the county road or state highway shall be 60 feet from the right-of-way line, otherwise:
b. For uses permitted in the R-1 and R-2 Residential Districts, the yard requirements are the same as for that district.
c. In a mobile home park, no mobile home shall be parked closer than 50 feet from a public street or road, 10 feet from an interior access drive, or 25 feet from any other mobile home or service building and no part of a mobile home shall extend closer than five feet to the boundaries of the individual mobile home site.
5. Height Requirements:
a. The maximum height for single-family dwellings and all other structures

except mobile homes and those uses specifically exempted shall be 2-1/2 stories, but never more than 35 feet.

b. The maximum height for mobile homes shall be 15 feet.

6. Off-Street Parking and Loading Requirements:

a. At least one off-street parking space shall be provided on each mobile home site, and in addition off-street parking spaces for automobiles shall be provided in the ratio of one-half space per mobile home in locations convenient to groups of homes.
b. Additional off-street parking and loading requirements are contained in Article 6 of this Ordinance.

4.08.07 Plan Requirements:
A complete plan of the mobile home court shall be submitted showing:
1. A development plan and grading plan of the court.
2. The area and dimensions of the tract of land.
3. The number, location, and size of all mobile home spaces.
4. The area and dimensions of the park, playground and recreation areas.
5. The location and width of roadways and walkways.
6. The location of service buildings and any other proposed structures.
7. The location of water and sewer lines and sewage disposal facilities.
8. Plans and specifications of all buildings and other improvements constructed or to be constructed within the mobile home court.

4.08.08 Permitted Accessory Uses:
1. For uses permitted in the R-1 and R-2 Residential Districts
2. For individual mobile home sites: awnings or porches, and one storage building, all
of materials and construction acceptable in accordance with sound building practices and not extending closer than five feet to the boundaries of the individual mobile home site.
3. For the mobile home park: management headquarters, recreational facilities, community building, toilets, showers, coin-operated laundry facilities and vending machines, and other uses and structures customarily incidental to operation of a mobile home park.
4. Home Occupation
5. Any use which is interpreted by the Zoning Administrator to be a use similar to the
one of the above-named and in conformance with the intent of this district.
6. Signs as follows:
a. Any sign permitted in any other Residential District.
b. A sign limited in area 32 square feet, giving the name and/or address or management of a mobile home park.

Section 4.09 C-1: General Commercial District
4.09.01 Intent: The C-1 District is intended and designed to provide for the normal commercial
uses required to serve the traveling public so as to be easily accessible within minimum
distances of homes which can economically support such uses.

4.09.02 Permitted Principal Uses:

The following uses are permitted in the C-1 General Commercial District.
1. Automotive dealers, gasoline service stations and truck stops, automotive repair and miscellaneous repair services.
2. Wholesale trade, auction, and animal sales yard.
3. Building materials, hardware, and garden supply.
4. Farm supplies, feed, equipment, and machinery sales.
5. Furniture, home furnishings, home appliance and equipment sales.
6. Clothing and apparel services, including dressmaking, millinery, shoe repair, furrier, and tailors.
7. Business services including banks, attorneys, insurance agents, real estate offices,
postal stations, printing, credit services, security brokers, title abstracting, finance
services, and investment services.
8. Self-service cleaning establishments including laundromats and laundries.
9. Personal services including barbershops, beauty salons, reducing salons, and photo-
graphic studios.
10. Retail stores including food markets, delicatessens, bakeries, department stores, drug stores, books and stationary stores, shoes and apparel shops, hobby shops, camera and sporting goods stores, hardware stores, gift, jewelry, variety and antique shops, retail mail order shops, retail dairy stores, clothing shops, radio, elec-
tronics and music stores, retail liquor store, paint, flower, wallpaper, floor-covering,
and drapery stores, convenience marts.
11. Food service including restaurants, fast food and drive-in restaurants, ice cream

parlors, and sandwich shops.
12. Health care and social services.
13. Museums, art galleries, and motion picture theaters.
14. Public, governmental, justice, financial, legislative, and administrative offices.
15. Public and private utilities, thoroughfares and facilities, fire and police protection facilities, libraries, schools, churches and associated residences, temples, and hospitals.
16. Railroads and public thoroughfares.
17. Motels and hotels.
18. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named uses and in conformance with the intent of this district.

4.09.03 Conditional Uses:
The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the C-1 District as required and approved by the Board of Adjustment.
1. Planned commercial developments, shopping centers.
2. Bars, taverns, and nightclubs (not including adult establishments).
3. Communications, cable and satellite receiving stations and appurtenances pursuant to Section 8.01 of this Ordinance.
4. Child Care Center.
5. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named and in conformance with the intent of this district

4.09.04 Accessory Uses:
The following accessory buildings and uses are permitted in this District:
1. Buildings and uses customarily incidental to the permitted principal uses.
2. Temporary buildings and uses incidental to construction work, or those necessary in the event of any emergency as determined by the Zoning Administrator, either of which shall be removed upon the completion or abandonment of the construction work or emergency condition.
3. Private recreational facilities in conjunction with the permitted use.
4. Parking pursuant to Article 6.
5. Signs pursuant to Article 7.
6. Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named uses and in conformance with the intent of this district

4.09.05 Other Applicable Provisions:
1. A lot or parcel of land of record on or before the effective date of this Ordinance may be built on and used for a permitted principal use.
2. All parking areas shall be paved.
3. When the side or rear yard abuts a residential use or district, it shall be screened with approved landscape plant materials, walls, or fencing.
4. Dwelling units, accessory buildings or other structures shall not be constructed below detention/retention dams where a registered professional engineer.
5. When two lots are established immediately adjacent to one another, the two lots may be served by a single driveway or one access point onto any County, State and/or Federal Road, as approved by the County Engineer. Said access road shall be through a common easement of at least 50 feet in width. Exception to this provision is when said lots are fronting upon a dedicated road/street as part of a subdivision.
6. Kennels shall not be constructed within 1,200 feet of any public use area.
7. All uses requiring private water and private sewer shall comply with all County and State regulations for water and sanitary sewer.

4.09.06 Height and Lot Requirements:

Section 4.10 I-1 Industrial District
4.10.01 Intent: This zoning district is intended to provide for heavy commercial and industrial land uses that are limited in the intensity. These uses will have a tendency to be low water users and will typically emit minimal amounts of smoke, steam or odors. These uses may or may not require access to railroad sidetracks.

Adult Businesses are regulated in order to control the Secondary affects associated with such uses and is not intended to prohibit these uses from exercising their rights under the U.S. Constitution.

4.10.02 Permitted Principal Uses:

The following principal uses are permitted in the I-1 District.

1. Auction yards
2. Animal sales yard.
3. Wholesale trade, storage, and warehousing.
4. Building materials, hardware, and garden supply.
5. Farm supplies, feed, equipment, and machinery sales.
6. Railroads and public thoroughfares.
7. Carpenter and cabinet shops

8. Clothes dry cleaning and/or dyeing establishments, including those using flammable cleaning fluids with a flash point higher than 100° F.
9. Manufacturing of stone, clay, cement, and glass products.
10. Building construction, general contractors and builders operations.
11. Non-building construction, general contractors and special trade construction contractors.
12. Railroad, trucking, air, water transportation, freight terminals and warehousing facilities.
13. Lumber and wood products.
14. Printing, publishing, and allied products.
15. Electric, gas, water, and sanitary services.
16. Agricultural products and grain elevators.
17. Storage and sale of liquid or solid fertilizers.
18. Welding and other metal working shops.
19. Carpet and rug cleaning, provided the necessary equipment is installed and operated for the effective precipitation or recovery of dust.
20. Bakeries, other than those whose products are sold as retail on the premises.
21. Carting, express, hauling or storage yards.
22. Concrete mixing and concrete products.
23. Creamery, dairy, bottling works, ice cream manufacturing (wholesale). Ice cream manufacturing and cold storage plants.
24. Enameling or lacquering.
25. Laboratories – experimental, film, or testing.
26. Machine shops.
27. Manufacturing of personal and household goods, including but not limited to:

a. musical instruments,
b. novelties,
c. electrical appliances,
d. electronic devices,

28 Manufacturing of pottery and/or ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.
29 Manufacturing and repair of electric signs and advertising structures.
30 Manufacturing of sheet metal products including heating and ventilating equipment.
31 Manufacturing of wood products, not involving chemical treatment, including sawmills and planning mills.

32 Manufacturing, compounding, processing, packaging or treatment of cosmetics, pharmaceuticals
33 Manufacturing of meat, food, and kindred products
34 Manufacturing of textile mill products
35 Manufacturing of apparel and other products of fabrics, leather, and similar materials.
36 Furniture and fixtures products.
37 Manufacturing of paper and allied products.
38 Manufacturing of chemicals and allied products.
39 Manufacturing of petroleum and related products.
40 Any use which is interpreted by the Zoning Administrator to be a use similar to the one of the above-named and in conformance with the intent of this district

4.10.03 Conditional Uses:

The following uses are subject to any conditions listed in this Ordinance and are subject to other conditions relating to the placement of said use on a specific tract of ground in the I-1 District as required and approved by the Board of Adjustment.

1. Communications and television services and towers, See Section 8.01
2. Manufacturing of rubber and miscellaneous plastic products.
3. Manufacturing of metal products.
6. Auto wrecking, salvage, or junk yards provided:

a. Facilities are enclosed and located at least 150 feet from county roads and 500 feet from state or federally designated highways.
b. Said operation shall be located no closer than 2,500 feet from any residential use.
c. Facility shall be enclosed with a solid fence not less than six feet in height and no more than 10 feet tall.

d. Materials stored within the facility shall not be allowed to be stacked higher than the fencing.
e. Facilities shall comply with all Federal and State regulations and permits prior to commencing operations.
f. In no case shall hazardous substances be stored on the premises except for motor oil and gasoline, and other approved materials necessary to operate the facilities machinery.
g. Any violation of these conditions, additional conditions placed upon a facility, and/or the violation any Federal and/or State regulations may cause this permit to be invalidated and the operation to be closed.
h. Upon permanent closure of a facility, for any reason, commencement of clean up and mitigation of all hazardous conditions shall begin and continue until the site has been declared complete by the County, State, and/or Federal authorities.
i. Owner shall be required to submit a Performance Bond in the amount of $50,000.00

7. Reconstruction and expansion of nonconforming residences;
8. Manufacturing of photographic and optical products.
9. Animal rendering and hide curing.
10. Any use which is interpreted by the Zoning Administrator to be a use similar to the
one of the above-named and in conformance with the intent of this district
11. Adult Entertainment establishments.
a. No Adult business shall be closer than 1,000 feet to any similar use and no closer than 1,000 feet to a residential district / use, religious uses, educational uses and recreational uses. Measurements shall be made in a straight line, without regard to intervening structures or objects, from the main entrance of such adult business to the point on the property line of such other adult business, residential district / use, religious use, educational uses and recreational use.

b. Said businesses shall be screened along adjoining property lines as to prevent any direct visual contact of the adult business at the perimeter.
c. All booths and other preview areas shall have all doors, curtains and any other means of obstruction shall be removed and kept off at all times during the execution of this Permit. Failure to comply with this condition shall result in revocation of the Conditional Use Permit. This shall apply to but not limited to

Adult Novelty Businesses, Adult Motion Picture Arcades, Adult Mini-Motion Picture Theaters, and Adult Motion Picture Theaters.
d. No adult business shall be open for business between the hours of 2 a.m. and six a.m.
e. The proposed location, design, construction and operation of the particular use adequately safeguards the health, safety, and general welfare of persons residing or working in adjoining or surrounding property,
f. Such use shall not impair an adequate supply of light and air to surrounding property,
g. Such use shall not unduly increase congestion in the streets or public danger of fire and safety,
h. Such use shall not diminish or impair established property values in adjoining or surrounding property,
i. Such use shall be in accord with the intent, purpose and spirit of this Ordinance and the Comprehensive Development Plan of Webster County,
j. Applications for adult businesses under the terms of this Section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a site plan defining the areas to be developed for buildings and structure, the areas to be developed for parking, driveways and points of ingress and egress, the location and height of walls, the location and type of landscaping, the location, size and number of signs and the manner of providing water supply and sewage treatment facilities.
k. An adult business shall post a sign at the entrance of the premises which shall state the nature of the business and shall state that no one under the age of 18 years of age is allowed on the premises. This Section shall not be construed to prohibit the owner from establishing an older age limitation for coming on the premises.
l. Prohibited Activities of Adult Businesses:
i. No adult business shall employ any person under 18 years of age
ii. No adult business shall furnish any merchandise or services to any person who is under 18 years of age
iii. No adult business shall be conducted in any manner that permits the observation of any model or any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decoration, sign, show window or other opening from any public way or from any property not licensed as an adult use. No operator of an adult business or any officer, associate, member, representative, agent, owner, or employee of such business shall engage in any activity or conduct in or about the premises which is prohibited by this Ordinance or any other laws of the State.
iv. No part of the interior of the adult business shall be visible from the pedestrian sidewalk, walkway, street, or other public or semi-public area.

4.10.04 Accessory Uses:
The following accessory buildings are permitted in this District.
1. Buildings and uses customarily incidental to the permitted principal uses.
2. Temporary buildings and uses incidental to construction work, or those necessary in the event of any emergency as determined by the Board of Supervisors, either of which shall be removed upon the completion or abandonment of the construction work or emergency condition.
3. Private recreational facilities used in conjunction with the permitted use.
4. Parking pursuant to Article 6.
5. Signs pursuant to Article 7.

4.10.06 Other Applicable Provisions:

1. When the side or rear yard abuts a residential use or district, the outside boundaries
shall be screened with approved landscape plant materials, walls, or fencing.
2. Environmental performance standards: Any use under the provisions of this Section

shall comply with environmental performance standards relating to noise, emission, dust, odor, glare, and heat. These performance standards are located in Section 4.11.08.
3. Dwelling units, accessory buildings or other structures shall not be constructed be-
low detention/retention dams where a registered professional engineer.
4. When two lots are established immediately adjacent to one another, the two lots may be required to be served by a single driveway or one access point onto any County Road as approved by the County Engineer, or along any State and/or Federal Road as approved by the Iowa Department of Transportation. Said access road shall be through a common easement of at least fifty feet in width. Exception to this provision is when said lots are fronting upon a dedicated road/street as part of a subdivision.
5. Kennels shall not be constructed within 1,200 feet of any public use area.
5. All uses requiring private water and private sewer shall comply with all County and
State regulations for water and sanitary sewer.

4.10.07 Height and Lot Requirements:

4.10.08 Performance Standards:

1. Physical Appearance: All operations shall be carried on within an enclosed build-
ing except that new materials or equipment in operable condition may be stored in

the open. Normal daily wastes of an inorganic nature may be stored in containers not in a building when such containers are not readily visible from a street. The provisions of this paragraph shall not be construed to prohibit the display of merchandise or vehicles for sale or the storage of vehicles, boats, farm machinery, trail-
ers, mobile homes, or similar equipment when in operable condition.
2. Fire hazard: No operation shall involve the use of highly flammable gasses, acid,
liquids, grinding processes, or other inherent fire hazards. This provision shall not be construed to prohibit the use of normal heating fuels, motor fuels and welding gases when handled in accordance with other regulations of local, state, and federal authorities.
3. Noise: No operation shall be carried on which involves noise in excess of the nor-
mal traffic noise of the adjacent street at the time of the daily peak hour of traffic
volume. Noise shall be measured at the property line and when the level of such noise cannot be determined by observation with the natural senses, a suitable instrument may be used and measurement may include breakdowns into a reasonable number of frequency ranges.
4. Sewage and Liquid Wastes: No operation shall be carried on which involves the discharge into a sewer, water course, or the ground, liquid waste of any radioactive or poisonous nature or chemical waste which are detrimental to normal sewage plant operation or corrosive and damaging to sewer pipes and installations.
5. Air Contaminants:
a. Air Contaminants and smoke shall be less dark than designated Number One on the Ringleman Chart as published by the United States Bureau of Mines, except that smoke of a density designated as Number One shall be permitted for one four minute period in each one-half hour. Light colored contaminants of such opacity as to obscure an observer's view to a degree equal to or greater than the aforesaid shall not be permitted.
b. Particulate matter of dust as measured at the point of emission by any generally accepted method shall not be emitted in excess of two tenths (0.2) grains per cubic foot as corrected to a temperature of 500 degrees Fahrenheit, except for a period of four minutes in any one-half hour, at which time it may equal but not exceed six tenths (0.6) grains per cubic foot as corrected to a tempera-

ture of 500 degrees Fahrenheit.
c. Due to the fact that the possibilities of air contamination cannot reasonably be comprehensively covered in this section, there shall be applied the general rule that there shall not be discharged from any sources whatsoever such quantities of air contaminants or other material in such quantity as to cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public in general; or to endanger the comfort, repose, health, or safety of any such considerable number of persons or to the public in general, or to cause, or have a natural tendency to cause injury or damage to business, vegetation, or property.
6. Odor: The emission of odors that are generally agreed to be obnoxious to any considerable numbers of persons, shall be prohibited. Observations of odor shall be made at the property line of the establishment causing the odor. As a guide to classification of odor it shall be deemed that strong odors of putrefaction and fermentation tend to be obnoxious and that such odors as associated with baking or the roasting of nuts and coffee shall not normally be considered obnoxious within the meaning of this Ordinance.
7. Gases: The gases sulphur dioxide and hydrogen sulphide shall not exceed five parts per million, carbon monoxide shall not exceed five parts per million. All measurements shall be taken at the zoning lot line.
8. Vibration: All machines including punch presses and stamping machines shall be so mounted as to minimize vibration and in no case shall such vibration exceed a displacement of three thousands (0.003) of an inch measured at the zoning lot line. The use of steam or broad hammers shall not be permitted in this zone except during construction.
9. Glare and heat: All glare, such as welding arcs and open furnaces shall be shielded so that they shall not be visible from the zoning lot line. No heat from furnaces or processing equipment shall be sensed at the zoning lot line to the extent of raising the temperature of air or materials more than five degrees Fahrenheit.

Section 4.11 AG/I Agricultural/Industrial District
4.11.01 Intent: The AG/I District is intended for the application to large planned industrial areas designed for multiple users. The AG/I District permits light and heavy industrial uses related to the processing of agricultural products and co-products, industries manufacturing products used in agriculture or agricultural processing, and non-commercial support industries. The AG/I District is not intended for general manufacturing or commercial service uses.

4.11.02 Permitted Principal Uses:
The following principal uses are permitted in the AG/I District.
1. Agricultural crop production including greenhouses.
2. Grain storage and distillation facilities
3. Milling, refining, and other processing of agricultural products.
4. Industries using agricultural products or co-products of agricultural processing in their manufacturing, processing, production, and refining operations.
5. Educational, research, and testing facilities related to agricultural production or the development of goods derived from agricultural products.
6. Manufacturing of materials, machinery, and equipment used in agricultural production or in the processing of agricultural products.
7. Chemical and pharmaceutical research, testing, storage, distribution, and manufacturing.
8. Storage and warehousing related to products manufactured in the AG/I District.
9. Cold storage warehousing using carbon dioxide or other gases manufactured in the Ag/I District.
10. Rail infrastructure including yards, storage, and switching, and facilities for the assembly, maintenance, and repair of rail cars or locomotives.
11. Public and private utilities.
12. Transmitters, towers, and receiver equipment

4.11.03 Conditional Uses:
The following uses are allowed only when Webster County has determined that all the conditions for said use have been met and/or that the uses present no threat to the health, safety and general welfare of the general public and/or the natural environment.
1. None

4.11.04 Accessory Uses:
The following accessory buildings are permitted in this District.
1. Buildings and uses customarily incidental to the permitted principal uses.
2. Temporary buildings and uses incidental to construction work, or those necessary in the event of any emergency as determined by the Board of Supervisors, either of which shall be removed upon the completion or abandonment of the construction work or emergency condition.

