

Greene County, Iowa Code of Ordinances 2022

Codification Date: October __, 2022

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**ORDINANCE ADOPTING A NEW CODE OF ORDINANCES
FOR GREENE COUNTY, IOWA**

1. Purpose

1.1 The purpose of this Ordinance is to compile and to adopt a code of ordinances pursuant to section 331.302(10) of the Code of Iowa and to provide for its availability for public inspection.

2. Adoption of Code of Ordinances

2.1 The attached code of ordinances, entitled “Greene County, Iowa Code of Ordinances 2022,” hereafter, the “Code of Ordinances,” is hereby adopted by the Greene County Board of Supervisors.

3. Repealer

3.1 All ordinances or parts thereof enacted before the effective date of this Ordinance and not included in the Code of Ordinances are hereby repealed.

3.2 The repeal provided in section 3.1 shall not be construed to revive any ordinance or part thereof repealed by a subsequent ordinance which is repealed by this ordinance.

3.3 The repeal provided in section 3.1 shall not affect any offense or act committed or done, any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of this Ordinance.

4. Code of Ordinances

4.1 An official copy of the Code of Ordinances, including a certificate of the Greene County Auditor as to its adoption and effective date, shall be kept on file and made available for public inspection in the Office of the Greene County Auditor.

4.2 The Greene County Information Technology Manager shall make an electronic copy of the Code of Ordinances available for public viewing on the official Greene County, Iowa, website.

4.3 The Greene County Auditor shall furnish a copy of the Code of Ordinances to the Judicial Magistrate serving Greene County, Iowa.

5. Effective Date

5.1 This Ordinance shall be in full force and effect from and after its final adoption and publication as provided by law.

ORDINANCE ESTABLISHING THE GREENE COUNTY COMPREHENSIVE PLAN

1. Establishment of the Greene County Comprehensive Plan

- 1.1 The Greene County Board of Supervisors hereby establishes the Greene County Comprehensive Plan approved by the Greene County Board of Supervisors on May 12, 2008.
- 1.2 No structure shall be erected, converted, enlarged, reconstructed, or altered; no land shall be used or subdivided; and no development permit shall be issued, designated, or approved unless such structure, use, or permit complies with the Greene County Comprehensive Plan.

2. Severability

- 2.1 If any section, provision, sentence, clause, phrase, 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 provision, section, clause, phrase, or part hereof not adjudged invalid or unconstitutional.

3. Effective Date

- 3.1 This Ordinance shall be in full force and effect from and after its final adoption and publication as provided by law.

GREENE COUNTY ZONING ORDINANCE

1. Purpose

- 1.1 The provisions of this Ordinance shall be adopted for the promotion of the public health, safety, comfort, convenience, and general welfare, to lessen congestion in the streets or highways, to avoid excess concentration of population upon public facilities, and to facilitate the provision of transportation, water, sewage, schools, parks, and other public facilities, all in accordance with a Comprehensive Plan and detailed maps in support thereof as permitted by the provisions of Chapters 335 and 414 of the 2009 Code of Iowa as amended.
- 1.2 It is not intended by this Ordinance to repeal, abrogate, annul, or in any way impair or interfere with any existing provisions of law, or with any rule, regulations, or permit previously adopted or issued, or which shall be adopted or issued pursuant to law, relating to use of buildings or premises; nor is it intended by this Ordinance to interfere with or to abrogate or annul any agreement between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises than is required by any existing provisions of law, rule, regulation, permit, easement, covenant, or agreement, the provisions of this Ordinance shall govern.

2. Exemptions

- 2.1 The regulations and requirements established to implement section 335.27, Code of Iowa are not applicable to farm land, farm houses, farm barns, farm out-buildings, or other structures or erections used primarily for farming purposes as herein defined provided that this exemption shall apply only as long as the land and structures mentioned in this section continue to be used primarily for farming purposes; nor shall this Ordinance have any control over the location of any poles, antennas, towers, wires, cables, conduits, or any other similar distributing equipment of a telephone, telegraph, light, power, or railroad company except as stated herein in section 14.