3. Essential services.
4. Parking pursuant to Article 6.
5. Signs pursuant to Article 7.

4.11.05 Prohibited Uses:
The following uses shall not be permitted.
1. Residential uses.
2. Retail establishments.
3. Motor vehicle repair and maintenance, except when permitted as an accessory use to a principal permitted use in the district, and intended only for the repair and maintenance of vehicles owned or leased by the principal user.
4. Manufacturing and warehousing uses that do not meet the criteria for a permitted principal use.

4.11.06 Other Applicable Provisions:
1. The following landscaping standards shall be observed during development of properties within the AG/I District:
a. A row of densely-spaced evergreens shall be planted along the northern and western edges of parking areas with an area greater than 30,000 square feet as a windbreak.
b. A berm with evergreen buffer strip shall be provided along major frontage roads to mitigate off-site impacts of noise and light.
2. Off-street parking and loading shall be provided in accordance with the provisions
of Article 6 of this Ordinance in addition to the following:
a. All parking and private drives within the AG/I District shall have an asphalt surface.

4.11.07 Height and Lot Requirements:
The minimum area to which the AG/I District may be applied shall not be less than 400 contigu-
ous acres.

Section 4.12 ME Mineral Extraction District

4.12.01Intent: This zoning district is intended to provide for the continuation and eventual ex-
pansion of the different mineral extraction companies within Webster County.
This Section has been developed in conjunction with the identified Mineral Extraction districts on the Future Land Use Map and Official Zoning Map.

4.12.02 Permitted Principal Uses:
The following principal uses are permitted in the ME District.
1. General agricultural operations including crops and pastureland.
2. Mineral extraction, processing, and transporting provided it is located within an identified ME District on the Future Land Use Map and Zoning Map
3. Offices, shops, and other structures associated with an allowed use.
4. Wholesale trade, storage, and warehousing. associated with the principal use..
5. Railroads and public thoroughfares associated with the principal use.
6. Manufacturing of products related to the minerals extracted.

4.12.03 Conditional Uses:
The following uses are allowed only when Board of Adjustment determines that the use presents no threat to the natural environment or to the health, safety and general welfare
of the general public.
1. Parks and recreational facilities when implemented as part of a reclamation plan for
the mined areas.
2. Residential developments implemented as part of a reclamation plan for the mined areas.

4.12.04 Accessory Uses:
The following accessory buildings are permitted in this District.
1. Buildings and uses customarily incidental to the permitted principal uses.
2. Temporary buildings and uses incidental to construction work, or those necessary in the event of any emergency as determined by the Zoning Administrator, either of which shall be removed upon the completion or abandonment of the construction work or emergency condition.
4. Parking pursuant to Article 6.
5. Signs pursuant to Article 7.

4.12.05 Other Applicable Provisions:
1. Any use allowed in a Mineral Extraction District shall comply with state standards for off-site effects.
2. No structure occupied by humans or animals shall be constructed within 1,200 feet of any public use area.
3. The best practical means available for the disposal of refuse matter or water-carried
waste, the abatement of noxious or offensive odors, dust, smoke, gas, noise or similar nuisance shall be employed.

4. All facilities required for discharge, collection and treatment of liquid, solid or gaseous wastes shall be designed, constructed and operated in accordance with regulations of the Iowa Department of Natural Resources.
5. All mining activities within 50 feet of the right-of-way of a paved road shall have an earthen berm a minimum of six feet high above the driving surface between the road and the edge of the mining activities, with said berm to have a perennial vegetative cover.
6. A permit for a mineral extraction use shall not approved until the County Engineer has signed off on the roads system.

4.12.06 Height and Lot Requirements:
Structures associated with manufacturing uses may have a maximum height of 100 feet

Section 4.13 APT Airport Overlay District

4.13.01 Intent:

This zoning district is intended protect the environs of the Fort Dodge Regional Airport by regulating specific uses with regard to building and structure height as provided for in Iowa Code Chapter 329.

4.13.02 Any building or structure, including those listed in Article 4 above, extending above the Airport Imaginary Surfaces as defined in Section 4.14.05 is prohibited. The Airport Imaginary Surfaces are shown on the current Part 77 Airspace Drawing prepared by Coffman Associates-Airport Consultants dated January 4, 2000.
4.13.03 All zoning permits issued on property under the Airport Imaginary Surface are issued with the condition that all necessary permits/forms have been or will be obtained/completed from the Federal Aviation Administration. This includes, but is not limited to, FAA Form 7460-1 "Notice of Proposed Construction or Alteration".
4.13.04 The Fort Dodge Regional Airport, military units, or state and federal government agencies are exempt from all regulations in this Section.
4.13.05 Definitions.

Airport shall mean any area of land or water designed and set aside for the landing and take-off of aircraft and utilized, or to be utilized, in the interest of the public for such purposes.

Airport Imaginary Surfaces shall mean those imaginary areas in space, which are defined by the Approach Surface, Transitional Surface, Horizontal Surface, and Conical Surface. Any building or structure extending above these imaginary surfaces is an Airport Hazard.

Approach Surface shall mean a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. The inner edge of the approach surface is the same width as the primary surface and extends to a width of: 3,500 feet for a non-precision instrument runway, having visibility minimums greater than ¾ of statue mile; and 16,000 feet for precision instrument runways. The approach surface extends for a horizontal distance of 10,000 feet at a slope of 34 feet outward to each foot upward (34:1) for all non-precision instrument runways; and precision instrument runways extend a horizontal distance of 10,000 feet at a slope of 50 feet outward for each foot upward (50:1); thence slopes upward 40 feet outward for each foot upward (40:1) an additional distance of 40,000 feet.

Conical Surface shall mean a surface that extends 20 feet outward for each one foot upward (20:1) for 4,000 feet beginning at the edge of the horizontal surface (10,000 feet from the center of each end of the primary surface at 150 feet above airport elevation) and upward extending to a height of 350 feet above the airport elevation.

Horizontal Surface shall mean a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 10,000 feet from the center of each end of the primary surface of the runway and connecting the adjacent arcs by lines tangent to those arcs.

Primary Surface shall mean a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway. The width of the primary surface is 500 feet for runways having only visual approaches or non-precision instrument approaches with visibility minimum greater than ¾ of a mile and 1,000 feet for precision instrument runways.

Transitional Surface shall mean a surface that extends seven feet outward for each one foot upward (7:1) beginning on each side of the primary surface which point is the same elevation as the runway surface, and form the sides of the approach surfaces thence extending upward to a height of 150 feet above the airport elevation.

4.13.06 Procedures

1. Any building or structure extending above the Airport Imaginary Surfaces as defined in this Section is prohibited. The Airport Imaginary Surfaces are shown on the current Fort Dodge Regional Airport Land Use & Height Overlay Zoning Map consisting of one sheet, prepared by City of Fort Dodge, and dated March 2009, attached as Exhibit A to this Ordinance. Such Official Airport Land Use & Height Overlay Zoning Map, may be amended, and all notations, references, elevations, data, zone boundaries, and other information thereon, is hereby adopted as part of this Ordinance.
2. All zoning permits issued on property under the Airport Overlay District are issued with the condition that all necessary permits/forms have been or will be obtained/completed from the Federal Aviation Administration. CFR Title 14 Part 77.13 states that any person/ organization who intends to sponsor any of the following construction or alterations must file FAA Form 7460-1 "Notice of Proposed Construction or Alteration" when:
-any construction or alteration exceeding 200 ft above ground level
-any construction or alteration:
-within 20,000 ft of a public use or military airport which exceeds a 100:1 surface from any point on the runway of each airport with at least one runway more than 3,200 ft.
any highway, railroad or other traverse way whose prescribed adjusted height would exceed the above noted standards when requested by the FAA

ARTICLE 5 - CONDITIONAL USE REGULATIONS

Section 5.01 Intent
Many land use activities, while not inherently inconsistent with other permitted uses in a particular zoning district, may have significant impact on the surrounding area. Conditional use permits for such uses allow special conditions to be "attached" to the development to address those impacts. The conditional use permit process provides for flexibility in identifying the special conditions without making the Ordinance unreasonably complicated. The objective of the conditional use permit process is to encourage compatibility of the proposed development with the environment, and with existing and future land uses in the area.

Section 5.02 Conditional Use Permit Required
Those uses which require a Conditional Use Permit are listed in the individual districts, as well as those having the discretion of the Zoning Administrator.

Section 5.03 Issuance of Conditional Use Permit
1. A conditional use permit may be issued only after review and approval of the submitted application, including any plans, by the Board of Adjustment. An application and plan shall only be approved upon determination that

the development, if completed as proposed, will comply with the provisions of this chapter.
2. The conditional use permit shall be issued in the name of the applicant (except that applications submitted by an agent shall be issued in the name of the principal), shall identify the property involved and the proposed use, and shall incorporate by reference the approved application and plan. The permit shall contain any special conditions or requirements lawfully imposed by the Board of Adjustment.
3. All development shall occur strictly in accordance with such approved application and plan.

Section 5.04 Application for Conditional Use Permits
1. The applicant for a conditional use permit must be a person with the legal authority to take action in accordance with the permit. In general, this means that applications should be made by the owners or lessees of the subject property or their agents, or persons who have contracted to purchase property contingent upon their ability to acquire the necessary permits, or their agents.
2. The application must be submitted on an approved form and must be complete. An application shall be complete when it contains all the information necessary for the Board of Adjustment to decide whether the development, if completed as proposed, will comply with all of the requirements of this section. Unless the Zoning Administrator informs the applicant at the hearing in what way the application is incomplete, the application shall be presumed to be complete. If the application is deemed incomplete, the Zoning Administrator will not schedule the hearing until it has been completely filled out.
3. To minimize planning costs to the developer, avoid misunderstandings or misinterpretations, and to ensure compliance with the requirements of this section, a pre-application conference between the developer and the Zoning Administrator is encouraged.

Section 5.05 Notification
Notification will be posted as per Section 3.07.

Section 5.06 Standards for Approval
1. The Board of Adjustment shall review the proposed development for conformance to the following development criteria:
A. Compatibility. The proposed buildings or use shall be constructed, arranged and operated so as to be compatible with the character of the zoning district and immediate vicinity, and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations. The proposed development shall not be unsightly, obnoxious or offensive in appearance to abutting or nearby properties.
B. Transition. The development shall provide for a suitable transition, and if necessary, buffer between the proposed buildings or use and surrounding properties.
C. Traffic. The development shall provide for adequate ingress and egress, with particular attention to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access.
D. Parking and Loading. The development shall provide all off-street parking and loading areas as required by this Ordinance, and adequate service entrances and areas. Appropriate screening shall be provided around parking and service areas to minimize visual impacts, glare from headlights, noise, fumes or other detrimental impacts.
E. Signs and Lighting. Permitted Signage shall be in accordance with the applicable district regulations and shall be compatible with the immediate vicinity. Exterior lighting, if provided, shall be with consideration given to glare, traffic safety and compatibility with property in the immediate vicinity.
F. Environmental Protection. The development shall be planned and operated in such a manner that will safeguard environmental and visual resources. The development shall not generate excessive noise, vibration, dust, smoke, fumes, odor, glare, groundwater pollution or other undesirable, hazardous or nuisance conditions, including weeds.

2. If the Board of Adjustment concludes that all development criteria will be met by the development, it shall

approve the application and plans unless it concludes, based on the information submitted at the hearing, that if
completed as proposed there is a strong probability the development will:
A. Not adequately safeguard the health, safety and general welfare of persons residing or working in adjoining
or surrounding property, or
B. Impair an adequate supply (including quality) of light and air to surrounding property, or
C. Unduly increase congestion in the roads, or the hazard from fire, flood or similar dangers, or
D. Diminish or impair established property values on adjoining or surrounding property, or
E. Not be in accord with the intent, purpose and spirit of the Zoning Ordinance or Comprehensive
Development Plan.

Section 5.07 Burden of Persuasion
The burden of persuasion as to whether the development, if completed as proposed, will comply with the require-
ments of this chapter is at all times on the applicant. The burden of presenting evidence to the Board of Adjustment
sufficient enough for it to conclude that the application does not comply with the requirements of this section is upon
the person or persons recommending such a conclusion, unless the information presented by the applicant warrants
such a conclusion.

Section 5.08 Board of Adjustment Action on Applications
In considering whether to approve an application for a conditional use permit, the Board of Adjustment shall proceed
according to the following format:
1. The Board of Adjustment shall establish findings of fact based upon information contained in the application, the
staff report and information gather at the Board of Adjustment hearings.
2. The Board shall consider such reasonable requirements or conditions to the permit as will ensure the develop-
ment will satisfy the requirements of this chapter. A vote may be taken on such conditions before consideration
of whether the permit should be approved or denied for any of the reasons set forth in 3 or 4.
3. The Board of Adjustment shall consider whether the application complies with all of the applicable development
criteria set forth in 5.06. Separate votes may be taken with respect to each criterion. If the Board of Adjustment
concludes that the application fails to meet one or more of the criteria, the application shall be denied.
4. If the Board of Adjustment concludes that all such criteria have been met, the application shall be approved
unless it adopts a motion that the application fails to meet any of the approval standard set forth in 5.06. Sepa-
rate votes may be taken with respect to each standard.

Any such motion regarding compliance or noncompliance of the application to the development criteria or ap-
proval standards shall specify the supporting reasons for the motion. It shall be presumed the application com-
plies with all criteria and standards not specifically found to be unsatisfied.

Without limiting the foregoing, the Board of Adjustment may attach to a permit a conditions it deems necessary
to protect the health, safety, and general welfare of the public.

All conditions or requirements shall be entered on the permit.

Section 5.09 Expiration of Permits
1. A conditional use permit shall expire automatically (a) if, within one year after issuance, substantial action has
not been taken to accomplish the purpose for which the permit was granted, or (b) if, after substantial action has
been taken and subsequently such work is discontinued for a period of one year, the permit shall immediately
expire, or (c) if the conditional use has been established and subsequently is discontinued for a period of one
year, the permit shall immediately expire.

2. The Board of Adjustment may extend for a period up to one year the date when a permit would otherwise expire
if it concludes that (a) the permit has not expired, or (b) the permit recipient has proceeded in good faith and with

due diligence, or (c) conditions have not changed so substantially as to warrant a new application. Successive extensions may be granted for periods up to one year upon the same findings. All such extensions may be granted without reversion to the formal processes and fees required for the original permit.

3. For purposes of this section, the conditional use permit is issued when the Board of Adjustment votes to approve the application and plans. Substantial action shall include commencement of construction, erection, alteration, demolition or similar work required for the development authorized by the permit.

Section 5.10 Effect of Permit on Successors and Assigns

A conditional use permit authorizes the permit holder the use of land or structures in a particular way and subject to certain conditions. As such, it is transferable. However, no person (including successors or assigns of the original permit holder) may make use of the land or structures covered under such permit except in accordance with all terms and requirements of the permit, so long as the permit remains in effect.

Section 5.11 Amendments and Modifications

1. Insignificant modifications to the approved permit are permissible upon authorization by the Zoning Administrator. A modification is insignificant if it has no discernible impact on neighboring properties, the general public or those intended to use or occupy the proposed development.

2. Minor modifications to the approved permit are permissible with the approval of the Board of Adjustment. Such permission may be obtained without a formal application, public hearing or payment of fees. A modification is minor if it has no substantial impact on neighboring properties, the general public or those intended to use or occupy the proposed development.

3. All other requests for modifications to the approved permit will be processed as new applications. New conditions may be imposed by the Board of Adjustment, but the applicant retains the right to reject such new conditions by withdrawing the request for modifications and proceeding under the terms and conditions of the original permit.

4. The permit holder requesting approval of modifications shall submit a written request (including plans as necessary) for such approval to the Administrator, and the request shall specifically identify the modifications. The Administrator shall determine whether the proposed modification falls within the categories set forth in Subsections 1, 2 and 3.

5. Approval of all modifications must be given in writing.

ARTICLE 6: PARKING REGULATIONs

Section 6.01 Off-Street Automobile Stprage

6.01.01 Design Criteria

Off-street automobile storage or standing space shall be provided on any lot on which any of the following uses are hereafter established; such space shall be provided with vehicular access to a street or an alley. For purposes of computing the number of parking spaces available in a given area, the ratio of 250 square feet per parking space shall be used.

6.01.02 Use of other Parking not on Site

If vehicle storage space or standing space required herein cannot be reasonably provided on the same lot on which the principal use is conducted in the opinion of the Zoning Administrator, the Zoning Administrator may permit such space to be provided on other off-street property, provided such space lies within 400 feet of an entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

1. Where off-street parking is located on a lot other than the lot occupied by the use that requires it, site plan approval for both lots is required.

6.01.03 Parking Lot Design and Maintenance

1. Paving: All off-street parking areas within all zoning, districts, unless otherwise exempted, shall be paved with asphalt or concrete. All materials shall be designed to meet AASHTO standards for the ap-

propriate type of traffic that will be using the off-street parking area. Alternate all-weather dust-free,
permeable paving materials may be approved by the County Engineer when needed as a stormwater
treatment facility.
2. Maintenance: Parking areas shall be properly graded for drainage and maintained in good condition
free of weeds, dust, trash, and debris.
3. Wheel Stops: Boundary or perimeter areas shall be provided with wheel guards, bumper guards, or con-
tinuous curbing so located that no parked vehicles will extend beyond the property line of the parking
area.
4. Wheel Stops: One wheel stop shall be placed at the end of each parking space.
5. Lighting: Parking areas shall be designed and laid out so that the source of any lighting is concealed
from public view and from adjacent residential properties, and does not interfere with traffic in any ad-
jacent street.
6. Standard parking stall dimensions shall not be less than nine feet by 18 feet, plus the necessary space
for maneuvering into and out of the space. Where the end of the parking space abuts a curbed area at
least five feet in width (with landscaping or sidewalk), an overhang may be permitted which would re-
duce the length of the parking space by two feet. Such overhang shall be measured from the face of the
curb.
7. Minimum dimensions for a parallel parking space shall be nine feet by 23 feet.
8. For standard parking lots, minimum dimensions shall be as follows:
Section 6.02 Off-Street Parking: Parking for Individuals with Disabilities
1. A portion of the total number of required parking spaces in each off-street parking area shall be specifically des-
ignated, located and reserved for use by persons with disabilities.
2. The minimum number of spaces to be provided shall be a portion of the total number of parking spaces required,
as determined from the following schedule. Parking spaces reserved for persons with disabilities shall be counted
toward fulfilling the overall off-street parking standards.

Total Parking Spaces	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2 percent of the total
1,001 and over	20 plus 1 for each 100 over 1,000

3. Access aisles adjacent to accessible spaces shall be 60 inches wide minimum. However, one in every eight ac-
cessible spaces (1:8), but not less than one, shall be served by an access aisle 96 inches wide minimum and shall
be designated "van accessible" as required by Section 7.03.09 of these Regulations. The vertical clearance at
such spaces shall comply with 7.03.10 of these Regulations. All such spaces may be grouped on one level of a
parking structure.
4. Parking access aisles shall be part of an accessible route to the building or facility entrance. Two accessible
parking spaces may share a common access aisle.
5. Parked vehicle overhangs shall not reduce the clear width of an accessible route. Parking spaces and access
aisles shall be level with slopes not exceeding 1:50 (2 percent) in all directions.
6. If passenger-loading zones are provided, then at least one passenger loading zone shall comply with 7.03.12 of
these Regulations.
7. At facilities providing medical care and other services for persons with mobility impairments, parking spaces
complying with 6.02 of these Regulations.