3. Definitions. As used in this Ordinance, unless context otherwise requires:

- 3.1 “Accessory Use or Structure” means a use or building which is subordinate to the principal building or use on the lot, not attached thereto and used for purposes customarily incidental to those of the principal building or use.
- 3.2 “Administration Officer” means the person or persons appointed by the Board of Supervisors to administer the provisions of this Ordinance.
- 3.3 “Agriculture” means the use of land for agriculture purposes, including farming, dairying, pasturage, horticulture, floriculture, beekeeping, viticulture, and animal and poultry husbandry, and necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of such accessory uses shall be secondary to that of normal agriculture activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.
- 3.4 “Airport” means any area of land or water which is used or intended for use for the landing and taking off of aircraft; and any accessory areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.
- 3.5 “Alley” means a public or private way affording secondary means of access to abutting property.
- 3.6 “Basement” means a story having part but not more than one half of its height below grade. A basement is counted as a story for the purpose of height regulation if subdivided and used for dwelling purposes other than by a janitor employed on the premises.
- 3.7 “Billboard” includes all structures, regardless of the material used in the construction of the same, that are erected, maintained, or used for public display of posters, painted signs, wall signs, whether the structure be placed on the wall or painted on the wall itself, pictures or other pictorial reading matter which advertises a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.
- 3.8 “Block” means a platted area of land that is entirely bounded by streets, highways, or ways, except alleys and/or the exterior boundary or boundaries of the platted area.

- 3.9 “Board” means the Board of Adjustment as established by this Ordinance.
- 3.10 “Boarding House” means a building other than a hotel, where for compensation, meals and/or lodging are provided for four (4) or more persons.
- 3.11 “Building” means any structure designated or intended for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, but not including a vehicle, trailer (with or without wheels), nor any movable device, such as furniture, machinery, equipment, or signs and billboards. When a structure is divided in separate parts by unpierced walls extending from the ground up, each part is deemed a separate building.
- 3.12 “Building, Height of” means 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 mean height level between eaves and ridge for gable, hip, and gambrel roofs.
- 3.13 “Bulk Stations” means distributing stations commonly known as bulk or tank stations used for the storage and distribution of flammable liquids, or liquefied petroleum products, where the aggregate capacity of all storage tanks is more than twelve thousand (12,000) gallons.
- 3.14 “Camping Ground” means any land or portion thereof which is designed for and used exclusively, not exceeding four (4) weeks duration, by occupants of tents, trailers, mobile homes, or other mobile living facilities.
- 3.15 “Cellar” means that portion of a building having more than one-half (1/2) of its height below grade. A cellar is not included in computing the number of stories for the purpose of height measurement.
- 3.16 “Clinic” means an establishment where patients are not lodged overnight, but are admitted for examination and treatment by a group of physicians or dentists practicing medicine together.
- 3.17 “Commercial Feed Lot” means any tract on which the principal use is the raising of, or concentrated feeding of, livestock, fowl, or edible animals, or the sale of such animals, or the sale of products derived from animals.
- 3.18 “Commission” means the Greene County Zoning Commission.
- 3.19 “County” means the unincorporated portions of Greene County, Iowa.

- 3.20 “Court” means an open, unobstructed and unoccupied space other than a yard which is bounded on two or more sides by a building on the same lot.
- 3.21 “District” means a section or sections of Greene County within which the regulations governing the use of buildings and premises or the height and area of buildings and premises are uniform.
- 3.22 “Dwelling” means any building, or portion thereof, which is designed or used exclusively for residential purposes, but not including a tent, cabin, trailer, or mobile home.
- 3.23 “Dwelling, Multi-family” means a building or portion thereof designed for or occupied exclusively for residence by three or more families.
- 3.24 “Dwelling, Single-family” means a building designed for or occupied exclusively for residence by one family.
- 3.25 “Dwelling, Two-family” means a building designed for or occupied exclusively for residence by two (2) families.
- 3.26 “Dwelling Unit” means one or more rooms in a dwelling occupied or intended to be occupied as separate living quarters by a single family as defined herein.
- 3.27 “Family” means one or more persons related by blood, marriage, or adoption occupying a dwelling unit as an individual housekeeping organization. A family may include not more than two persons not related by blood, marriage, or adoption.
- 3.28 “Farm” means an area comprising ten (10) or more acres which is used for the growing of the usual farm products such as vegetables, fruit, trees, and grain, and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep, and swine. The term “farming” includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the produce; provided, however, that the operation of such accessory uses for treating or storing the produce shall be secondary to that of the normal farming activities.
- 3.29 “Filling or Service Station” means any building or premises used for the sale, at retail, of motor vehicle fuels, oils, or accessories, or for servicing or lubricating motor vehicles or installing or repairing parts and accessories, but not including the