8. Outpatient units and facilities: 10 percent of total number of parking spaces provided serving each such outpatient unit or facility;

9. Units and facilities that specialize in treatment or services for persons with mobility impairments: 20 percent of the total number of parking spaces provided serving each such unit or facility.

10. Valet parking facilities shall provide a passenger loading zone complying with 6.02.12 of these Regulations located on an accessible route to the entrance of the facility. Sections 6.02.01 and 6.02.03, of these Regulations do not apply to valet parking.

11. Location of accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance.

12. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility.

13. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closet to the accessible entrances.

14. Signage of accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Spaces complying 6.02.02 shall have an additional sign with the words "Van Accessible" mounted below the symbol of accessibility. Such signs shall be located so they cannot be obscured by a vehicle parked in the space.

15. Minimum vertical clearance of 114 inches shall be provided at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with 6.02.02, minimum vertical clearance of 98 inches shall be provided at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).

16. Passenger Loading Zones shall provide an access aisle at least 60 inches wide and 20 feet long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp complying with accessibility standards shall be provided. Passenger loading zones and access aisles shall be level with surface slopes not exceeding 1:50 (2 percent) in all directions.

Section 6.03 Schedule of Minimum Off-street Parking and Loading Requirements

Uses	Parking Requirements	Loading Requirements
Adult entertainment establishments		
Bowling Alleys	One space per two persons of licensed capacity	None required
	Four spaces per alley	One space per establishment
Churches, Synagogues, and Temples	One space per four seats in main worship area	None required
Clubs, including fraternal organizations	One space per 500 s.f. of gross floor area	None required
College/University	One spaces per every two students of occupancy plus one per employee.	Two spaces per structure
Commercial Uses		
Agricultural Sales / Service	One space per 500 s.f. of gross floor area	One space per establishment
Automotive Rental / Sales	One space per 500 s.f. of gross floor area	One space per establishment
Automotive Servicing	Three spaces per repair stall	None required
Bars, Taverns, Nightclubs	Parking equal to 30% of licensed capacity	Two spaces per establishment
Body Repair	Four spaces per repair stall	None required
Equipment Rental / Sales	One space per 500 s.f. of gross floor area	One space per establishment
Campground	One space per camping unit	None required
Commercial Recreation	One space per four persons of licensed capacity	One space per establishment
Communication Services	One space per 500 s.f. of gross floor area	One space per establishment
Construction Sales / Service	One space per 500 s.f. of gross floor area	One space per establishment
Food Sales (limited)	One space per 300 s.f. of gross floor area	One space per establishment

Food Sales (general) One space per 200 s.f. of gross floor area Two spaces per establishment
General Retail Sales establishments One space per 200 s.f. of gross floor area One space per establishment
Laundry Services One space per 200 s.f. of gross floor area None required
Restaurants w/ drive-thru One space per 150 s.f. of gross floor area One space per establishment
Restaurants (General) Parking equal to 40% of licensed capacity Two spaces per establishment
Convalescent and Nursing Home Services One space per three beds plus one per employee on the largest shift
Two spaces per structure
Day Care One space per employee plus one space or loading stall per each 10 persons of
licensed capacity

None required

Educational Uses, Primary facilities Two spaces per classroom Two spaces per structure
Educational Uses, Secondary facilities Eight spaces per cla sroom plus one space per employee on largest shift Two spaces per structure

Funeral Homes and Chapels

Eight spaces per reposing room Two spaces per establishment

Group Care Facility One space per four persons of licensed capacity Two spaces per structure
Group Home One space per four persons of licensed capacity Two spaces per structure
Guidance Services One space per 300 s.f. of gross floor area None required

Hospitals One and one-half spaces per two licensed beds; plus, .75 times the maximum number of employees during the largest shift.

Three spaces per structure

Hotels and Motels
Housing (Congregate)
Assisted-living facilities

Duplex
Multi-family / Apartments

One space per rental unit

One space per dwelling unit plus one space per employee on the largest shift

Two spaces per dwelling unit
One space per sleeping unit - spaces to be sited in the general proximity of where the sleeping units are located, plus, one additional space per apartment (for 1- and 2-sleeping units), and one and one-half spaces per apartment (for 3-sleeping units) to accommodate guest parking.

One space per establishment

One space per structure

None required
None required

Industrial Uses .75 times the maximum number of employees during the largest shift
Two spaces per establishment

Libraries
One space 500 s.f. of gross floor area One space per establishment

Boarding Houses / Bed and Breakfasts Onpace per rental units None required

Medical Clinics
Five spaces per staff doctor, dentist, chiropractor None required

Mobile Home Park Two spaces per dwelling unit None required
Offices and Office Buildings One space per 200 s.f. of gross floor area None required

Residential (Single-family, attached and
detached)
Two spaces per dwelling unit None required

Roadside stands
Four spaces per establishment

None required

Service Oriented Establishments One space per 200 s.f. of gross floor area One space per establishment

Theaters, Auditoriums, and Places of Assembly

One space per four persons of licensed capacity One space per establishment

Veterinary Establishments Three spaces per staff doctor None required
Wholesaling / Distribution Operations One space per two employees on the largest shift Two spaces per establishment

ARTICLE 7: SIGN REGULATIONS

Section 7.01 Signs: Standard of Measurement
7.01.01 The total area of all signs permitted on a lot shall include:

1. The total area of the faces of all permanent exterior signs visible from a public way, plus
2. The area of permanent signs placed upon the surface of windows and doors, plus
3. The area within the outline enclosing the lettering, modeling or insignia of signs integral with the wall and not designed as a panel.

Section 7.02 Signs, Type
7.02.01 Real Estate:
Not more than two signs per lot may be used as temporary signs and shall not be larger than six square feet (except, "A-1", or "TA-1" may be up to 32 square feet and setback a minimum of five feet from the R.O.W.) and set back 20 feet from the road right of way or road easement boundary. In no case shall these signs obstruct the visibility at any intersection or driveway.

7.02.02 Business:
Small announcement or professional signs, not over six square feet in area, except that an announcement sign or bulletin board not over 18 square feet in area, set back at least 20 feet from any highway, street, road, or roadway easement may be erected in connection with any of the permitted principal uses of a nonresidential nature.

7.02.03 Wall:
A sign or sign flat against a building wall when appertaining to a nonconforming use on the premises, not exceeding in the aggregate 50 square feet in area except as may be authorized by the Board of Adjustment.

7.02.04 Name plate:
One nameplate that does not exceed two square feet for each dwelling.

7.02.05 Low Profile or Ground:
Ground signs at least five feet from any lot line with a maximum height of six feet.

7.02.06 Projecting or Pole:
One free standing or projecting sign for each enterprise on the premises of not more than 672 square feet per sign face within any Agricultural, Transitional Agricultural District and 100 square feet when located within any Residential District, at no point closer to the front line or a side line than one-half of the required building setback distance, and not exceed the maximum height from the established grade level for said Zoning District. The lowest horizontal projecting feature of any post or pole mounted sign shall be eight feet above the established grade level.

7.02.07 Subdivision:
Not more than two sign per entrance into the subdivision. No sign shall be greater than 32 square feet in size.

7.02.08 Signs hung from canopies and awnings shall be no closer than 80 inches from the bottom edge of the sign to grade below.

Section 7.03 Sign Schedules

1. Signs shall be permitted in the various districts according to the following schedule:

2. Signs shall be permitted in the various districts at the listed square footage and heights according to the follow-
ing schedule, unless stricter provisions apply:

Zoning District

6
-
2

32

32
6
2

32

32
6
2

32

32
6
2

32

6
-
2

32

6
-
2

32

Max. Lot Coverage (sq. Ft)

5,00045,0004

5,0004

5,0004

5,0004

5,0004

5,00045,0004

5,00045,0004

2,5004

Max. Height (Ft.)
Number Allowed per lot
Canopy
Max. Size
Max. Height (Ft.)
Number Allowed per building
Window
Max. Size
Max. Height (Ft.)
Number Allowed per building/
storefront
Projecting
Max. Size (Square Ft.)
Max. Height (Ft.)
Number Allowed per building

Name Plate
Max. Size (Square Ft.)
Max. Height (Ft.)
Number Allowed per building

- not permitted NA: Not Applicable
1: Maximum letter height is equal to 12 inches
2: percentage of total Canopy area
3: percentage of total window area

4: When constructed as a landscaping element on an outlot or platted lot

5: Per Entrance

3.

Wall Signs
All wall signs shall be mounted to the primary face of the use.
The following criteria apply to Wall Signs:

District

Design Limitations for Wall Signs

Max. Size

1.5 square feet per lineal foot
of building / storefront to a

Max. Height

45 feet above grade

One per storefront

Max. Number

Max. of 400 sq. ft.

Dual Frontage = one additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.

A-2

TA-1

R-1

R-2

R-3

C-1

I-1

I-2

CO

PUD

1.5 square feet per lineal foot
of building / storefront to a
Max. of 400 sq. ft.

1.5 square feet per lineal foot
of building / storefront to a
Max. of 400 sq. ft.

1.5 square feet per lineal foot
of building / storefront to a
Max. of 400 sq. ft.

1.5 square feet per lineal foot
of building / storefront to a
Max. of 400 sq. ft.

1.5 square feet per lineal foot
of building / storefront to a
Max. of 400 sq. ft.

1.5 square feet per lineal foot
of building / storefront to a
Max. of 400 sq. ft.

The maximum allowed within
the underlying zoning district

45 feet above grade

45 feet above grade

45 feet above grade

45 feet above grade

45 feet above grade

45 feet above grade

The maximum allowed within the
underlying zoning district

One per storefront

Dual Frontage = one additional Wall Sign may be
used provided the combined total area does not ex-
ceed 150% of the initial allowable area.

One per storefront

Dual Frontage = one additional Wall Sign may be
used provided the combined total area does not ex-
ceed 150% of the initial allowable area.

One per storefront

Dual Frontage = one additional Wall Sign may be
used provided the combined total area does not ex-
ceed 150% of the initial allowable area.
One per main frontage

Dual Frontage = one additional Wall Sign may be
used provided the combined total area does not ex-
ceed 150% of the initial allowable area.

One per main frontage

Dual Frontage - one additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
One per storefront

Dual Frontage = one additional Wall Sign may be used provided the combined total area does not exceed 150% of the initial allowable area.
The maximum allowed within the underlying zoning district

4. Ground Monument

A. Monument signs shall be located along the frontage of the zoned lot. All signs shall be of permanent

construction and are subject to the provisions of local codes and ordinances. On corner lots, the monument sign may be place on either frontage.
B. All ground monument signs shall be located on the same lot as the advertised use.
C. Change panels may include advertised gasoline prices and any other service provided in the principal
building / structure.
D. Setbacks for all ground monument signs are 10 feet.
E. The following criteria apply to Ground Monument signs:

District

A-1

TA-1

R-1

R-2

R-3

C-1

C-2

MUC

I-1

I-2

CO

PUD

Max. Size

50 square feet

32 square feet

32 square feet

32 square feet

32 square feet

32 square feet

32 square feet

32 square feet

32 square feet

32 square feet

32 square feet

The maximum
allowed within the
underlying zoning
district

Design Limitations for Ground Monuments

Max. Height Max. Number

10 feet
One per lot frontage.1
10 feet
One per lot frontage. 1
10 feet
One per lot frontage. 1
10 feet
One per lot frontage. 1
10 feet
One per lot frontage. 1
10 feet
One per lot frontage. 1
10 feet
One per lot frontage. 1
10 feet
One per lot frontage. 1
10 feet
One per lot frontage. 1
10 feet

One per lot frontage. 1

The maximum al- The maximum allowed within the underlying zoning
lowed within the
district
underlying zoning
district

On a corner lot that adjoins two Arterials or One Arterial and one Collector, the total number of signs may be increased to two with one on each frontage.

Note: All signs shall have a Vertical Clearance of nine feet above any sidewalk, private drive, or parking.
All signs shall have a Vertical Clearance of 12 feet above any Public Street.

Section 7.04 Sign Permits
7.04.01 Required Permits

Permits are required for all signs, except Real Estate signs from the Zoning Administrator's Office prior to installing said sign.

Election signs shall be exempt so long as they do not interfere with the safety and well being of the public.

ARTICLE 8: SUPPLEMENTAL REGULATIONS
Section 8.01 Wireless Communication Towers
8.01.01 Intent:

Based upon the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (the Act) grants the Federal Communications Commission (FCC) exclusive jurisdiction over certain aspects of telecommunication services. This section is intended to regulate towers, telecommunications facilities and antennas in the County in conformance with the Act without prohibiting or intending to prohibit any person from providing wireless telecommunication service. Telecommunication facilities, towers and antennas in the County shall be sited, to protect residential areas and land uses from potential adverse impact of installation of towers and antennas through careful design, siting, and camouflaging, to promote and encourage shared use / co-location of towers and other antenna support structures rather than the construction of additional single use towers, to avoid potential damage to property caused by towers, telecommunications facilities and antennas by ensuring such structures are soundly and carefully designed, constructed, modified, maintained, repaired and removed when no longer used or are determined to be structurally unsound and to ensure that towers and antennas are compatible with surrounding land uses.

8.01.02 Definitions:
All terms in this Section which are not specifically defined herein shall be construed in accordance with the Communications Act of 1934, the Telecommunications Act of 1996 and the Rules and Regulations of the Federal Communications Commission (FCC). As used in this Section, the following terms shall have the following meanings:

1. ANTENNA shall mean a device, designed and intended for transmitting or receiving television, radio, or microwave signals, direct satellite service (including direct-to-home satellite service), and/or video programming services via multi-point distribution services.

2. ANTENNA SUPPORT STRUCTURE shall mean any building or structure other than a tower which can be used for location of telecommunications facilities.

3. APPLICANT shall mean any person that applies for a Tower Development Permit.

4. APPLICATION shall mean a process by which the owner of a tract of land within the zoning jurisdiction of the County submits a request to develop, construct, modify, or operate a tower upon such tract of

land. The term application includes all written documentation, verbal statements, and representations, in
whatever formal forum made by an applicant to the County concerning such request.

5. CONFORMING COMMERCIAL EARTH STATION shall mean a satellite dish that is two meters
or less in diameter and is located in an area where commercial or industrial uses are generally permitted
under this Ordinance.

6. ENGINEER shall mean any engineer qualified and licensed by any state or territory of the United
States of America.

7. OWNER shall mean any person with a fee simple title or a leasehold exceeding 10 years in duration to
any tract of land within the zoning jurisdiction of the County who desires to develop, construct, modify,
or operate a tower upon such tract of land.

8. PERSON shall mean any person, firm, partnership, association, corporation, company, or other legal
entity, private or public, whether for profit or not for profit.

9. SATELLITE DISH ANTENNA shall mean an antenna consisting of a radiation element intended for
transmitting or receiving television, radio, microwave, or radiation signals and supported by a structure
with or without a reflective component to the radiating dish, usually circular in shape.

10. STEALTH shall mean any telecommunications facility, tower, or antenna which is designed to en-
hance compatibility with adjacent land uses, including, but not limited to, architecturally screened roof-
mounted antennas, antennas integrated into architectural elements, and towers designed to look other
than a tower, such as light poles, power poles and trees.

11. TELECOMMUNICATIONS FACILITIES shall mean any cables, wires, lines, waive guides, anten-
nas, or any other equipment or facilities associated with the transmission or reception of communica-
tions that a person seeks to locate or has installed upon or near a tower or antenna support structure.
However, telecommunications facilities shall not include:
A. Any conforming commercial earth station antenna two meters or less in diameter which is located
on real estate zoned A-1, TA-1, R-1, R-2, R-3, C-1, or I-1.
B. Any earth station antenna or satellite dish antenna of one meter or less in diameter, regardless of
zoning applicable to the location of the antenna.

12. TOWER shall mean a self-supporting lattice, guyed, or monopole structure that supports telecommuni-
cations facilities. The term tower shall not include non-commercial amateur radio operator's equipment
as licensed by the FCC or structure supporting an earth station antenna serving residential premises or
dwelling units exclusively.

13. TOWER DEVELOPMENT PERMIT shall mean a permit issued by the County upon approval, by
the County Board of Adjustment, of an application to develop a tower within the zoning jurisdiction of
the County. Said permit shall continue in full force and effect for so long as the tower to which it ap-
plies conforms to this section. Upon issuance, a Tower Development Permit shall be deemed to run
with the land during the permits duration and may be transferred, conveyed, and assigned by the appli-
cant to assigns and successors-in-interest.

14. TOWER OWNER shall mean any person with an ownership interest of any nature in a proposed or
existing tower following the issuance of a Tower Development Permit.

8.01.03 Location of Towers and Construction Standards

1. Towers shall be permitted as a conditional use of the land in only those zoning districts where specifi-
cally listed and authorized in this Ordinance.

2. No person shall develop, construct, modify or operate a tower upon any tract of land within the zoning

jurisdiction of the County prior to approval of its application for a Tower Development Permit by the
County Board of Adjustment and issuance of the permit by the County. Applicants shall submit their
application for a Tower Development Permit to the Zoning Office and shall pay a filing fee in accor-
dance the Fee Schedule established by the County Board of Supervisors.

3. All towers, telecommunications facilities and antennas where construction has commenced within the

zoning jurisdiction of the County, after the effective date of this Ordinance, shall conform to the Zoning
Ordinance and all other construction standards set forth by the County, federal, and state law and appli-
cable American National Standards Institute (ANSI). Upon completion of construction of a tower and
prior to the commencement of use, an engineer's certification that the tower is structurally sound and in
conformance with all of the aforementioned applicable regulatory standards shall be filed in the Zoning
Office.

4. All tower locations shall meet all FAA regulations when near an airport.

8.01.04 Application to develop a Tower

Prior to commencement of development or construction of a tower, an application shall be submitted to the
Zoning Office for a Tower Development Permit and shall include the following:
1. Name, address, and telephone number of the owner and if applicable, the lessee of the tract of land
upon which the tower is to be located. Applicants shall include the owner of the tract of land and all
persons having an ownership interest in the proposed tower. The application shall be executed by all
applicants.
2. The legal description and address of the tract of land on which the tower is to be located.
3. The names, addresses and telephone numbers of all owners of other towers or useable antenna support
structures within a 500 feet radius of the proposed tower, including publicly and privately owned towers
and structures. Information shall be provided in electronic format.

4. An affidavit attesting to the fact that the applicant has made diligent but unsuccessful efforts to obtain

permission to install or co-locate the applicant's telecommunications facilities on a tower or useable
antenna support; or written technical evidence from an engineer that the applicant's telecommunications
facilities cannot be installed or co-located on another tower or useable antenna support structure.

5. Written technical evidence from an engineer that the proposed tower will meet the established Zoning
Ordinance, and all other applicable construction standards set forth by the County Board of Supervisors
and federal and state and ANSI standards.
6. Color photo simulations showing the proposed location of the tower with a photo-realistic representa-
tion of the proposed tower as it would appear viewed from the nearest residentially used and / or zoned
property and nearest roadway, street or highway.
7. Descriptions and diagrams of the proposed tower, telecommunications facilities and/or antenna, manu-
facturers literature, appurtenances such as buildings, driveways, parking areas, and fences or other secu-
rity enclosures with significant detail to allow persons reviewing the application to understand the kind
and nature of the proposed facility.