repairing or replacement of motors, bodies, or fenders of motor vehicles, or painting motor vehicles, and excluding public garages.

- 3.30 “Floor Area” means the total number of square feet of floor space within the interior walls of a building, not including space in cellars or basements; however, if the cellar or basement is used for business or commercial purposes, it shall be counted as floor area in computing off-street parking requirements.
- 3.31 “Frontage” means all the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.
- 3.32 “Garage, Private” means a structure intended for and used by the private motor vehicles of the families resident upon the premises, provided that not more than one-half of the space may be rented for the private vehicles of persons not resident on the premises except that all of the space in a garage of one or two car capacity may be so rented; such garage shall not be used for more than one (1) commercial vehicle per family resident upon the premises.
- 3.33 “Garage, Public” means any building or premises, except those used as private or storage garages, used for equipping, refueling, servicing, repairing, hiring, selling, or storing motor-driven vehicles. The term repairing shall not include an automotive body repair shop, nor the rebuilding, dismantling, or storage of wrecked or junked vehicles.
- 3.34 “Garage, Storage” means any building or premises, used for housing only motor-driven vehicles, other than trucks and commercial vehicles, pursuant to previous arrangements and not to transients, and at which automobile fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired, or sold.
- 3.35 “Grade” means the average level of the finished surface of the ground adjacent to the exterior walls of the buildings, except when any wall approximately parallels and is not more than five (5) feet from a road line, then the elevation of the established sidewalk grade at the center of the wall adjoining the road shall be grade.

- 3.36 “Hotel” means a building in which lodging is provided and offered to the public for compensation, and which is open to transient guests in contradistinction to a boarding house or lodging house as herein defined.
- 3.37 “Institution” means a building occupied by a non-profit corporation or a non-profit establishment for public use.
- 3.38 “Junk” means a collection of material, including but not limited to scrap metals, wood, rope, batteries, used appliances or machinery, dismantled vehicles, vehicle parts, rags, paper, trash, or other old scrap ferrous or nonferrous material.
- 3.39 “Junk Yard/Salvage Yard” means an establishment or place of business where waste is discarded or salvaged materials are bought, sold, exchanged, baled or packed, disassembled, collected, or handled, including the dismantling or “wrecking” of automobiles or other machinery, house-wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including areas where such uses are conducted entirely within a completely enclosed building. Items may include but are not limited to materials such as: metal; automobiles, lumber, or salvaged wood. For the purposes of this Ordinance, junk yard shall include: salvage yard, wrecking yard, used lumberyard, sanitary landfill, automobile graveyard, garbage dumps, and places for storage of salvaged wood.
- 3.40 “Kennel” means an establishment where three (3) or more dogs are boarded for compensation or where dogs are bred or raised on a commercial scale.
- 3.41 “Lodging House” means a building or place where lodging is provided for compensation, for three (3) or more, but not exceeding twelve (12) individuals, not open to transient guests, in contradistinction to hotels and motels open to transients.
- 3.42 “Lot” means a parcel of land occupied or intended for occupancy by a use permitted in this Ordinance including one main building together with its accessory buildings, open spaces, and parking spaces required by this Ordinance.
- 3.43 “Lot, Corner” means a lot abutting upon two (2) or more roads at their intersection.
- 3.44 “Lot, Depth of” means the mean horizontal distance between the front and rear lot lines.