8.01.05 Tower Development Permit Procedure
After receipt of an application for a Tower Development Permit, the following shall occur:
The Zoning Administrator shall schedule a public hearing before the Board of Adjustment, following

all requirements for publication and notice, to consider such application.
The Zoning Administrator shall schedule a public hearing before the Board of Adjustment, following
all requirements for publication and notice, to consider such application.
Notice, for said Public Hearing, shall be made at least one time and at least four days prior to such hear-
ing. In addition, the Zoning Administrator shall cause a notice to be issued pursuant to the code of Iowa
and the Ordinances of Webster County.
Notification will follow Section 3.07.
The Board of Adjustment shall receive testimony on the Tower Development Permit.
The Board of Adjustment may approve the Tower Development Permit as requested in the pending
application with any conditions or safeguards it deems reasonable and appropriate based upon the appli-
cation and / or input received at the public hearings or deny the application. In all zoning districts in
which towers are a permitted conditional use of land, the Tower Development Permit shall be deemed a
conditional use permit for said tract of land.

8.01.06 Setbacks and Separation or Buffer Requirements
1. All towers up to 50 feet in height shall be setback on all sides a distance equal to the tower height. Tow-
ers in excess of 50 feet in height shall be set back one additional foot for each foot of tower height in
excess of 50 feet. The height of the tower shall be measured from the grade at the foot of the base pad
to the top of any telecommunications facilities or antennas attached thereto. Setback requirements shall
be measured from the base of the tower to the property line of the tract of land on which it is located.
2. Towers exceeding 100 feet in height may not be located in any residentially zoned district and must be
separated from all residentially zoned districts and occupied structures, other than those utilized by the
tower owner, by a minimum of 200 feet or 100 percent of the height of the proposed tower, whichever
is greater.
3. Towers of 100 feet or less in height may be located in residentially zoned districts provided said tower
is separated from any residential structure, school, church, and/or occupied structures other than those
utilized by the tower owner, by a minimum of 100 percent of the height of the tower.
4. Towers must meet the following minimum separation requirements from other towers:
A. Monopole tower structures shall be separated from all other towers, whether monopole, self-
supporting lattice, or guyed by a minimum of 750 feet.
B. Self-supporting lattice or guyed towers shall be separated from all other self-supporting lattice or
guyed towers by a minimum of 1,500 feet.

8.07.07 Structural Standards for Towers Adopted
The Structural Standards for Steel Antenna Towers and Antenna Supporting Structures, 1991 Edition or
later (ANSI/EIA/TIA 222-E-1991) is hereby adopted, together with any amendments thereto as may be
made from time to time, except such portions as are hereinafter deleted, modified, or amended by Ordinance
and set forth in this Article of the Zoning Ordinance.

8.01.08 Illumination and Security Fences
1. Towers shall not be artificially lit except as required by the Federal Aviation Administration (FAA). All
towers shall be equipped with dual mode lighting, unless red blinkers are the only light source used,
with strobes used only during daylight hours.
2. All self-supporting lattice or guyed towers shall be enclosed within a security fence or other structure
designed to preclude unauthorized access. Monopole towers shall be designed and constructed in a
manner which will preclude to the extent practical, unauthorized climbing of said structure.

8.01.09 Exterior Finish
Towers not requiring FAA painting or marking shall have an exterior finish which enhances compatibility
with adjacent land uses, subject to review and approval by the Board of Adjustment as part of the applica-
tion approval process. All towers must be approved as a conditional use shall be stealth design unless stealth

features are impractical or the cost of such features represents an undue burden on the applicant.

8.01.10 Landscaping
All tracts of land on which towers, antenna support structures, telecommunications facilities and/or antennas
are located shall be subject to the landscaping requirements of the County.

8.01.11 Maintenance, Repair or Modification of Existing Towers
Previously constructed permitted towers shall not be required to conform to this ordinance, unless altered.
Nonconforming structures or uses may not be enlarged or the degree of nonconformance increased without
complying with this Section, including applying for and obtaining a Tower Development Permit. Any modi-
fication or reconstruction of a tower constructed after the approval of this Ordinance shall be required to
comply with the requirements of this Section including applying for and obtaining a Tower Development
Permit. Said application shall describe and specify all items which do not comply with this Section and may
request, subject to final review and approval of the County Board of Adjustment, an exemption from com-
pliance as a condition of the Tower Development Permit.

8.01.12 Inspections
The County reserves the right to conduct inspection of towers, antenna support structures, telecommunica-
tions facilities and antenna upon reasonable notice to the tower owner or operator to determine compliance
with this Section and to prevent structural and equipment failures and accidents which may cause damage,
injuries or nuisances to the public. Inspections may be made to determine compliance with the County's
Zoning Ordinances and any other construction standards set forth by the County, federal, and state law or
applicable ANSI standards. Inspections shall be made by either an employee of the County's Zoning Office,
Building Inspector, or a duly appointed independent representative of the County.

8.01.13 Maintenance
The towers, antenna support structures, telecommunications facilities and antennas shall at all times be kept
and maintained in good condition, order and repair so that the same does not constitute a nuisance to or a
danger to the life or property of any person or the public.

8.01.14 Abandonment
If any tower shall cease to be used for a period of one year, the Zoning Office shall notify the tower owner
and property owner that the site will be subject to determination by the Zoning Administrator that the site
has been abandoned. Upon issuance of written notice to show cause by the Zoning Administrator, the tower
owner shall have 30 days to show preponderance of evidence that the tower has been in use or under repair
during the period of apparent abandonment. In the event the tower owner fails to show that the tower had
been in use or under repair during the relevant period, the Zoning Administrator shall issue a final determi-
nation of abandonment of the site and the property owner shall have 75 days thereafter to coordinate with
the tower owner for the dismantling and relocation of the tower. In the event the tower is not dismantled and
removed, the tower shall be declared a public nuisance by the Zoning Administrator, or his/her designee.
The public nuisance will be removed by the County with all associated costs charged to the Owner of said
real estate.
8.01.15 Satellite Dish Antennas, Regulation
Upon adoption of this Ordinance, installation of satellite dish antennas shall be permitted within the zoning
jurisdiction of Webster County only upon compliance with the following criteria:
1. In residentially zoned districts, satellite dish antennas may not exceed a diameter of 10 feet.
2. Single family residences may not have more than one satellite dish antenna over three feet in diameter.
3. Multiple family residences with 10 or less dwelling units may have no more than one satellite dish an-
tenna over three feet in diameter. Multiple family residences with more than 10 dwelling units may
have no more than two satellite dish antennas over three feet in diameter.

4. All satellite dish antennas installed within the zoning jurisdiction of Webster County, upon adoption of this ordinance, shall be of a neutral color such as black, gray, brown, or such color as will blend with the surrounding dominant color in order to camouflage the antenna.

Section 8.02 Small Wind Energy Systems

8.02.01 Purpose
It is the purpose of this regulation to promote the safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied electricity.

8.02.02 Definitions
The following are defined for the specific use of this section.

Small Wind Energy System shall mean a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.

Tower Height shall mean the height above grade of the first fixed portion of the tower, excluding the wind turbine itself.

8.02.03 Requirements
Small wind energy systems shall be permitted as an Accessory Use within any district where the use is listed and allowed. Certain requirements as set forth below shall be met:
A. Tower Height
1. For property sizes between ½ acre and one acre the tower height shall be limited to 80 feet.
2. For property sizes of one acre or more, there is no limitation on tower height, except as imposed by FAA regulations.

B. Setbacks
1. No part of the wind system structure, including guy-wire anchors, may extend closer than 10 feet to the property lines of the installation site.

C. Noise
1. Small wind energy systems shall not exceed 60 dBA, as measured at the closet neighboring inhabited dwelling unit.
2. The noise level may be exceeded during short term events such as utility outages and/or severe wind storms.

D. Approved Wind Turbines
1. Small wind turbines must have been approved under the Emerging Technologies program of the California Energy Commission or any other small wind certification program recognized by the American Wind Energy Association.

E. Compliance with Building and Zoning Codes
1. Applications for small wind energy systems shall be accomplished by standard drawings of the wind turbine structure, including the tower base, and footings.
2. An engineering analysis of the tower showing compliance with official building code of the governing body and/or the State of Iowa and certified by a licensed professional engineer shall also be submitted.
3. The manufacturer frequently supplies this analysis.
4. Wet stamps shall not be required.

F. Compliance with FAA Regulations
1. Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports.

G. Compliance with National Electrical Code
1. Permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code.
2. The manufacturer frequently supplies this analysis.

H. Utility Notification
1. No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected customer-owned generator.
2. Off-grid systems shall be exempt from this requirement.

I. Abandonment
If any tower shall cease to be used for a period of one year, the Zoning Office shall notify the tower owner and property owner that the site will be subject to determination by the Zoning Administrator that the site has been abandoned. Upon issuance of written notice to show cause by the Zoning Administrator, the tower owner shall have 30 days to show preponderance of evidence that the tower has been in use or under repair during the period of apparent abandonment. In the event the tower owner fails to show that the tower had been in use or under repair during the relevant period, the Zoning Administrator shall issue a final determination of abandonment of the site and the property owner shall have 75 days thereafter to coordinate with the tower owner for the dismantling and relocation of the tower. In the event the tower is not dismantled and removed, the tower shall be declared a public nuisance by the Zoning Administrator, or his/her designee. The public nuisance will be removed by the County with all associated costs charged to the Owner of said real estate.

8.02.04 Setbacks

All towers shall adhere to the setbacks established in the following table:

Wind Turbine – Non Commercial WECS		
Meteorological Towers		
Property Lines	One times the total height	One times the tower height.
Neighboring Dwelling Units*	One times the tower height.	
Road Rights-of-Way**	One times the tower height.	One times the tower height.
Other Rights-of-Way	One times the tower height.	One times the tower height.
Wildlife Management Areas and State Recreational Areas	NA	600 feet
Wetlands, USFW Types III, IV, and V	NA	600 feet
Other structures adjacent to the applicant's sites	NA	One times the tower height.
Other existing WECS not owned by the applicant.	NA	
River Bluffs		

* The setback for dwelling units shall be reciprocal in that no dwelling unit shall be constructed within the same distance required for a commercial/utility Wind Energy Conversion System.
** The setback shall be measured from any future Rights-of-Way if a planned change or expanded right-of-Way is known.

Section 8.03 Commercial/Utility Grade Wind Energy Conversion Systems

8.03.01 Purpose
It is the purpose of this regulation to promote the safe, effective and efficient use of commercial/utility grade wind energy conversion systems within Webster County.

8.03.02 Definitions
The following are defined for the specific use of this section.

Aggregate Project shall mean projects that are developed and operated in a coordinated fashion, but which have multiple entities separately owning one or more of the individual WECS within the larger project. Associated infrastructure such as power lines and transformers that service the facility may be owned by a separate entity but are also part of the aggregated project.

Commercial WECS shall mean a wind energy conversion system of equal to or greater than 100 kW in total name plate generating capacity.

Hub Height shall mean the distance from ground level as measured to the centerline of the rotor.

Fall Zone shall mean the area, defined as the furthest distance from the tower base, in which a guyed or tubular tower will collapse in the event of a structural failure. This area may be less than the total height of the structure.

Feeder Line shall mean any power line that carries electrical power from one or more wind turbines to the point of interconnection with the project distribution system, in the case of interconnection with the high voltage transmission systems the point of interconnection shall be the substation serving the wind energy conversion system.

Meteorological Tower shall mean, for purposes of this regulation, a tower which is erected primarily to measure wind speed and directions plus other data relevant to siting a Wind Energy Conversion System.

Meteorological towers do not include towers and equipment used by airports, the Iowa Department of Transportation, or other applications to monitor weather conditions.

Property Line shall mean the boundary line of the area over which the entity applying for a Wind Energy Conversion System permit has legal control for the purpose of installing, maintaining and operating a Wind Energy Conversion System.

Public Conservation lands shall mean land owned in fee title by State or Federal agencies and managed specifically for conservation purposes, including but not limited to State Wildlife Management Areas, State Parks, federal Wildlife Refuges and Waterfowl Production Areas. For purposes of this regulation, public conservation lands will also include lands owned in fee title by non-profit conservation organizations, Public conservation lands will also include private lands upon which conservation easements have been sold to public agencies or non-profit conservation organizations.

Rotor Diameter shall mean the diameter of the circle described by the moving rotor blades.

Small Wind Energy System shall mean a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.

Substations shall mean any electrical facility to convert electricity produced by wind turbines to a higher voltage for interconnection with high voltage transmission lines.

Total Height shall mean the highest point, above ground level, reached by a rotor tip or any other part of the Wind Energy Conversion System.
Tower shall mean the vertical structures, including the foundation, that support the electrical generator, rotor blades, or meteorological equipment.

Tower Height shall mean the total height of the Wind Energy Conversion System exclusive of the rotor blades.

Transmission Line shall mean the electrical power lines that carry voltages of at least 69,000 volts (69 KV) and are primarily used to carry electric energy over medium to long distances rather than directly interconnecting and supplying electric energy to retail customers.

Wind Energy Conversion System shall mean an electrical generating facility comprised of one or more wind turbines and accessory facilities, including but not limited to: power lines, transformers, substations and meteorological towers that operate by converting the kinetic energy of wind into electrical energy. The energy may be used on-site or distributed into the electrical grid.

Wind Turbines shall mean any piece of electrical generating equipment that converts the kinetic energy of blowing wind into electrical energy using airfoils or similar devices to capture the wind.

8.03.03 Requirements

The following requirements and information shall be met and supplied:
A. The name(s) of project applicant.
B. The name of the project owner.
C. The legal description and address of the project.
D. A description of the project of the project including: Number, type, name plate generating capacity, tower height, rotor diameter, and total height of all wind turbines and means of interconnecting with the electrical grid.
E. Site layout, including the location of property lines, wind turbines, feeder lines, and all related accessory structures. This site layout shall include distances and be drawn to scale.
F. Certification by an Engineer competent in disciplines of WEC's.
G. Documentation of land ownership or legal control of the property.
H. The latitude and longitude of individual wind turbines; included with this shall be an area or zone in close proximity that meets all setbacks; where actual WEC will be considered.
I. A USGS topographical map, or map with similar data, of the property and surrounding area, including any other Wind Energy Conversion System, within 10 rotor distances of the proposed Wind Energy Conversion System not owned by the applicant.
J. Location of wetlands, scenic, and natural areas (including bluffs) within 1,320 feet of the proposed Wind Energy Conversion System.
K. An Acoustical Analysis that certifies that the noise requirements within this regulation can be met
L. The applicant shall supply the emergency management agency and/or fire departments with a basic emergency response plan.
M. FAA and FCC permit, if necessary. Applicant shall submit permit or evidence that the permit has been filed with the appropriate agency.
N. Evidence that there will be no inference with any commercial and/or public safety communication towers.
O. Decommissioning Plan as required by this regulation.

8.03.04 Aggregated Projects
A. Aggregated projects may jointly submit a single application and be reviewed under joint proceedings, including notices, public hearings, reviews and as appropriate approvals.
B. Permits may be issued and recorded separately.

8.03.05 Setbacks
All towers shall adhere to the setbacks established in the following table:

8.03.06 Special Safety and Design Standards

All towers shall adhere to the following safety and design standards:
A. Clearance of rotor blades or airfoils must maintain a minimum of 12 feet of clearance between their lowest point and the ground.
B. All Commercial/Utility WECS shall have a sign or signs posted on the tower, transformer and substation, warning of high voltage. Other signs shall be posted on the turbine with emergency contact information.
C. All wind turbines, which are a part of a commercial/utility WECS, shall be installed with a tubular, monopole type tower.

N. Drainage System:
The applicant shall be responsible for immediate repair of damage to public drainage systems stemming from construction, operation or maintenance of the WECS.

O. Abandonment
If any tower shall cease to be used for a period of one year, the Zoning Office shall notify the tower owner and property owner that the site will be subject to determination by the Zoning Administrator that the site has been abandoned. Upon issuance of written notice to show cause by the Zoning Administrator, the tower owner shall have 30 days to show preponderance of evidence that the tower has been in use or under repair during the period of apparent abandonment. In the event the tower owner fails to show that the tower had been in use or under repair during the relevant period, the Zoning Administrator shall issue a final determination of abandonment of the site and the property owner shall have 75 days thereafter to coordinate with the tower owner for the dismantling and relocation of the tower. In the event the tower is not dismantled and removed, the tower shall be declared a public nuisance by the Zoning Administrator, or his/her designee. The public nuisance will be removed by the County with all associated costs charged to the Owner of said real estate.

ARTICLE 9: BOARD OF ADJUSTMENT

Section 9.01 Organization and Meetings
9.01.01 The Board of Adjustment hereafter referred to by the words "Board of Adjustment," is hereby continued.
Such Board of Adjustment shall consist of five members appointed by the Board of Supervisors. Terms shall be as provided by State statute. The Board of Supervisors shall have power to remove any member of the Board of Adjustment for cause upon written charges and after public hearing.

9.01.02 The meetings of the Board of Adjustment shall be held at the call of the chairman and at such other times as the Board of Adjustment may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board of Adjustment shall be open to the public. The Board of Adjustment shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Adjustment and shall be a public record. The presence of three members shall be necessary to constitute a quorum.

Section 9.02 Appeals
9.02.01 Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of Webster County affected by any decision of the Zoning Administrator, as provided in Iowa Code 335. Such appeal shall be taken within 20 days of the decision by filing with the Zoning Administrator and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed is taken from.

9.01.02 An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Adjustment, after notice of appeal shall have been filed with him, that by reason of the facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may not be granted by the Board of Adjustment, or by a court of record on application, on notice to the Zoning Administrator and on due cause shown.

9.01.02 The Board of Adjustment shall fix a reasonable time for the hearing on the appeal, give public notice thereof

as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing
any party may appear in person or by agent, or by attorney. Before an appeal is filed with the Board of Ad-
justment, the appellant shall pay a fee according to the Schedule of Fees: Webster County Zoning Ordi-
nance, which is on file in the Office of the Zoning Administrator.

Section 9.03 Powers
The Board of Adjustment shall have the following powers:

9.03.01 To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or deter-
mination made by the Administrator in the enforcement of this ordinance.
9.03.02 To grant a variation from the terms of this Ordinance; provided, however, that all variations granted under
this clause shall be in harmony with the intent of this Ordinance and the applicable State Statute Iowa Code
Section 335.5.

In granting approval or conditional approval of a variance, the Board of Adjustment shall prepare written findings of
fact that all of the conditions below apply to the application:
1. Special Circumstances: Special circumstances exist relating to the physical character of the property that are
peculiar to the property and that do not apply generally to other properties in the same zoning district. And these
circumstances are not of so general or recurrent a nature as to make it practical to provide, in the form of an
amendment to this Ordinance, a general rule to cover them.
2. Hardship or Practical Difficulties: Because of these special circumstances, the literal application of the provi-
sions of this Ordinance would, without a variance, result in unnecessary and undue hardship or practical difficul-
ties for the applicant, as distinguished from mere inconvenience.
3. Not Resulting from Applicant Action: The special circumstances and either practical difficulties or
hardship that are the basis for the variance have not resulted from any act, undertaken subsequent
to the adoption of this Ordinance or any applicable amendment thereto, of any party with a present
interest in the property.
4. Reasonable Use and Return: Without the requested variance, the property cannot yield a reason-
able return, or cannot be reasonably used consistent with the intent of the zoning district and the
use of other properties therein, but the purpose of the variance is not otherwise to increase the re-
turn from the property or to confer special privileges not ordinarily enjoyed by other properties in
the same district.
5. Not Alter Local Character: The variance will not alter the essential character of the locality or sub-
stantially impair public safety or welfare or property values in the area.
6. Minimum Variance Needed: The variance approved is the minimum required to allow reasonable
use and enjoyment of the property.

In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards in
conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms
under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under this
Ordinance.

Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under
the terms of this Ordinance in the District involved, or any use expressly or by implication prohibited by the
terms of this Ordinance in said District.

9.03.03 To permit the following exceptions to the District regulations set forth in the Ordinance, provided all excep-
tions shall be their design, construction and operation adequately safeguard the health, safety and welfare of
the occupants of adjoining and surrounding property, shall not impair an adequate supply of light and air to
adjacent property, shall not increase congestion in the public streets, shall not increase public danger of fire
and safely, and shall not diminish or impair established property values in surrounding areas:

1. To permit erection and use of a building or the use of premises or vary the height, yard or area regulations in any location for a public service corporation for public utility purposes, or for purposes of public communication, which the Board of Adjustment determines is reasonably necessary for the public convenience or welfare.

9.03.04 To issue special permits and decide such matters as may be required by other sections of this Ordinance.

Section 9.04 Decisions of the Board of Adjustment
In exercising the above mentioned powers, the Board of Adjustment may, in conformity with the provisions of law, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determinations as it believes proper, and to that end shall have all the powers of the Zoning Administrator. The concurring vote of three of the members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance; provided, however, that the action of the Board of Adjustment shall not become effective until after the resolution of the Board of Adjustment, setting forth the full reason for its decision and the vote of each member participating therein, has been filed. Such resolution, immediately following the Board of Adjustment's final decision, shall be filed in the office of the Board of Adjustment, and shall be open to public inspection.

Every variation and exception granted or denied by the Board of Adjustment shall be supported by a written testimony or evidence submitted in connection therewith.

Any taxpayer, or any officer, department, board or bureau of Webster County, or any person or persons jointly or severally aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Board of Adjustment, as provided in Iowa Code 335.

ARTICLE 10: PLANNING AND ZONING COMMISSION

Section 10.01 Organization and Meetings
10.01.01 The Webster County Planning and Zoning Commission hereafter referred to by the word "Planning and Zoning Commission."

10.01.02 The Planning and Zoning Commission shall adopt its own rules of procedure not in conflict with this ordinance or with the Code of Iowa, including the following information:
1. The time and date of the regularly scheduled meeting and place

10.01.03The Planning and Zoning Commission shall elect yearly one of the members of the Planning and Zoning Commission as Chairperson, and one as a vice chairperson in case of vacancy shall name another Chairperson.

10.01.04 The Planning and Zoning Commission shall keep minutes of its proceedings, showing the vote of each member, upon every question or if absent, or abstaining to vote indicating such fact and reason and shall keep complete records of its examinations and other official actions. Every rule, regulation, recommendation every amendment or repeal thereof and every requirement, decision, or determination of the Planning and Zoning Commission shall immediately be filed in the office of the Planning and Development Department and shall be a public record.

Section 10.02 Powers and Duties
10.02.01 The County Planning and Zoning Commission's duty is to recommend the boundaries of the various original districts and appropriate regulations and restrictions to be enforced therein.
10.02.02 The Planning and Zoning Commission shall:

1. Prepare preliminary reports and hold public hearings thereon, before submitting a final report. The Board of Supervisors shall not hold its public hearings or take action until it has received the final report of such Planning and Zoning Commission.
2. After the adoption of such regulations, restrictions, and boundaries of districts, the Planning and Zoning Commission may recommend to the Board of Supervisors amendments, supplements, changes, or modifications.
3. Reviewed petitions, changed after a Planning and Zoning Commission recommendation, which has been submitted to the Board of Supervisors, shall be returned to the Planning and Zoning Commission for a recommendation.
10.02.03 The Planning and Zoning Commission, with the approval of the Board of Supervisors, may contract with professional consultants, regional planning commissions, the Iowa Development Commission, or the federal government for local planning assistance.

ARTICLE 11: CHANGES AND AMENDMENTS

Section 11.01 Initiation of Change
The Board of Supervisors may, from time to time, amend, supplement, change, or modify the number, shape, area, or boundaries of the districts or the regulations herein established. Any such amendment may be initiated by resolution of the Board of Supervisors, or by motion of the Planning and Zoning Commission, or by petition of any property owner addressed to the Planning and Zoning Commission. Petitions for change or amendment shall be on forms and filed with the Zoning Administrator.

Section 11.02 Report from Planning and Zoning Commission
Before taking any action on any proposed amendment, supplement, or change, the Planning and Zoning Commission shall review the application and submit a recommendation to the Board of Supervisors. Unless the Planning and Zoning Commission shall have transmitted its report upon the proposed changes within 60 days after submission thereof to it, the Board of Supervisors shall be free to proceed to act on said changes without further awaiting the report of the Planning and Zoning Commission.

Section 11.03 Notice and Hearings
Before submitting its recommendation on a proposed amendment to district boundaries to the Board of Supervisors, the Planning and Zoning Commission shall hold at least one public hearing thereon, notice of which will be given to all property owners within 500 feet whenever possible. Notice shall be published of said hearing in a newspaper of general circulation, as required by, and in conformance with, Iowa law. The notice shall state the place and time at which proposed amendment to the Ordinance will be held as well as the legal description of said property.

Section 11.04 Revision by Board of Supervisors
Following report from the Planning and Zoning Commission, the Board of Supervisors may make appropriate changes or corrections in an ordinance or proposed amendment; provided, however, that no additional land may be zoned to a different classification than was contained in the public notice without an additional public hearing after notice as required in Section 11.03.

Section 11.05 Reconsideration, One-year Limitation
Whenever a petition requesting an amendment, supplement, or change has been denied by the Board of Supervisors, such petition, or one substantially similar, shall not be reconsidered sooner than one year after the previous denial.

Section 11.06 Amendments
11.06.01 General.
1. Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Board of Supervisors may on its own action or by petition after recommendation by the Planning and Zoning Commission, after public hearings as provided herein, amend, supplement, or change the regulations, district boundaries or classifications of property now or hereafter established by this Ordinance

or amendments thereof.

11.06.02 Procedure for Change.

1. Applications for any change of district boundaries or classifications of property as shown on the Official Zoning Map shall be submitted to the Planning and Zoning Commission at their public office upon such forms and shall be accompanied by such data and information as may be prescribed for that purpose by the Planning and Zoning Commission so as to assure the fullest practicable presentation of facts for the permanent record. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the application. Applications for amendments of the text or requirements of this Ordinance shall likewise be submitted to the Planning and Zoning Commission on forms prescribed by it and shall be verified by the person or persons preparing said amendment.

2. Before submitting its recommendation on a proposed amendment to the Board of Supervisors, the Planning and Zoning Commission shall hold at least one public hearing thereon, notice of which shall be given to all property owners within 500 feet of the property, if possible. Notice shall also be published of said hearing in a newspaper of general circulation, as required by, and in conformance with, Iowa law. The notice shall state the place and time at which proposed amendment to the Ordinance including test and maps, may be examined. When the Planning and Zoning Commission has completed its recommendations on a proposed amendment, it shall certify the same to the Board of Supervisors.

3. After receiving the certification of said recommendations on the proposed amendment from the Planning and Zoning Commission and before adoption of such amendment, the Board of Supervisors shall hold a public hearing thereon, and notices thereof shall be published in accord with Iowa law. In addition, notices shall be sent by the United States mail as specified in 2 above.

4. After receiving certification of the recommendations on the proposed amendment from the Planning and Zoning Commission and after holding the public hearing provided for, the Board of Supervisors shall consider such recommendations and vote on the adoption of the proposed amendment. The proposed amendment shall become effective by a favorable vote of a majority of all the members of the Board of Supervisors.

5. Any person or persons desiring a change in the zoning classification of property shall file with the application for such change, a statement giving the names and addresses of the owners of all properties lying within 500 feet of any part of the property proposed to be changed in electronic format.

6. The failure to notify as provided in 2 and 11.06.02 above shall not invalidate any recommendation of the Planning and Zoning Commission, provided such a failure was not intentional, and the omission of the name of any owner of property who may, in the opinion of the Planning and Zoning Commission be affected by such amendment or change, shall not invalidate any recommendation adopted hereunder; it being the intention of this subsection to provide so far as may be, due notice to the persons substantially interested in the proposed change that an application is pending before the Planning and Zoning Commission, proposing to make a change in the Official Zoning Map or the regulations set forth in this Ordinance.

7. Each application for an amendment, except those initiated by the Planning and Zoning Commission, shall be accompanied by a check payable to the Treasurer of Webster County or a cash payment in accord with the Schedule of Fees: Webster County Zoning Ordinance, which is on file in the office of the Zoning Administrator. Under no conditions shall said sum or any part thereof be refunded for failure of said amendment to be enacted into law.

8. Whenever any petition for an amendment, supplement or change of the zoning or regulations herein
contained or subsequently established shall have been denied by the Board of Supervisors, then no
new petition covering the same property and/or additional property shall be filed with or considered
by the Board of Supervisors until one year shall have elapsed from the date of the filing of the first
petition.

ARTICLE 12: ADMINISTRATION AND ENFORCEMENT

Section 12.01 Enforcement
It shall be the duty of the Zoning Administrator to enforce the provisions of this ordinance and to refuse to issue any
permit for any building, or for the use of any premises which would violate any of the provisions of said ordinance.
It shall also be the duty of all officers and employees of the County to assist the Zoning Administrator by reporting to
him/her any seeming violation in new construction, reconstruction, or land uses.

Section 12.02 Zoning Administrator
12.02.01 The Zoning Administrator shall issue all permits and certificates required by this ordinance.
1. If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, he/
she shall notify, in writing, the persons responsible for such violations, indicating the nature of the vio-
lation and ordering the action necessary to correct it.
2. The Zoning Administrator shall order discontinuance of illegal use of land, buildings, or structures;
removal of illegal buildings, or structures, or of additions, alterations, or structural changes thereto; dis-
continuance of any illegal work being done; or shall take any other action authorized by this ordinance
and the Board of Supervisors to insure compliance with or to prevent violation of its provisions.
3. The Board of Supervisors may, by resolution, delegate the powers and duties of the office of Zoning
Administrator to any other officer or employee of the County or may combine the powers and duties of
this office with any other office or position, as provide in Iowa Code.

12.02.02 A fee in accordance with the schedule of fees on file with the Planning and Development Department
shall be charged for each application filed.

ARTICLE 13: SEVERABILITY, CONFLICT, EFFECTIVE DATE

Section 13.01 Severability
If any section, paragraph, subdivision, clause, phrase, or provision of this ordinance shall be adjudged invalid or held
unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof,
other than the part so decided to be invalid or unconstitutional.

Section 13.02 Repeal of Conflicting Ordinances
The Zoning Ordinances for Webster County, Iowa, adopted by the Board of Supervisors on _____,
as well as all amendments enacted under that ordinance shall be repealed in its entirety upon the passage and effec-
tuation of this ordinance.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 13.03 Effective Date
By action taken at its regular business meeting of , the Webster County Board of Supervisors
adopted this ordinance established the effective date as .

C#

Webster County
Judy R. Cosgrove, Recorder
Instrument #2013-02319
04/25/2013 @02:27 PM
MISC MISCELLANEOUS
Total Fees: $0.00 # Pages: 2

Prepared by Sheilah Lizer, Webster County Planning & Zoning Administrator, Courthouse, Ft Dodge IA 515-574-3761
Return to Webster County Auditor, Courthouse, Ft Dodge IA 515-573-4920

AMENDMENT TO ORDINANCE NUMBER 046
ZONING ORDINANCE FOR THE UNINCORPORATED PORTION
OF WEBSTER COUNTY AND OFFICIAL ZONING MAP

WHEREAS, Curtis Alexander has petitioned the Board of Supervisors to change the Zoning District from A-1 to TA-1/ A-2 to build a house, at PR Elkhorn TWP W 313' of E 1049.7' of N 457.5' of NE NE 06-88-29, Webster County, IA.

WHEREAS, the Planning and Zoning Commission has held a public hearing regarding the pros and cons of the proposed change as they related to the established policy, goals, and objectives of the Comprehensive Plan; and

WHEREAS, the procedure outlined in Article 11/Changes and Amendments of Ordinance Number 046 has been followed; and

NOW THEREFOR, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF WEBSTER COUNTY, IOWA THAT: the portion of the Official Zoning Map designating this property described above, as a A-1 Zoning District is repealed.

NOW THEREFOR, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF WEBSTER COUNTY, IOWA THAT: the portion of the Official Zoning Map designating this property described above, as a TA-1/ A-2 Zoning District is amended.

WEBSTER COUNTY BOARD OF SUPERVISORS

Bob Singer, Chair

Clark Fletcher, Board Member

Keith Dencklau, Board Member

Mark Campbell, Board Member

Merrill Leffler, Board Member

March 19, 2013
Date of First Hearing

Waived
Date of Second Hearing

April 2, 2013
Date of Third Hearing

April 10, 2013
Date of Publication

I, Carol Messerly, being duly sworn under oath, hereby state that I am the Auditor for Webster County, Iowa and that this is a true and accurate copy of the amendment to Ordinance No. 046 passed by the Webster County Board of Supervisors on April 2, 2013.

Webster County Auditor

Webster County
Judy R. Cosgrove, Recorder
Instrument #2011-00367
01/24/2011 @10:09 AM
MISC MISCELLANEOUS
Pages: 2
Total Fees: $0.00

Prepared by Sheilah Lizer, Webster County Planning & Zoning Administrator, Courthouse, Ft Dodge IA 515-574-3781
Return to Webster County Auditor, Courthouse, Ft Dodge IA 515-573-4920

AMENDMENT TO ORDINANCE NUMBER 046
ZONING ORDINANCE FOR THE UNINCORPORATED PORTION
OF WEBSTER COUNTY AND OFFICIAL ZONING MAP

WHEREAS, Michael Grell has petitioned the Board of Supervisors to change the Zoning District from M-E to TA-1 (A-2) for residential construction. The E911 address is 2068 LANDFILL DR. The legal description is: Northeast Quarter of the Southeast Quarter, Section 32 Township 89 North, Range 28 West of the Fifth P.M., Webster County, Iowa.

WHEREAS, the Planning and Zoning Commission has held a public hearing regarding the pros and cons of the proposed change as they related to the established policy, goals, and objectives of the Comprehensive Plan; and

WHEREAS, the procedure outlined in Article 11, Changes and Amendments of Ordinance Number 046 has been followed; and

NOW THEREFOR, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF WEBSTER COUNTY, IOWA THAT: the portion of the Official Zoning Map designating this property described above, as a M-E Zoning District is repealed.

NOW THEREFOR, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF WEBSTER COUNTY, IOWA THAT: the portion of the Official Zoning Map designating this property described above, as a TA-1 (A-2) Zoning District is amended.

WEBSTER COUNTY BOARD OF SUPERVISORS

Robert Singer, Chair

Eddie Peterson, Board Member

Clark Fletcher, Board Member

Phil Condon
Phil Condon, Board Member

, Board Member

December 21, 2010
Date of First Hearing

Waived
Date of Second Hearing

January 11, 2011
Date of Third Hearing

January 14, 2011
Date of Publication

I, Carol Messerly, being duly sworn under oath, hereby state that I am the Auditor for Webster County, Iowa and that this is a true and accurate copy of the amendment to Ordinance No. 046 passed by the Webster County Board of Supervisors on January 11, 2011.

Webster County Auditor

C**

Webster County
Judy R. Cosgrove, Recorder
Instrument #2012-06355
10/19/2012 @10:48 AM
MISC MISCELLANEOUS
Total Fees: $0.00 # Pages: 2

Prepared by Sheilah Lizer, Webster County Planning & Zoning Administrator, Courthouse, Ft Dodge IA 515-574-3761
Return to Webster County Auditor, Courthouse, Ft Dodge IA 515-573-4920

AMENDMENT TO ORDINANCE NUMBER 046
ZONING ORDINANCE FOR THE UNINCORPORATED PORTION OF WEBSTER COUNTY AND OFFICIAL ZONING MAP

WHEREAS, Michael Moore has petitioned the Board of Supervisors to change the Zoning District from M-E to TA-1 (A-2) for residential construction. The legal description is: East Half (E1/2) of the Southeast Quarter (SE 1/4) of Section Nine (9), Township Eighty-nine (89) North, of Range Twenty-nine (29), West of the 5th P.M., Webster County, Iowa.

WHEREAS, the Planning and Zoning Commission has held a public hearing regarding the pros and cons of the proposed change as they related to the established policy, goals, and objectives of the Comprehensive Plan; and

WHEREAS, the procedure outlined in Article 11, Changes and Amendments of Ordinance Number 046 has been followed; and

NOW THEREFOR, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF WEBSTER COUNTY, IOWA THAT: the portion of the Official Zoning Map designating this property described above, as a M-E Zoning District is repealed.

NOW THEREFOR, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF WEBSTER COUNTY, IOWA THAT: the portion of the Official Zoning Map designating this property described above, as a TA-1 (A-2) Zoning District is amended.

WEBSTER COUNTY BOARD OF SUPERVISORS

Bob Singer, Chairperson

Eddie Peterson, Board Member

Phil Condon, Board Member

Clark Fletcher, Board Member

Keith Dencklau, Board Member

Oct 2, 2012
Date of First Hearing

Waived
Date of Second Hearing

Oct 16, 2012
Date of Third Hearing

Oct 9, 2012
Date of Publication

I, Carol Messerly, being duly sworn under oath, hereby state that I am the Auditor for Webster County, Iowa and that this is a true and accurate copy of the amendment to Ordinance No. 046 passed by the Webster County Board of Supervisors on Oct 16, 2012.