- 3.45 “Lot, Double Frontage” means a lot having a frontage on two (2) non-intersecting roads, as distinguished from a corner lot.
- 3.46 “Lot, Interior” means a lot other than a corner lot.
- 3.47 “Lot Line” means the property line bounding a lot.
- 3.48 “Lot of Record” means a lot which is part of a subdivision which has been recorded in the office of the Greene County Recorder, or a lot or parcel of land the deed to which has been so recorded.
- 3.49 “Lot Reversed Corner” means a corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.
- 3.50 “Lot Width” means the width of a lot measured at the building line and at right angles to its depth.
- 3.51 “Lumber Yard” means a premises on which primarily new lumber and related building materials are sold.
- 3.52 “Mobile Home” means any structure used for living, sleeping, business, or storage purposes having no foundation other than wheels, blocks, skids, jacks, horses, or skirtings, and which is, has been, or reasonably may be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term “mobile home” shall include camp car or house car.
- 3.53 “Mobile Home Park” means any lot or portion of a lot upon which two (2) or more mobile homes, occupied for dwelling or sleeping purposes, are located regardless of whether not a charge is made for such accommodation.
- 3.54 “Motel, Motor Court, Motor Lodge, or Tourist Court” means any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space conveniently located on the lot, and designed, used, or intended wholly or in part for the accommodation of automobile transients.
- 3.55 “Nonconforming Uses” means the lawful use of any building or land that was established prior to or at the time of passage of this Ordinance, or amendments thereto, which use does not conform to the provisions of this Ordinance for the district in which it is located.

- 3.56 “Nursing Home” means a home for the aged, elderly, or disabled, in which three (3) or more persons not of the immediate family are received, kept, or provided with food and shelter or care, for compensation; but not including hospitals, clinics, or similar institutions.
- 3.57 “Parking Space” means a surfaced area enclosed or unenclosed, sufficient in size to store one automobile together with a driveway connecting the parking space with a street, road, or alley and permitting ingress and egress of an automobile.
- 3.58 “Premises” means a lot, together with all buildings and structures thereon.
- 3.59 “Residence, Permanent” means a dwelling constructed and provided with all necessary equipment and facilities for year-round occupancy.
- 3.60 “Residence, Seasonal” means a dwelling constructed and provided with only that equipment and facilities necessary for less than year around occupancy; generally considered to be during the warmer months of the year.
- 3.61 “Right-of-way Line” means the common line between public land used as a roadway and/or thruway and other properties.
- 3.62 “Roadside Stand” means a temporary structure, unenclosed, and so designed and constructed that the structure is easily portable and can be readily moved.
- 3.63 “Rooming House”: see “Boarding House.”
- 3.64 “Sign” means an identification, description, illustration, or device which is affixed to or represented directly or indirectly upon a building, structure, or land, and which directs attention to a product, place, activity, person, institution, or business.
- 3.65 “Sign, Post” means 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.
- 3.66 “Stable, Private” means a building or structure used or intended to be used for housing horses belonging to the owner of the property only for non-commercial purposes.

- 3.67 “Stable, Public, and Riding Academy” means a building or structure used or intended to be used for the housing only of horses on a fee basis. Riding instruction may be given in connection with a public stable or riding academy.
- 3.68 “Stable, Riding Club” means a building or structure used or intended to be used for the housing only of horses by a group of persons for non-commercial purposes.
- 3.69 “Story” means that portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling or roof next above it.
- 3.70 “Story, Half” means 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. A half story containing independent living quarters shall be counted as a full story.
- 3.71 “Street” means a public way which affords the principal means of access to abutting property.
- 3.72 “Structural Alteration” means any change except those required by law or ordinance that would prolong the life of the supporting members of a building or structure, such as bearing walls, columns, beams, or girders, not including openings in bearing walls as permitted by other ordinances.
- 3.73 “Structure” means anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground.
- 3.74 “Trailer House”: see “Mobile Home.”
- 3.75 “Trailer Park”: see “Mobile Home Park.”
- 3.76 “Utility-Scale Solar Energy System” means an energy generation facility comprised of one (1) or more freestanding, ground-mounted devices, together with any transmission lines, substations, ancillary buildings, collection lines, and accessory equipment or structures, including any associated inverters, battery energy storage systems, or weather stations, that captures and converts solar energy into electrical energy, primarily for use in locations other than where it is generated. Utility-scale solar energy systems utilize photovoltaic cells to convert sunlight into electricity. A utility-scale solar energy system may also be known as a solar plant, solar generation plant, solar farm, or solar power plant. Solar thermal plants, including