Webster County Auditor

Webster County
Judy R. Cosgrove, Recorder
Instrument #2011-04587
09/12/2011 @01:44 PM
MISC MISCELLANEOUS
Pages: 4
Total Fees: $0.00

Prepared by Sheilah Lizer, Webster County Planning & Zoning Administrator, Courthouse, Ft Dodge, IA 515-574-3761
Return to Webster County Auditor, Courthouse, Ft Dodge IA 515-573-4920

AMENDMENT TO ORDINANCE NUMBER 046
ZONING ORDINANCE FOR THE UNINCORPORATED PORTION
OF WEBSTER COUNTY AND OFFICIAL ZONING MAP

WHEREAS, New Coop has petitioned the Board of Supervisors to change the Zoning District from R-2 to I-1 at A parcel of land in the NE ¼ of Section 29-88-30, West of the 5th P.M., Webster County, Iowa, more particularly described as follows: Commencing at the Northeast corner of said Section 29; thence N 90°00'00" W 522.7 feet along the North line of said NE ¼ to the Southeasterly right of way line of the Union Pacific Railroad; thence S 57°59'20" W 348.5 feet along said right of way line to point of beginning; thence N 89°39'00" E 91.5 feet to a point 48.0 feet Southeasterly as measured perpendicular to said right of way line; thence S 57°59'20" W 1815.0 feet parallel to said right of way line; thence S 89°39'00" W 91.5 feet to said right of way line; thence N 57°59'20" E 1815.0 feet along said right of way line to point of beginning, containing 2.00 acres, NOTE: The North line of the NE ¼ of said Section 29 is assumed to bear North 90018600'00" West. [Sorenson Family Property] AND Parcel 2: Block 11, Outlot "B" in the Town of Roelyn, Iowa, and a tract of land located West of the said Block 11 and Outlot "B" South of the Chicago and North Western Railway Co. right of way more particularly described as follows: Commencing at the Southeast corner of the SE ¼ of the SE ¼ of Section 20-88-30 West of the 5th P.M., Webster County, Iowa; thence N 00°00'00" E 207.77 feet along the East line of the said SE ¼ of the SE ¼ of Section 20 to the Southerly right of way line of the said Chicago and North Western Railway; thence S 58°29'08" W 38.70 feet along the Southerly right of way of the Chicago and North Western Railway to the point of beginning, said point being the Northeast corner of said Block 11, Town of Roelyn; thence continuing S 58°29'08" W 353.38 feet along the Southerly right of way line of the Chicago and North Western Railway (said line also being the North line of the said Block 11) to the South line of the said SE ¼ of the SE ¼ of Section 20 (said line also being the North line of the NE ¼ of the NE ¼ of Section 29-88-30); thence N 89°31'00" W 188.74 feet along the said South line of Section 20; thence S 58°29'08" W 348.51 feet along the Southerly right of way line of the Chicago and North Western Railway; thence S 89°52'00" E 786.66 feet along the South line of Outlot "B" extended, to the Northeast corner of Lot 1, Block 12 Town of Roelyn; thence N 00°08'00" E 179.86 feet along the East line of Outlot "B" and the East line of Block 11 to the South line of the said SE ¼ of the SE ¼ of Section 20; thence continuing N 00°00'00" E 187.27 feet along the East line of Block 11 to the point of beginning, containing 3.31 acres, EXCEPT Lots 1, 2, 3, 4, 5 and 6 in said Block No. 11. [Sorenson Family Property] AND Parcel 3: A tract of land located in the SE ¼ of the SE ¼ of Section 20-88-30 West of the 5th P.M., Webster County, Iowa, more particularly described as follows: Commencing at the Southeast corner of the said SE ¼ of the SE ¼ of Section 20; thence N 00°00'00" E 207.77 feet along the East line of the said SE ¼ of the SE ¼; thence S 58°29'08" W 38.70 feet to the point of beginning; thence continuing S 58°29'08" W 353.38 feet along the Southerly right of way line of the Chicago and North Western Railway (also being the Northerly line of Block 11 Town of Roelyn); thence N 89°31'00" W 233.21 feet along the South line of the said SE ¼ of the SE ¼ to a point 10.00 feet Southeast of the centerline of the Chicago and North Western Railway spur track (#102); thence N 59°20'00" E 89.67 feet parallel with the centerline of the said spur track; thence N 59°47'35" E 113.98 feet; thence N 58°50'00" E 117.40 feet;

thence N 58°23'40" E 303.53 feet; thence S 00°00'00" W 140.39 feet to the point of beginning, containing 1.34 acres.

[Tax Parcel No. 0921352004] The South Ninety-two (92) feet of Lots Nos. Three (3) and Four (4), all in Block No. Six (6), in the unincorporated Town of Roelyn, Iowa, located in Section Twenty-one (21), Township Eighty-eight (88) North, Range Thirty (30), West of the 5th P.M., Webster County, Iowa. [Bessie Sorenson Property]

[Tax Parcel No. 0921352008] Lot No. 11, in Block No. 7, in the Town of Roelyn, Webster County, Iowa, subject to covenants, conditions, restrictions and easements of record. [David and Sandra Schmieder Property]

[Tax Parcel No. 0921353007 and 0921353011] Lot No. 1, EXCEPT the East 24 feet thereof, Lot No. 2, and Lot No. 3, all in Block No. 8, Town of Roelyn, Webster County, Iowa, AND Lots Nos. 4, 5, 6, and 19, in Block No. 8, in the Town of Roelyn, Webster County, Iowa, AND The West 26 feet of Lot 18, Block 8, in the Town of Roelyn, Webster County, Iowa. [Helen Harklau Property]

[Tax Parcel No. 0921353008 and 0921353013] Part of Lots 12, 13, 14, 15, 16, 17 and 21, all in Block 8 to the Town of Roelyn, Webster County, Iowa, more particularly described as follows: Commencing at the Southwest corner of the said Lot 17; thence South 89°44'00" East 16.00 feet along the South line of the said Lot 17 to the point of beginning; thence continuing South 89°44'00" East 67.64 feet along the South line of the said Lots 16 and 17; thence North 58°29'08" East 106.60 feet along the Southerly line of the said Lots 12, 13, 14, 15 and 16 to the Southeast corner of the said Lot 12; thence North 31°30'52" West 94.01 feet along the Easterly line of the said Lot 12; thence South 38°54'00" West 174.18 feet to the point of beginning, containing 0.22 acres, AND including the Southwesterly 50.00 feet of Lot 21 more particularly described as follows: beginning at the Southwest corner of the said Lot 21; thence East 50.00 feet along the south line of the said Lot 21; thence North parallel with the East line of the said Lot 21 to a point on the North line of the said lot 21 (being the Southerly line of the alley extending through Block 8), thence Southwesterly along the said North line of Lot 21 to the point of beginning, all in Block 8. [Twin Lakes Energy, Inc. Property]

[Tax Parcel No. 0921353007 and 0921353011] Lot No. 1, EXCEPT the East 24 feet thereof, Lot No. 2, and Lot No. 3, all in Block No. 8, Town of Roelyn, Webster County, Iowa, AND Lots Nos. 4, 5, 6, and 19, in Block No. 8, in the Town of Roelyn, Webster County, Iowa, AND The West 26 feet of Lot 18, Block 8, in the Town of Roelyn, Webster County, Iowa. [Helen Harklau Property]

[Tax Parcel No. 0921353008 and 0921353013] Part of Lots 12, 13, 14, 15, 16, 17 and 21, all in Block 8 to the Town of Roelyn, Webster County, Iowa, more particularly described as follows: Commencing at the Southwest corner of the said Lot 17; thence South 89°44'00" East 16.00 feet along the South line of the said Lot 17 to the point of beginning; thence continuing South 89°44'00" East 67.64 feet along the South line of the said Lots 16 and 17; thence North 58°29'08" East 106.60 feet along the Southerly line of the said Lots 12, 13, 14, 15 and 16 to the Southeast corner of the said Lot 12; thence North 31°30'52" West 94.01 feet along the Easterly line of the said Lot 12; thence South 38°54'00" West 174.18 feet to the point of beginning, containing 0.22 acres, AND including the Southwesterly 50.00 feet of Lot 21 more particularly described as follows: beginning at the Southwest corner of the said Lot 21; thence East 50.00 feet along the south line of the said Lot 21; thence North parallel with the East line of the said Lot 21 to a point on the North line of the said lot 21 (being the Southerly line of the alley extending through Block 8); thence Southwesterly along the said North line of Lot 21 to the point of beginning, all in Block 8. [Twin Lakes Energy, Inc. Property]

[Tax Parcel No. 0921354001] Lots Three (3), Four (4), Five (5), and Six (6), Block Nine (9), Town of Roelyn, Webster County, Iowa, subject to covenants, conditions, restrictions and easements of record. [Dale and Laurie Liska Property]

[Tax Parcel No. 0921354006] Lot No. 8, in Block No. 9, in the Town of Roelyn, Webster County, Iowa, subject to covenants, conditions, restrictions and easements of record. [Daniel Hanson Property]

[Tax Parcel No. 0921354003, 0921354004, 0921354005] Lots 9, 10, 11, and 12, Block 9, in the Town of Roelyn, Webster County, Iowa. [Frank and Maude Konvalinka Property]

[Tax Parcel No. 0921352005 and 0921353009] The South 152 feet of Lot 2 of Block 6 in the Town of Roelyn, Webster County, Iowa. [Gary Conrad Taylor Property]

[Tax Parcel No. 0921353003] Lots Ten (10) and Eleven (11), Block Eight (8), Town of Roelyn, AND Lot Twenty-one (21), Except the West 50 feet thereof, in Block Eight (8), Town of Roelyn, Webster County, Iowa. [Bonnie Liska Property]

[Title Opinion No. 09-110A] That part of the SW ¼ of the SW ¼ of Section 21-88-30 West of the 5th P.M., Webster County, Iowa, bounded as follows: On the Northeast by the East line of said Quarter-Quarter Section; on the southeast by a line parallel with and distant 150 feet Southeasterly, measured at right angles, from the centerline of the main track of the Mason City and Fort Dodge Railroad Company (later the Chicago Great Western Railway Company and now the Chicago North Western Railway Company), as said main track centerline was originally located and established across said Section 21; said parallel line being also the Northwesterly lines of Main Street and Railroad Avenue South; on the Southwest by the East line of Cornelisen Avenue; and on the Northwest by the following described line; beginning at a point on the East line of said Cornelisen Avenue, distant 9.5 feet Southeasterly, measured radially from the centerline of the most Southeasterly side track of the Chicago and North Western Railway Company (formerly the Chicago Great Western Railway Company), as said side track is now located; thence Northeasterly along a line parallel with said side track centerline to a point distant 8.5 feet Southeasterly measured at right angles from the Southwesterly extension of the centerline of the tangent segment of said side track; thence Northeasterly along a line parallel with said last described side track centerline, and the Southwesterly and Northeasterly extensions of said tangent segment, to a point distant 9.5 feet Southeasterly, measured radially, from the centerline of a curved segment of said side track; thence Northeasterly along a line parallel with said last described side track centerline to a point distant 50 feet Southeasterly, measured at right angles, from the centerline of the main track of said Railway Company, as now located; thence Northeasterly along a line parallel with said last described main tract centerline to a point on the East line of said Quarter-Quarter section and there terminating.

A parcel of land located in the NW ¼ of the NW ¼ of Section 28-88-30 West of the 5th P.M., Webster County, Iowa described as follows: Commencing at the Northwest corner of the NW ¼ of said Section 28; thence N 90°00'00" E 351.71 feet along the North line of the said NW ¼ to the point of beginning; thence continuing N 90°00'00" E 969.95 feet along the said North line to the Northeast corner of the NW ¼ of the NW ¼; thence S 00°12'08" E 241.71 feet along the East line of the said NW ¼ of the NW ¼; thence N 90°00'00" W 970.24 feet; thence N 00°08'02" W 241.71 feet to the point of beginning, containing 5.38 acres. [Imholte]

, and

WHEREAS, the Planning and Zoning Commission has held a public hearing regarding the pros and cons of the proposed change as they related to the established policy, goals, and objectives of the Comprehensive Plan; and

WHEREAS, the procedure outlined in Article 11/Changes and Amendments of Ordinance Number 046 has been followed; and

NOW THEREFOR, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF WEBSTER COUNTY, IOWA THAT: the portion of the Official Zoning Map designating this property described above, as a R-2 Zoning District is repealed.

NOW THEREFOR, BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF WEBSTER COUNTY, IOWA THAT: the portion of the Official Zoning Map designating this property described above, as a I-1 Zoning District is amended.

WEBSTER COUNTY BOARD OF SUPERVISORS

Robert Singer, Vice, Chair

Eddie Peterson, Board Member

Phil Condon, Board Member

Clark Fletcher, Board Member

Absent
Keith Dencklau, Board Member

August 16, 2011
Date of First Hearing

Waived
Date of Second Hearing

August 30, 2011
Date of Third Hearing

September 7, 2011
Date of Publication

I, Carol Messerly, being duly sworn under oath, hereby state that I am the Auditor for Webster County, Iowa and that this is a true and accurate copy of the amendment to Ordinance No. 046 passed by the Webster County Board of Supervisors on August 30, 2011.

Webster County Auditor

ORDINANCE NO. 047

AS AMENDED
AN ORDINANCE ESTABLISHING THE WEBSTER COUNTY SUPERVISOR DISTRICTS AND ELECTION PRECINCTS

NOW, THEREFORE, BE IT ORDAINED BY BOARD OF SUPERVISORS OF WEBSTER COUNTY, IOWA:

Section l. Pursuant to Chapter 21 of the Code of Iowa, a public hearing has been duly held and the Board of Supervisors of Webster County, Iowa hereby establishing the Webster County Election Precincts as follows.

Webster County Proposed Redistricting Plan

A. VOTING PRECINCTS. The County shall be divided into precincts as required by Chapter 49 of the Code of Iowa in the following manner:

1. Deer Creek/Jackson precinct shall consist of all of Deer Creek and Jackson Townships, including the City of Clare.
2. Badger/Northwest Cooper precinct shall consist of all of Badger Township, including the City of Badger and that part of Cooper Township lying North and West of the incorporated boundary of the City of Fort Dodge and lying East of the Des Moines River.
3. Cooper precinct shall consist of all of Cooper Township, except that portion of the City of Fort Dodge located in Cooper Township and except that part of Cooper Township lying North and West of the incorporated boundary of the City of Fort Dodge and lying East of the Des Moines River.
4. Johnson precinct shall consist of all of Johnson Township, including the City of Barnum.
5. Douglas precinct shall consist of all land in Douglas Township, except that portion of the City of Fort Dodge located in Douglas Township.
6. Colfax/Duncombe precinct shall consist of all of Colfax Township and the City of Duncombe.
7. Elkhorn precinct shall consist of all of Elkhorn Township.
8. Lost Grove precinct shall consist of all of Lost Grove Township, including the City of Harcourt, except for that portion of the City of Gowrie located in Lost Grove Township.
9. Newark precinct shall consist of all of Newark Township, including the City of Vincent.
10. Otho/Pleasant Valley precinct shall consist of all of Otho and Pleasant Valley Townships, including the City of Otho.
11. Washington precinct shall consist of all of Washington Township except for the City of Duncombe.
12. Clay/Roland shall consist of all of Clay and Roland Townships, including the City of Callender.
13. Fulton precinct shall consist of all of Fulton Township, including the City of Moorland.
14. Sumner-Webster-Yell-Hardin precinct shall consist of all of Sumner, Webster, and Yell Townships, including the City of Lehigh, and all of Hardin Township and that portion of the City of Stratford located in Webster County.
15. Gowrie precinct shall consist of all of Gowrie Township including the City of Gowrie and that portion of the City of Farnhamville in Webster County.
16. Dayton-Burnside precinct shall consist of all of Dayton Township, including the City of Dayton, and all of Burnside Township.

B. SUPERVISOR DISTRICTS. The County shall be divided into precincts as required by Chapter 49 of the Code of Iowa in the following manner:

1. The first Supervisor District in Webster County shall consist of Badger/Northwest Cooper, Cooper, Newark, Colfax-Duncombe, and Washington precincts as well as precincts 2 and 11 in the City of Fort Dodge.
2. The second Supervisor District in Webster County shall consist of Elkhorn, Otho/Pleasant Valley, Clay/Roland, Fulton, Sumner/Webster/Yell/Hardin, Gowrie, Lost Grove, and Dayton/Burnside precincts.
3. The third Supervisor District in Webster County shall consist of precincts 8, 9, 10, and 12 in the City of Fort Dodge.
4. The fourth Supervisor District in Webster County shall consist of 1,3,6, and 7 in the City of Fort Dodge.
5. The fifth Supervisor District in Webster County shall consist of Deer Creek/Jackson, Douglas, and Johnson precincts as well as precincts 4 and 5 in the City of Fort Dodge.

Section 2. A copy of the plan shall be kept at the County Auditor's office for public inspection.

Section 3. Severability Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. This ordinance shall take effect upon publication.

Passed, approved and adopted this 1st day of November, 2011.

First reading:	November 1, 2011
Second reading:	Waived
Third reading:	Waived
Date of Publication:	November 9, 2011

Webster County Board of Supervisors
s/Keith Dencklau
Keith Dencklau, Chairperson
Absent
Robert Singer, Supervisor
s/Eddie Peterson
Eddie Peterson, Supervisor
s/Phil Condon
Phil Condon, Supervisor
s/Clark Fletcher
Clark Fletcher, Supervisor

ORDINANCE NO. 047

AN ORDINANCE ESTABLISHING THE WEBSTER COUNTY SUPERVISOR DISTRICTS AND ELECTION PRECINCTS

NOW, THEREFORE, BE IT ORDAINED BY BOARD OF SUPERVISORS OF WEBSTER COUNTY, IOWA:

Section 1. Pursuant to Chapter 21 of the Code of Iowa, a public hearing has been duly held and the Board of Supervisors of Webster County, Iowa hereby establishing the Webster County Election Precincts as follows.

Webster County Proposed Redistricting Plan

A. VOTING PRECINCTS. The County shall be divided into precincts as required by Chapter 49 of the Code of Iowa in the following manner:

1. Deer Creek/Jackson precinct shall consist of all of Deer Creek and Jackson Townships, including the City of Clare.
2. Badger precinct shall consist of all of Badger Township, including the City of Badger.
3. Cooper precinct shall consist of all of Cooper Township, except that portion of the City of Fort Dodge located in Cooper Township.
4. Johnson precinct shall consist of all of Johnson Township, including the City of Barnum.
5. Douglas precinct shall consist of all land in Douglas Township, except that portion of the City of Fort Dodge located in Douglas Township.
6. Colfax/Duncombe precinct shall consist of all of Colfax Township and the City of Duncombe.
7. Elkhorn precinct shall consist of all of Elkhorn Township.
8. Lost Grove precinct shall consist of all of Lost Grove Township, including the City of Harcourt, except for that portion of the City of Gowrie located in Lost Grove Township.
9. Newark precinct shall consist of all of Newark Township, including the City of Vincent.
10. Otho/Pleasant Valley precinct shall consist of all of Otho and Pleasant Valley Townships, including the City of Otho.
11. Washington precinct shall consist of all of Washington Township except for the City of Duncombe.
12. Clay/Roland shall consist of all of Clay and Roland Townships, including the City of Callender.
13. Fulton precinct shall consist of all of Fulton Township, including the City of Moorland.
14. Sumner-Webster-Yell-Hardin precinct shall consist of all of Sumner, Webster, and Yell Townships, including the City of Lehigh, and all of Hardin Township and that portion of the City of Stratford located in Webster County.
15. Gowrie precinct shall consist of all of Gowrie Township including the City of Gowrie.
16. Dayton-Burnside precinct shall consist of all of Dayton Township, including the City of Dayton, and all of Burnside Township.

B. SUPERVISOR DISTRICTS. The County shall be divided into precincts as required by Chapter 49 of the Code of Iowa in the following manner:

1. The first Supervisor District in Webster County shall consist of Badger, Cooper, Newark, Colfax-Duncombe, and Washington precincts as well as precincts 2 and 11 in the City of Fort Dodge.
2. The second Supervisor District in Webster County shall consist of Elkhorn, Otho, Pleasant Valley, Clay/Roland, Fulton, Sumner/Webster/Yell/Hardin, Gowrie, Lost Grove, and Dayton/Burnside precincts.

3. The third Supervisor District in Webster County shall consist of precincts 8, 9, 10, and 12 in the City of Fort Dodge.
4. The fourth Supervisor District in Webster County shall consist of 1,3,6, and 7 in the City of Fort Dodge.
5. The fifth Supervisor District in Webster County shall consist of Deer Creek/Jackson, Douglas, and Johnson precincts as well as precincts 4 and 5 in the City of Fort Dodge.

Section 2. A copy of the plan shall be kept at the County Auditor's office for public inspection.