concentrated solar power plants, using light reflectors, concentrators, or heat exchangers, are prohibited in the County. Utility-scale solar energy systems do not include small-scale solar panels or technologies installed at individual residential or commercial locations (e.g., roof- or ground-mounted panels) that are used exclusively for private purposes and not utilized for the commercial resale of any energy, except for the sale of surplus energy back to the electrical grid.

- 3.77 “Yard” means an open space on the same lot with a building unoccupied and unobstructed by any portion of the structure from the ground upward, except as otherwise provided in this Ordinance.
- 3.78 “Yard, Front” means a yard across the full width of the lot extending from the front line of the main building to the front line of the lot, excepting the usual steps and unenclosed porch. The narrow frontage on a corner lot.
- 3.79 “Yard, Rear” means a yard extending the full width of the lot between a main building and the rear lot line, excepting steps and unenclosed porches. On corner interior lots the rear yard shall be considered as parallel to the street on which the lot has its least dimensions. On both corner and interior lots, the opposite end of the lot from the front yard.
- 3.80 “Yard, Side” means a yard between the main building and the side line of the lot, and extending from the front yard line to the rear yard line.
- 3.81 “Zoning Administrator” means the Administration Officer designated or appointed by the Board of Supervisors to administer and enforce this Ordinance.
- 3.82 “Zoning Certificate” means a written statement issued by the Zoning Administrator authorizing buildings, structures, or uses consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provisions.

4. District Boundaries and General Regulations

4.1 Districts

4.1.1 In order to classify, regulate, and restrict the location of trades, industries, and the location of buildings designed for specified uses; to regulate and limit the height and use of buildings hereafter erected or structurally altered; to regulate and limit the intensity of use and the lot areas; and to regulate and determine the areas of yards, courts, and other open spaces

surrounding such buildings, the unincorporated areas of Greene County, Iowa are hereby divided into the following districts:

- 4.1.1.1 “A” Agriculture District
- 4.1.1.2 “B” Commercial District
- 4.1.1.3 “C” Industrial District
- 4.1.1.4 “D” Residence District
- 4.1.1.5 “E” Conservation District
- 4.1.1.6 “F” Mineral Extraction District

4.1.2 Any additions to the unincorporated area of the County resulting from disconnections by municipalities or otherwise shall be automatically classified as in the “A” District until otherwise classified by amendment.

4.2 Zoning Map

4.2.1 The boundaries of these districts are shown upon the Zoning Map which accompanies and is made a part of this Ordinance

4.2.2 The Zoning Map and all the information shown thereon shall have the same force and effect as if fully set forth or described, herein.

4.2.3 The Zoning Map, after being properly attested to, shall be and remain on file in the office of the County Zoning Administrator and the Board of Supervisors and the County Zoning Commission, Greene County, Iowa.

4.3 Vacated Streets or Roads

4.3.1 Whenever any street, road, alley, or other public way is vacated by official action as required by law, the zoning district adjoining the sides of such public way shall be automatically extended, depending on the side or sides to which such lands revert, to include the right-of-way of the public way thus vacated, which shall thenceforth be subject to all regulations of the district or districts thus extended.

4.4 Interpretation of District Boundaries

4.4.1 Where uncertainty exists with respect to the boundaries of the various districts, as shown on the map(s) accompanying and made a part of this Ordinance, the following rules shall apply:

- 4.4.1.1 Where a boundary line is given a position within a street, road, alley, or non-navigable stream, it shall be deemed to be in the center of the street, road, alley, or stream, and if the actual location of such street, road, alley, or stream varies slightly from the location as shown on the Zoning Map, then the actual location shall control.
- 4.4.1.2 Where a boundary line is shown as being located a specific distance from a street or road line or physical feature, the distance shall control.
- 4.4.1.3 Where a boundary line is shown adjoining or coincident with a railroad, it shall be deemed to be in the center of the railroad mainline track and distances measured from a railroad shall be measured from the center of the designated main line track.
- 4.4.1.4 Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, such boundaries shall be construed to be the lot lines and where the districts are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such districts unless said boundaries are otherwise indicated on the map(s).
- 4.4.1.5 In unsubdivided property, unless otherwise indicated, the district boundary line shall be determined by the use of the scale contained on such maps.
- 4.4.1.6 Where physical or cultural features existing on the ground are at variance with those shown on the official Zoning Map, or in other circumstances not covered by sections 4.4.1.1 through 4.4.1.5 above, the Board of Adjustment shall interpret the district boundaries except as hereinafter provided:
 - 4.4.1.6.1 No building or structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered nor shall any building or

land be used except for the purpose permitted in the district in which the building or land is located.

4.4.1.6.2 No building or structure shall be erected, converted, enlarged, reconstructed, moved, or structurally altered except in conformity with the height, yard, area per family, parking, and other regulations prescribed herein for the district in which the building is located.

4.4.1.6.3 The minimum yards and other open spaces including lot areas per family required by this Ordinance shall be provided for each and every building or structure hereafter erected, and such minimum yards, open spaces, and lot areas for each and every building, or structure whether existing at the time of passage of this Ordinance or hereafter erected shall not be encroached upon or be considered as a yard or open space requirement for any other building or structure.

4.4.1.6.4 Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot unless otherwise provided in this Ordinance.

4.4.1.6.5 All inhabited trailers shall be located in a trailer court that has received a conditional use permit as required. No trailer outside of an approved trailer court shall be connected to utilities except those trailers being offered for sale by dealers or manufacturers and not inhabited, and that which is herein stated in section 5.3.7.

4.5 General Regulations

4.5.1 Agricultural Uses Exempt

4.5.1.1 The provisions of this Ordinance shall not prohibit the use of land for agricultural purposes or the construction or use of buildings or structures incidental to the use for agricultural purposes of the land on which such buildings or structures are located and no Zoning Certificates shall be required for any such use, building, or structure.

4.5.2 Fences, Wall and Vision Clearance

4.5.2.1 On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to impede vision between a height of two and one-half (2 1/2) and ten (10) feet above the centerline grades of the area described as follows:

4.5.2.1.1 That area bounded by the street right-of-way lines of a corner lot and a straight line joining points on said right of-way lines twenty-five (25) feet from the point of intersection of said right-of-way lines.

4.5.3 Street Frontage Required

4.5.3.1 Lots containing any building used in whole or in part for residence purposes shall abut for at least forty (40) feet on at least one street, or have an exclusive unobstructed private easement of access or right-of-way at least twenty (20) feet wide to a street; and there shall be only one (1) single-family dwelling for such frontage or easement.

4.5.4 Accessory Buildings

4.5.4.1 No accessory buildings shall be erected in any required court or front yard.

4.5.4.2 Accessory buildings shall be distant at least five (5) feet from any principal building or structure on the same lot, and at least

three (3) feet from alley lines and from lot lines of adjoining lots which are in any “A” or “D” District.

4.5.4.3 Accessory buildings, except buildings housing animals and fowl, may be erected as a part of the principal building or may be connected thereto by a breezeway or similar structure; provided said buildings comply with all yard requirements for a principal building.

4.5.4.4 If the accessory building is to be detached, and is to be located in the side yard, the minimum side yard for a principal structure must be maintained for the accessory building.

4.5.5 Corner Lots

4.5.5.1 For corner lots platted after the effective date of this Ordinance, the street side yard shall be equal in width to the setback regulation of the lots to the rear having frontage on the intersecting street.

4.5.5.2 On corner lots platted and of record at the time of the effective date of this Ordinance, the side yard regulation shall apply to the longer street side of the lot except in the case of reversed frontage where the corner lot faces an intersecting street. In this case, there shall be a side yard on the longer street side of the corner lot of not less than fifty (50) percent of the setback line of the lots in the rear; provided further that this regulation shall not be interpreted as to reduce the buildable width of the corner lot facing an intersecting street and of record or as shown by existing contract of purchase at the time of the effective date of this Ordinance to less than twenty-eight (28) feet nor to prohibit the erection of an accessory building.