Section 3. Severability Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. This ordinance shall take effect upon publication.

Passed, approved and adopted this 4th day of October 2011.

First reading:	September 20, 2011
Second reading:	Waived
Third reading:	October 4, 2011
Date of Publication:	October 7, 2011

Webster County Board of Supervisors
s/Keith Dencklau
Keith Dencklau, Chairperson
Absent
Robert Singer, Supervisor
s/Eddie Peterson
Eddie Peterson, Supervisor
s/Phil Condon
Phil Condon, Supervisor
s/Clark Fletcher
Clark Fletcher, Supervisor

ORDINANCE NO. 048

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

WHEREAS, the Board of Supervisors of Webster County, State of Iowa, after public notice and hearing as prescribed by law and pursuant to a Resolution passed and approved on the 29th day of May, 2007, adopted the Webster County Ag-Industrial Center Urban Renewal Plan, now named the Webster County Regional Urban Renewal Plan (the "Urban Renewal Plan") for an urban renewal area known as the Webster County Ag-Industrial Center Urban Renewal Plan Area, now named the Webster County Regional Urban Renewal Area (the "Urban Renewal Area" or "Area") and

WHEREAS, additional territory now has been added to the Area by the adoption of Amendment No. 1 to the Urban Renewal Plan; and

WHEREAS, no prior ordinance for the division of revenues has been adopted on the Area;

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

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

NOW, THEREFORE, BE IOT ORDAINED BY THE BOARD OF SUPERVISORS OF WEBSTER COUNTY, STATE OF IOWA, THAT:

Section I: For purposes of this Ordinance, the following terms shall have the following meanings:

(a) Original Area shall mean that portion of Webster County, State of Iowa, described in the Urban Renewal Plan for the Webster County Regional Urban Renewal Area approved by Resolution on the 29th day of May, 2007, which Original Project Area includes the lots and parcels located within the area legally described as follows:

Webster County Ag – Industrial Center
Urban Renewal Area

Original Area – 2007

The West Half (W1/2) of Section Twenty (20), Township Eighty-nine (89) North, Range Twenty-nine (29), West of the 5th P.M., Webster County, Iowa;

And,

The North Part (N) of the Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4) North of the Railroad in Section Twenty-nine (29), Township Eighty-nine (89) North, Range Twenty-nine (29), West of the 5th P.M., Webster County, Iowa;

And,

The North Part (N) of the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4) North of the Railroad in Section Twenty-nine (29), Township Eight-nine (89) North, Range Twenty-nine (29), West of the 5th P.M., Webster County, Iowa;

And,

All that part of the South Fractional Half (S frl ½) lying North of Right of Way Of Illinois Central Gulf Railroad Company of Section Nineteen (19), Township Eighty-nine (89) North, Range Twenty-nine (29), West of the 5th P.M., Webster County, Iowa;

And,

That part of the North Half (N1/2) of the Northeast Quarter (NE1/4) of Section Thirty (30), Township Eight-nine (89) North, Range Twenty-nine (29), lying

North of the Illinois Gulf Central Railroad Company Right of Way, all West of the 5th P.M., Webster County, Iowa;

And,

A parcel located in the Northeast Quarter (NE1/4) of Section Nineteen (19), Township Eighty-nine (89) North, Range Twenty-nine (29) West of the 5th P.M., Webster County, Iowa, more particularly described as follows: Commencing at the North Quarter Corner of said Section 19; thence South 88 43'40" East, 319.68 feet Along the north line of said Northeast Quarter to the Northeast Corner of an Existing tract as described in County Recorder's Inst. #2003-00692; thence South 00 14'44" East, 86.20 feet along the east line of said existing tract to a point on The south right of way line of Highway #7 (said point also being the point of Beginning); thence South 00 14'44" East, 2540.77 feet along said east line to a Point on the south line of said Northeast Quarter; thence North

88 37'57" West, 120.05 feet along said south line; thence North 00 14'44" west, 2540.25 feet to a point on said south right of way line; thence South 88 52'48" East, 120.03 feet along said south right of way line to the point of beginning Containing 7.00 acres total. NOTE: For the purpose of this survey, the north line Of said Northeast Quarter was determined to bear South 88 43'40" East using GPS.

(b) Amendment No.1 Area shall mean that portion of Webster County, State of Iowa, described in Amendment No. 1 to the Urban Renewal Plan for the Webster County Regional Urban Renewal Area approved by Resolution of the Board on the 28th day of February, 2012, which Amendment No. 1 Area includes the lots and parcels located Within the area legally described as follows:

Area added as a result of Amendment #1 – 2012

Block 1 Lots 5,6,7,8 and 9, and adjoining alley, Block 4 lots 5,6,7,8,9 and Vacated Alley of The Original Town of Tara, Iowa; AND

Iowa Highway 7 from Fairbanks Avenue east approximately 205 miles to north-south Union Pacific railroad crossing at the northeast corner of Valero property; AND

Hayes Avenue south from Iowa Highway 7 south and east approximately 1.5 miles to north-South Union Pacific railroad crossing at the southeast corner of Cargill property in Tara, Iowa; AND

First Street south from Powers Street to Hayes Avenue in Original Towns of Tara, Iowa; AND

Powers Street between First Street and Taylor Street in Original Towns of Tara, Iowa; AND

Taylor Street south from 200th Street to Hayes Avenue; AND

Harvest Avenue from Iowa Highway 7 south approximately 0.5 mile to Cargill property; AND

Fairbanks Avenue from Iowa Highway 7 south approximately 0.75 mile to the east-west Canadian National Railroad crossing; AND

The Northwest Quarter (1/4) of Section 24, Township Eight-nine (89) North, Range Thirty (30), West of the 5th P.M., AND

The Northeast Quarter (1/4) of Section 24, Township Eighty-nine (89) North, Range Thirty (30), West of the 5th P.M., AND

The Southwest (1/4) of Section 24 North of the Railroad, Township Eighty-nine (89) North, Range Thirty (30), West of the 5th P.M., AND

The Southeast (1/4) of Section 24 North of the Railroad, Township Eighty-nine (89) North, Range Thirty (30), West of the 5th P.M., AND

The Northwest Quarter (1/4) of Section 19, Township Eight-nine (89) North, Range Twenty-Nine (29), West of the 5th P.M., AND

The Northeast Quarter (1/4) of Section 19, Township Eighty-nine (89) North, Range Twenty-Nine (29), West of the 5th P.M., Webster County, Iowa.

The area includes the full right-of-way of all adjacent roads.

(c) Amended Area shall mean that portion of Webster County, State of Iowa, Included within the Original Project Area and the Amendment No. 1 Area, as Described below:

Original Area – 2007

The West Half (W1/2) of Section Twenty (20), Township Eight-nine (89) North, Range Twenty-nine (29), West of the 5th P.M., Webster County, Iowa;

And,

The North Part (N) of the Northwest Quarter of the Northwest Quarter (NW1/4 NW1/4) North of the Railroad in Section Twenty-nine (29), Township Eighty-nine (89) North, Range Twenty-nine (29), West of the 5th P.M., Webster County, Iowa;

And,

The North Part (N) of the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4) North of the Railroad in Section Twenty-nine (29), Township Eighty-nine (89) North, Range Twenty-nine (29), West of the 5th P.M., Webster County, Iowa;

And,

All that part of the South Fractional Half (S frl ½) lying North of Right of Way Of Illinois Central Gulf Railroad Company of Section Nineteen (19), Township Eighty-nine (89) North, Range Twenty-nine (29), West of the 5th P.M., Webster County, Iowa;

And,

That part of the North Half (N1/2) of the Northeast Quarter (NE1/4) of Section Thirty (30), Township Eighty-nine (89) North, Range Twenty-nine (29), lying North of the Illinois Gulf Central Railroad Company Right of Way, all West of the 5th P.M., Webster County, Iowa;

And,

A parcel located in the Northeast Quarter (NE1/4) of Section nineteen (19), Township Eighty-nine (89) North, Range Twenty-nine (29) West of the 5th P.M., Webster County, Iowa, more particularly described as follows: Commencing at the North Quarter Corner of said Section 19; thence South 88 43'40" East, 319.68 feet Along the north line of said Northeast Quarter to the Northeast Corner of an Existing tract as described in County Recorder's Inst. #2003-00692; thence South 00 14'44" East, 86.20 feet along the east line of said existing tract to a point on The south right of way line of Highway #7 (said point also being the point of Beginning); thence South 00 14'44" East, 2540.77 feet along said east line to a Point on the south line of said Northeast Quarter; thence North

88 37'57" West, 120.05 feet along said south line; thence North 00 14'44" West, 2540.25 feet to a point on said south right of way line; thence South 88 52'48" East, 120.03 feet along said south right of way line to the point of beginning Containing 7.00 acres total. NOTE: For the purpose of this survey, the north line Of said Northeast Quarter was determined to bear South 88 43'40" East using GPS.

Area added as a result of Amendment #1-2012

Block 1 Lots 5,6,7,8 and 9, and adjoining alley, Block 4 Lots 5,6,7,8,9 and Vacated Alley of The Original Town of Tara, Iowa; AND

Iowa Highway 7 from Fairbanks Avenue east approximately 2.5 miles to north-south Union Pacific railroad crossing at the northeast corner of Valero property; AND

Hayes Avenue south from Iowa Highway 7 south and east approximately 1.5 miles to north-South Union Pacific railroad crossing at the southeast corner of Cargill property in Tara; AND

First Street south from Powers Street to Hayes Avenue in Original Towns of Tara, Iowa; AND

Powers Street between First Street and Taylor Street in Original Towns of Tara, Iowa; AND

Taylor Street south from 200th Street to Hayes Avenue; AND

Harvest Avenue from Iowa Highway 7 south approximately 0.5 mile to Cargill property; AND

Fairbanks Avenue from Iowa Highway 7 south approximately 0.75 mile to the east-west Canadian National Railroad crossing; AND

The Northwest Quarter (1/4) of Section 24, Township Eighty-nine (89) North, Range Thirty (30) West of the 5th P.M., AND
The Northeast Quarter (1/4) of Section 24, Township Eighty-nine (89) North, Range Thirty (30)

West of the 5th P.M., AND

The Southwest (1/4) of Section 24 North of the Railroad, Township Eighty-nine (89) North, Range Thirty (30), West of the 5th P.M., AND

The Northwest Quarter (1/4) of Section 19, Township Eighty-nine (89) North, Range Twenty-Nine (29), West of the 5th P.M., AND

The Northeast Quarter (1/4) of Section 19, Township Eighty-nine (89) North, Range Twenty-Nine (29), West of the 5th P.m., Webster County, Iowa.

The area includes the full right-of-way of all adjacent roads.

Section 2: The taxes levied on the taxable property in the Amended Area, legally described in Section 1© hereof, by and for the benefit of the State of Iowa, County of Webster, Iowa, Manson Northwest Webster School District, and all other taxing districts from and after the effective date of this Ordinance shall be divided as hereinafter in this Ordinance provided.

Section 3: That portion of the taxes which would be produced by the rate at which the tax is levied each year by or for each of the taxing districts upon the total sum of the assessed value of the taxable property in the Amended Area, as shown on the assessment roll as of January 1 of the calendar year preceding the first calendar year in which Webster County, State of Iowa, certifies to the Auditor of Webster County, Iowa the amount of loans, advances, indebtedness, or bonds payable from the division of property tax revenue described herein shall be allocated to and when collected be paid into the fund for the respective taxing district as taxes by or for the taxing district into which all other property taxes are paid. The taxes so determined shall be referred to herein as the "base period taxes" for such area.

Section 4: That portion of the taxes each year in excess of the base period taxes for the Amended Area shall be allocated to and when collected be paid into a special tax increment fund of Webster County, State of Iowa, to pay the principal of and interest on loans, monies advanced to, or indebtedness, whether funded, refunded, assumed or otherwise, including bonds issued under authority of Section 403.9 or Section 403.12 or the Code of Iowa, incurred by Webster County, State of Iowa, to finance or refinance, in whole or in part, urban renewal projects undertaken within the Amended Area pursuant to the Urban Renewal Plan, as amended, except that taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to Section 298.2, but only to the extent authorized in Section 403.19 (2), and taxes for payment of bonds and interest of each taxing districts as taxes by or for the taxing districts in the same manner as all other property taxes.

Section 5: Unless or until the total assessed valuation of the taxable property in the areas of the Amended Area exceeds the total assessed value of the taxable property in the areas shown by the assessment rolls referred to in Section 3 of the Ordinance, all of the taxes levied and collected upon the taxable property in the Amended Area shall be paid into the funds for the respective taxing districts as taxes by or for the taxing districts in the manner as all other property taxes.

Section 6: At such time as the loans, monies advanced, bonds and interest thereon and indebtedness of Webster County, State of Iowa, referred to in Section 4 hereof have been paid, all monies thereafter received from taxes upon the taxable property in the Amended Area shall be paid into the funds for the respective taxing districts in the same manner as taxes on all other property.

Section 7: All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. The provisions of this Ordinance are intended and shall be construed so as to fully implement the provisions of Section 403.19 of the Code of Iowa with respect to the division of taxes from property within the Amended Area as described above. In the event that any provision of this Ordinance shall be determined to be contrary to law it shall not affect other provisions or application of this Ordinance which shall at all times be construed to fully invoke the provisions of Section 403.19 of the Code of Iowa with reference to the Amended Area And the territory contained therein.

Section 8: This ordinance shall be in effect after its final passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 28TH Day of February, 2012.

s/Robert H. Singer
Chairperson, Board of Supervisors

ATTEST:

s/Carol Messerly
County Auditor

Read First Time: February 28, 2012
Read Second Time: Waived
Read Third Time: Waived
PASSED AND APPROVED: February 28, 2012

C**

Webster County
Judy R. Cosgrove, Recorder
Instrument #2012-07184
11/27/2012 @08:26 AM
MISC MISCELLANEOUS
Total Fees: $0.00 # Pages: 3

Return to and
Prepared by: Carol Messerly, Auditor 703 Central Avenue Fort Dodge, Iowa 50501 (515) 573 - 7175

WEBSTER COUNTY ORDINANCE 049
CODE OF ORDINANCES

An Ordinance readopting the existing County Code and repealing certain portions therein, Webster County, Iowa:

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

SECTION 1. Purpose. Code of Iowa Section 331.302, subsection 9, requires that once every five years a County shall compile its Code of Ordinance. This Ordinance readopts Ordinances already in effect and repeals any ordinance deemed no longer necessary to the operation of Webster County, Iowa, or to the health, safety and welfare of its citizens.

SECTION 2. Repeal of County Law. The following Ordinance, deemed by the Board of Supervisors to be of no further value to the operation of Webster County or to the health, safety and welfare of its citizens, is hereby repealed.

1. No. 024. Zoning Ordinance for the Unincorporated Portion of Webster County, Iowa, having been replaced with Ordinance No. 046.
2. No. 027. An Ordinance Imposing a Local Option Sales and Service Tax for School Infrastructure Applicable to Transactions Within Webster County, Iowa, having been pre-empted by new Iowa Code Section.
3. No. 029. An Ordinance Imposing a Local Option Sales and Service Tax Applicable to Transactions Within Webster County, Iowa, having been replaced with Ordinance 044.
4. No. 037. An Ordinance Prescribing the General Relief Program in Webster County, Iowa, having been replaced with Ordinance No. 043.
5. No. 039. An Ordinance Establishing the Webster County Supervisor Districts and Election Precincts, having been replaced with Ordinance No. 047.
6. No. 042. An Ordinance readopting existing County Codes and repealing certain portions therein in its entirety.

SECTION 3. Re-adoption of Current Code. The following ordinances have been previously adopted and enacted into law and were duly published as the Law provides. They are stated herein by number and subject matter and by the authority of the Webster County Board of Supervisors comprise Webster County Code of Ordinances:

1. No. 004. As Amended. An Ordinance providing for the licensing, impounding, immunization, and keeping of dogs within certain areas of Webster County; authorizing the impounding and destruction of dogs and providing penalties. LIMITATION OF ORDINANCE: The provisions of this Ordinance shall apply only to the unincorporated areas of Webster County which are zoned R-1. AS AMENDED – by amending the Preamble and adding a definition to include the term cats, and by amending existing sections to provide for the impounding and destruction of cats, in its entirety; and amended to exclude any licensing requirements.
2. No. 008. An Ordinance establishing the Area Service "B" Road Classification in Webster County, Iowa, in its entirety.

3. No. 011. Flood Plain Management Ordinance, in its entirety.

4. No. 012. Alarm transmission telephone devices--regulations, in its entirety.

5. No. 014. Pawnbrokers – the general purpose of this Ordinance is to set forth rules to govern persons operating pawnbroker's businesses, in its entirety.

6. No. 015. Second-hand goods dealers – the general purpose of this Ordinance is to set forth rules to govern persons operating businesses dealing with second-hand goods, in its entirety.

7. No. 020. An Ordinance requiring that persons having control over a hazardous substance or hazardous waste shall at their own cost clean up any hazardous conditions resulting from them and providing remedies for the County to clean up hazardous conditions if the person having control over a hazardous substance or hazardous waste fails to do so, and to recover the damages and costs for the County, and establishing criminal penalties for certain violations, in its entirety.

8. No. 025. Webster County Ordinance providing the establishment of construction standards for the installation of on-site sewage treatment and nonpublic water well systems and proper plugging of abandoned wells: Bonding of contractors: Issuance of permits and penalties, in its entirety.

9. No. 028. An Ordinance Prohibiting the Unauthorized use of Secondary Road Right-Of-Way for Webster County, in its entirety.

10. No. 030. An Ordinance to Abate Nuisance of Dilapidated Buildings for the Unincorporated Area of Webster County, in its entirety.

11. No. 031. An Ordinance, as amended, Establishing the Area Service "C" Road Classification in Webster County, Iowa, in its entirety.

12. No. 034. An Ordinance regulating the division and platting of land in conformance with Chapter 354 of the Code of Iowa.

13. No. 035. An Ordinance providing rules and regulations for the subdivision of lands in the unincorporated area of Webster County, Iowa prescribing minimum standards for the preliminary and final plats and requiring certain improvements as a condition of approval.

14. No. 036. An Ordinance establishing a Local Office Fee for Uniform Commercial Code (UCC) Information Request.

15. No. 040. An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the Frontier Ethanol Urban Renewal Area, pursuant to Section 403.19 of the Code of Iowa.

16. No. 043. An Ordinance describing the forms of assistance provided by Webster County, Iowa in accordance with Chapter 252, Code of Iowa, to poor needy persons.

17. No. 044. Webster County Ordinance for Iowa "Regular" Local Option.

18. No. 045. Webster County Ordinance to provide for the Special Valuation of Wind Conversion property.

19. No. 046. Webster County Zoning Ordinance for the Unincorporated portion of Webster County.

20. No. 047. Webster County Ordinance establishing the Webster County Supervisor Districts and Election Precincts.

21. No. 048. Webster County Ordinance providing General Property Taxes levied and collected; amended Webster County Regional Urban Renewal Area.

SECTION 4: Code of Ordinances. Copies of the Code as adopted herein shall be on file and available for public inspection in the office of the County Auditor.

SECTION 5. When Effective. This Ordinance shall be effective after its final passage, approval, and publication as provided by law.

WEBSTER COUNTY BOARD OF SUPERVISORS

Robert Singer, Chairman Board of Supervisors

Eddie Peterson, Board Member

Phil Condon, Board Member

Clark Fletcher, Board Member

Keith Dencklau, Board Member

I, Carol Messerly, being duly sworn under oath, hereby state that I am the Auditor for Webster County, Iowa, and that this is a true and accurate copy of the Webster County Ordinance No. 049, passed by the Webster County Board of Supervisors November 13, 2012 .

Carol Messerly, County Auditor

First Reading: October 23, 2012
Second Reading: Waived
Third Reading: November 13, 2012
Final Passage: November 13, 2012
Published: November 21, 2012

C**

Webster County
Judy R. Cosgrove, Recorder
Instrument #2012-07458
12/07/2012 @11:37 AM
MISC MISCELLANEOUS # Pages: 15
Total Fees: $0.00

Prepared by Sheilah Lizer, Webster County Planning & Zoning Administrator, Courthouse, Ft Dodge, IA 515-574-3761
Return to Webster County Auditor, Courthouse, Ft Dodge IA 515-573-4920

ORDINANCE NUMBER 050
FLOOD PLAIN MANAGEMENT PLAN ORDINANCE FOR THE UNINCORPORATED PORTION OF WEBSTER COUNTY AND OFFICIAL DFIRM MAP

WHEREAS, Webster County is a member in good standing in the National Flood Insurance Program; and

WHEREAS, the Flood Plain Management Plan. is an ordinance protecting and preserving the rights, privileges and property of the county or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents; and

WHEREAS, the areas prone to flooding in Webster County have recently been re-mapped by the Federal Emergency Management Agency (FEMA); and

WHEREAS, the new maps issued by FEMA have an effective date of December 4, 2012; and

WHEREAS, to maintain its good standing in the National Flood Insurance Program, Webster County must adopt the new Flood Plain Management Plan and Digital Firm Rate Maps (DFIRMS); and

NOW, THEREFORE, BE IT RESOLVED by the Webster County Board of Supervisors will adopt Webster County Ordinance No. 50, "Flood Plain Management Plan of Webster County, Iowa," AND repeal the Flood Plain Ordinance #11 and maps.

WEBSTER COUNTY BOARD OF SUPERVISORS

Robert Singer, Chair

Eddie Peterson, Board Member

Phil Condon, Board Member

Absent
Clark Fletcher, Board Member

Keith Dencklau, Board Member

Ordinance No. 050
FLOOD PLAIN MANAGEMENT ORDINANCE

SECTION I - Statutory Authority, Findings of Fact and Purpose

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

B. Findings of Fact

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

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

C. Statement of Purpose

It is the purpose of this ordinance to protect and preserve the rights, privileges and property of Webster County and its residents and to preserve and improve the peace, safety, health,. welfare, and comfort and convenience of its residents by minimizing those flood losses described in Section IB2 with provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flood or which cause excessive increases in flood heights or velocities.

2. Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.

3. Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.

4. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

SECTION II – General Provisions

A. Lands to Which Ordinance Apply

The provisions of this ordinance shall apply to all areas having special flood hazards within the jurisdiction of Webster County. For the purpose of this ordinance, the special flood hazard areas are those areas designated as Zone A on the Flood Insurance Rate Map for Webster County and Incorporate Areas, date December 4, 2012, which were prepared as part of the Webster County Flood Insurance Study. The Webster County Flood Insurance Study is hereby adopted by reference and is made a part of this ordinance.

B. Rules for Interpretation of Flood Hazard Boundaries

The boundaries of the special flood hazard areas shall be determined by scaling distances on the official Flood Insurance Rate Map and the Flood Recovery Map. . In the event of a conflict between the Flood Insurance Rate

Map and the Flood Recovery Map, the more stringent map shall be used. When an interpretation is needed as to the exact location of a boundary, the Zoning Administrator shall make the necessary interpretation

C. Compliance

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

D. Abrogation and Greater Restrictions

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

E. Interpretation

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

F. Warning and Disclaimer of Liability

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

G. Severability

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

SECTION III - Standards for Flood Plain Development

All uses shall meet the following applicable performance standards. Development which involves the placement of structures, factory built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse shall be reviewed by the Iowa Department of Natural Resources to determine whether the land involved is either wholly or partly within the floodway or floodway fringe. Where needed, the Department of Natural Resources shall be contacted to compute 100-year flood elevation and floodway data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

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

1. Be consistent with the need to minimize flood damage.

2. Use construction methods and practices that will minimize flood damage.

3. Use construction materials and utility equipment that are resistant to flood damage.

4. Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources.

B. Structures

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

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

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

3. All new and substantially improved structures:

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

      i) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

      ii) The bottom of all openings shall be no higher than one foot above grade.

      iii). Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

      Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

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

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

C. Factory-built homes:

1. Factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement.

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

D. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damage and shall provide adequate drainage to reduce exposure to flood hazards. Development associated with subdivisions shall meet the applicable standards of this section.

E. Utility and Sanitary Systems

1. A11 new and replacement sanitary sewage systems shall be designed to minimize and eliminate infiltration of floodwaters into the system as :well as the discharge of effluent into floodwaters.

2. On-site waste disposal systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

3. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

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

F. Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

G. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or:

1. Not be subject to major flood damage and be anchored to prevent movement due to flood waters, or

2. Be readily removable after flood warning.

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

I. Accessory Structures

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

a The structure shall not be used for human habitation.

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

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

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

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

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

J. Recreational Vehicles

1. Recreational vehicles are exempt from the requirements of (SECTION III(A)5) of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

   (a) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,

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

2. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of (SECTION III(A)5) of this Ordinance regarding anchoring and elevation of factory-built homes.

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

Section IV - Special Floodway Provisions

In addition to the General Flood Plain Standards, uses within the floodway must meet the following applicable standards. The floodway is that portion of the flood plain that must be protected from developmental encroachment to allow the free flow of flood waters. Where floodway data has been provided in the Flood Insurance Study, such data shall be used to define the floodway. Where no floodway data has been provided, the Department of Natural Resources shall be contacted to provide a floodway delineation. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

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

B. All uses within the floodway shall:

   1. Be consistent with the need to minimize flood damage.

   2. Use construction methods and practices that will minimize flood damage.

   3. Use construction materials and utility equipment that are resistant to flood damage.

C. No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch or any other drainage facility or system.

D. Structures, buildings and sanitary and utility systems, if permitted, shall meet the applicable General Flood Plain standards and shall be constructed or aligned to present the minimum possible resistance to flood flows.

E. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.

F. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the floodway within the time available after flood warning.

G. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the Department of Natural Resources.

H. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.

I. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

Section V - Administration

A. Appointment, Duties and Responsibilities of Flood Plain Administrator

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

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

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

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

c. Record and maintain a record of the elevation (in relation to North American Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures in the special flood hazard area.

d. Record and maintain a record of the elevation (in relation to North American Vertical datum) to which all new or substantially improved structures have been flood proofed.

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

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

B. Flood Plain Development Permit

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

2. Application for Permit - Application shall be made on forms furnished by the Administrator and shall include the following:

a. Description of the work to be covered by the permit for which application is to be made.

b. Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.

c. Indication of the use or occupancy for which the proposed work is intended.

d. Elevation (in relation to North American Vertical Datum) of the lowest floor (including basement) of buildings.

e. For buildings. being improved or rebuilt, the estimated .cost of improvements and market value of the building prior to the improvements.

f. For developments involving more than 5 acres, the elevation of the 100-year flood.

g. Such other information as the Administrator deems necessary for the purpose of this ordinance.

3. Procedure for Acting on Permit - The Administrator shall make a determination as to whether the flood plain development, as proposed, meets the applicable provisions of Section III and shall approve or disapprove the application. In reviewing proposed development, the Administrator shall obtain, review and reasonably utilize any available flood plain information or data from Federal, State or other sources.

C. Subdivision Review

The Administrator shall review all subdivision proposals within the special flood hazard areas to assure that such proposals are consistent with the purpose and spirit of this ordinance and shall advise the Board of Supervisors of potential conflicts. Flood plain development in connection with a subdivision (including installation of public utilities) shall require a Flood Plain Development Permit as provided in Section IV B1. For proposals greater than 50 lots, the sub divider shall be responsible for providing flood elevation data.

D. Variance

1. The BOARD OF SUPERVISORS may authorize upon request in specific cases such variances from the terms of this ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards.

   a. Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.

   b. Variances shall not be issued within any designated floodway if any increase in flood levels during the 100-year flood would result. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.

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

   d. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage and (ii) such construction increases risks to life and property.

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

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

   a. The danger to life and property due to increased flood heights or velocities caused by encroachments.

   b. The danger that materials may be swept on to other land or downstream to the injury of others.

   c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

   d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

   e. The importance of the services provided by the proposed facility to the County.

   f. The requirements of the facility for a flood plain location.

   g. The availability of alternative locations not subject to flooding for the proposed use.

   h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

   i. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.

   j. The safety of access to the property in times of flood for ordinary and emergency vehicles.

   k. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.

   l. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.

   m. Such other factors which are relevant to the purpose of this ordinance.

3. Conditions Attached to Variances - Upon consideration of the factors listed above, the BOARD OF SUPERVISORS may attach such conditions to the granting of variances, as it deems necessary to further the purpose of this ordinance. Such conditions may include, but not necessarily be limited to:

   a. Modification of waste disposal and water supply facilities.

   b. Limitation of periods of use and operation.

   c. Imposition of operational controls, sureties, and deed restrictions.

   d. Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this ordinance.

   e. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Council shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

Section V- Nonconforming Uses

A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:

   1. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Ordinance.

   2. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.

B. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

Section VI- Penalties for Violation

Violations of the provisions of this ordinance or failure to comply with any of the requirements shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $(500.00 (FIVE HUNDRED) or imprisoned for not more than (30 (THIRTY) days. Nothing herein contained prevent Webster County from taking such other lawful action as is necessary to prevent or remedy violation.

Section VII - Definitions

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

BASE FLOOD	The flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood).
BASEMENT	Any enclosed area of a building which has its floor or lowest level below ground level (sub grade) on all sides. Also see "lowest floor."
DEVELOPMENT	Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
EXISTING CONSTRUCTION	Any structure for which the "start of construction" commenced before the effective date of the community's Flood Insurance Rate Map. May also be referred to as "existing structure".
EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION	A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the flood plain management regulations adopted by the community.

EXPANSION OF EXISTING FACTORY-BUILT HOME PARK OR SUBDIVISION The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FACTORY-BUILT HOME Any structure, designed for residential use, which is wholly or in substantial part, made, fabricated; formed or assembled in manufacturing facilities for installation or assembly and installation on a building site. For the purpose of this Ordinance, factory-built homes include mobile homes, manufactured homes and modular homes and also include park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

FACTORY-BUILT HOME PARK OR SUBDIVISION A parcel (or contiguous parcels) of land divided into two or more factory-built home lots for sale or rent.

FLOOD A temporary rise in stream's flow or stage that results in water overflowing its banks and inundating areas adjacent to the channel or an unusual and rapid accumulation of runoff or surface waters from any source.

FLOOD INSURANCE RATE MAP The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

FLOOD PLAIN MANAGEMENT An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, floodproofing and flood plain management regulations.

FLOOD PROOFING Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

FLOODWAY The channel of a river or stream and those portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge flood waters. or flood flows so that confinement of flood flows to the floodway area will not result in substantially higher flood levels and flow velocities.

FLOODWAY FRINGE Those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

HISTORIC STRUCTURE Any structure that is:

a) Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;

b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,

d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either i) an approved state program as determined by the Secretary of the Interior or ii) directly by the Secretary of the Interior in states without approved programs.

LOWEST FLOOR — The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

a) The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section III B3.a and

b) The enclosed area is unfinished (not carpeted, dry walled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and

c) Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least 1.0 ft above the 100-year flood level, and

d) The enclosed area is not a "basement" as defined in this section.

In cases where the lowest enclosed area satisfies criteria a,b,c; and d above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

MINOR PROJECTS — Small development activities (except for filling, grading and excavating) valued at less than $500.

NEW CONSTRUCTION (new buildings, factory-built home parks) — Those structures or development for which the start of construction commenced on or after the effective date of the Flood Insurance Rate Map.

NEW FACTORY-BUILT HOME PARK OR SUBDIVISION — A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the effective date of flood plain management regulations adopted by the community.

RECREATIONAL VEHICLE — A vehicle which is:

a) Built on a single chassis;

b) Four hundred (400) square feet or less when measured at the largest horizontal projection;

c. Designed to be self-propelled or permanently towable by a light duty truck; and

d) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

ROUTINE MAINTENANCE OF EXISTING BUILDINGS AND FACILITIES Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

a) Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding,
b) Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work
c) Basement sealing
d) Repairing or replacing damaged or broken window panes
e) Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems

SPECIAL FLOOD HAZARD AREA The land within a community subject to a one percent or greater chance of flooding in any given year. This land is identified as Zone A on the Flood Insurance Rate Map and the Flood Recovery Map. In the event of a conflict between the Flood Insurance Rate Map and the Flood Recovery Map, the more stringent map shall be used.

STRUCTURE Anything constructed or erected on the ground or attached to the ground including but not limited to buildings, factories. sheds, cabins, factory-built homes, storage tanks and other similar uses.

START OF CONSTRUCTION Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE	Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factor-built homes, storage tanks, and other similar uses.
SUBSTANTIAL DAMAGE	Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.
SUBSTANTIAL IMPROVEMENT	Any improvement to a structure which satisfies either of the following criteria: a) Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (i) before the improvement or repair is started, or (ii) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use. b) Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after October 1, 1985 shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.
VARIANCE	A grant of relief by a community from the terms of the flood plain management regulations.
VIOLATION	The failure of a structure or other development to be fully compliant with the community's flood plain management regulations.
100-YEAR FLOOD	A flood, the magnitude of which has a one percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every 100 years.

Section VI - Code of Ordinances

Copies of the Code as adopted herein shall be on file and available for public inspection in the office of the County Auditor.

Section VII - When Effective

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

The adoption of Ordinance No. 050 supersedes and replaces Ordinance No. 011 which was the prior Flood Plan Ordinance for Webster County, Iowa. Ordinance No. 011 is hereby abolished with the adoption of this new Ordinance No. 050.

ADOPTED AND PASSED by the Board of Supervisors of the County of Webster County, Iowa, this 27th day of November, 2012.

WEBSTER COUNTY BOARD OF SUPERVISORS

Robert H. Singer, Chair

Eddie Peterson, Board Member

Chris Condon, Board Member

_____, Board Member

Ken Allen, Board Member

Nov 13, 2012
Date of First Hearing

Waived
Date of Second Hearing

Nov 27, 2012
Date of Third Hearing

Dec 4, 2012
Date of Publication

I, Carol Messerly, being duly sworn under oath, hereby state that I am the Auditor for Webster County, Iowa and that this is a true and accurate copy of the amendment to Ordinance No. 050 passed by the Webster County Board of Supervisors on November 27, 2012

Carol Messerly
Webster County Auditor

Date of First Hearing: November 13, 2012

Date of Second Hearing: Waived

Date of Third Hearing: November 27, 2012

Date of Publication: December 4, 2012

I, Carol Messerly, being duly sworn under oath, hereby state that I am the Auditor for Webster County, Iowa and that this is a true and accurate copy of the amendment to Ordinance No. 050 passed by the Webster County Board of Supervisors on November 27, 2012.

Webster County Auditor

ORDINANCE NO. 51

REGULATING THE OPERATION OF ALL-TERRAIN VEHICLES AND OFF-ROAD VEHICLES IN WEBSTER COUNTY, IOWA.

SECTION 1 PURPOSE. This ordinance shall designate the county secondary roads where all-terrain vehicles and off-road utility vehicles may operate.

SECTION 2 DEFINITIONS. The definitions of terms used in this ordinance are:

1) All-terrain Vehicle as defined by Iowa Code section 321I.1 means a motorized vehicle with not less than three and not more than six nonhighway tires that is limited in engine displacement to less than one thousand cubic centimeters and in total dry weight to less than one thousand two hundred pounds and that has a seat or saddle designed to be straddled by the operator and handlebars for steering control.
2) Off-road Utility Vehicle as defined by Iowa Code section 321I.1 means a motorized vehicle with not less than four and not more than eight nonhighway tires or rubberized tracks that is limited in engine displacement to less than one thousand five hundred cubic centimeters and in total dry weight to not more than two thousand pounds and that has a seat that is of bucket or bench design, not intended to be straddled by the operator, and a steering wheel or control levers for control.
3) Roadway as defined by Iowa Code section 321I.1 means that portion of a highway improved, designed, or ordinarily used for vehicular travel.

SECTION 3 OPERATION ON ROADWAYS. A registered all-terrain vehicle or off-road utility vehicle may be operated on gravel roadways in Webster County pursuant to the restrictions in this ordinance and those restrictions imposed by the Iowa Code. In the event that a person residing on a county blacktop wishes to operate an all-terrain vehicle and/or an off-road utility vehicle on the gravel roadways, said person may operate on the shoulder of the county blacktop ~~so far as to~~ **for a reasonable distance** to reach the permissible county gravel roadway. Such operation may begin one hour after sunrise and must cease one hour before sunset.

SECTION 4 UNLAWFUL OPERATION. A person shall not operate an all-terrain vehicle and/or off road utility vehicle under any of the following conditions:

1) At a rate of speedy greater than the posted speed limit or greater than reasonable and/or proper under existing circumstances.
2) In a careless, reckless or negligent manner so as to
   a) Endanger any person
   b) Cause injury or damage to person or property
   c) Create unnecessary skidding or sliding or cause any wheel or wheels to unnecessarily lose contact with the ground.
3) Without a lighted headlight and taillight.
4) In any tree nursery or planting in a manner which damages or destroys growing stock.
5) On public land, ice or snow in violation of official signs prohibiting such operation.

6) In any park, wildlife area, preserve, refuge or game management area.
7) Any portion of a meandered stream or the bed of a non-meandered stream which has been identified as a navigable stream or river by the Department of Natural Resources and which is covered by water. This provision does not apply to designated riding areas, designated riding trails, construction vehicles engaged in lawful activity and/or the operation of all-terrain vehicles on ice.
8) Upon an operating railroad right-of-way. An all-terrain vehicle may be driven directly across a railroad right-of-way only at established crossings.
9) With more persons on the vehicle than it was designed to carry.
10) On any riding area or trail unless the trail is designated by sign as open to all-terrain and off-road utility vehicle operation.

SECTION 5 IDENTIFICATION PLATE. Individuals who operate on gravel roadways in Webster County must obtain an identification plate from the Office of the Webster County Recorder. The following conditions apply:

1) **The owner of each ATV/OHV shall be required to provide proof of ownership including but not limited to bill of sale, registration and other documentation accepted by the Recorder.**
2) **Identification plates will be issued for only one ATV/OHV and are not transferable.**
3) **Identification plates shall be affixed to the rear of the vehicle so that the permit is clearly visible.**

SECTION 6 EXEMPT VEHICLES. Registration shall not be required for all-terrain vehicles used exclusively to conduct agricultural operations pursuant to Iowa Code section 321I.9(3).

SECTION 7 PENALTIES. Violation of the Ordinance shall constitute a Simple Misdemeanor punishable by a fine of $65.00 to $625 plus the applicable court surcharge and costs and/or up to thirty (30) days in jail.

SECTION 8 EFFECTIVE DATE. This ordinance shall become effective sixty (60) days from publication.

First Reading: Approved 8/6/2013 (Date)
As Amended

Second Reading: Waived _____ (Date) Approved 8/13/2013 (Date)
As Amended

Third Reading Waived _____ (Date) Approved 9/3/2013 (Date)
As Amended