4.5.6 Building Lines on Approved Plats

4.5.6.1 Whenever the plat of a land subdivision approved by the Commission and on record in the Office of the County Recorder shows a building line along any frontage for the

purpose of creating a front yard or side street yard line, the building line thus shown shall apply along such frontage in place of any other yard line required in this Ordinance unless specific yard requirements in this Ordinance require a greater setback.

4.5.7 Home Occupations

4.5.7.1 Home occupations can be conducted entirely within a dwelling and carried on by the inhabitants thereof; provided that any such activity shall not occupy more than fifty (50) percent of the floor area of one (1) story of such buildings; provided further that only the proprietor and one additional person shall be regularly employed; provided further there may be a small non-illuminated sign not exceeding two (2) square feet in area; provided further there is no mechanical equipment except such as is normally used for domestic or household purposes.

4.5.8 Sanitary Requirements

4.5.8.1 Any commercial, industrial, or residential building located where a public sanitary sewer is not available will show the results of a percolation test made by a competent professional engineer. Such tests shall be in accordance with the requirements of the State Board of Health and the Greene County Board of Health.

5. “A” Agricultural District – Regulations

5.1 In A - District, the following regulations shall apply except as otherwise provided herein.

5.2 Permitted Uses

5.2.1 Agriculture, and the usual agricultural buildings and structures, including one mobile home.

5.2.2 Single- and two-family dwellings.

5.2.3 Alterations and conversions of single-family dwellings into two-family dwellings, in structures erected prior to the adoption of this Ordinance.

- 5.2.4 Church or other place of worship, including parish house and Sunday School building.
- 5.2.5 Public and parochial schools and colleges for academic instruction.
- 5.2.6 Publicly owned and operated buildings and facilities such as community centers, auditoriums, libraries, and museums.
- 5.2.7 Public parks, recreation areas, playgrounds, and community centers; private non-commercial recreational areas and centers, including country clubs, swimming pools, and golf courses; camping grounds; public and private forests and wildlife preserves and similar conservation areas.
- 5.2.8 Cemeteries, including mausoleums and crematories; provided that any mausoleum or crematory shall be distant at least two hundred (200) feet from adjacent property, street, and highway lines, and provided further that any new cemetery shall contain an area of twenty (20) acres or more.
- 5.2.9 Commercial kennels for the raising, breeding, and boarding of dogs or other small animals, provided that all buildings, including run-ways, be at least two hundred (200) feet from all property lines.
- 5.2.10 Hospitals and sanatoriums and charitable institutions for the treatment of diseases; nursing and convalescent homes.
- 5.2.11 Stables, private and public, and riding academies and clubs, and other structures for housing animals or fowl. Any such structures must be located at least two hundred (200) feet from all boundary lines of the property on which located.
- 5.2.12 Commercial swimming pools, golf courses, fishing lakes, gun clubs, skeet-shooting ranges, and similar uses when authorized by the Greene County Board of Supervisors after recommendation by the Commission.
- 5.2.13 Signs for service clubs not to exceed three (3) square feet in the area displaying the emblem of the club and information on time and location of meetings. No setback or other yard requirements need be provided.
- 5.2.14 Nurseries and greenhouses, provided that any heating plant shall be distant at least two hundred (200) feet from any dwelling other than a farm dwelling and from any adjoining lot line in a "D" Residence District.

- 5.2.15 Billboards. No billboard shall be posted and no advertising structure shall be erected as follows:
 - 5.2.15.1 On or within the right-of-way of a highway or where it would encroach thereon.
 - 5.2.15.2 Along a highway within five hundred (500) feet of the center point of an intersection of such highway at grade with another highway or with a railroad.
 - 5.2.15.3 Along a highway at any point where it would reduce the existing view of traffic in either direction or of traffic control or directional signs to less than five hundred (500) feet.
 - 5.2.15.4 No billboards within three hundred (300) feet of a house, church, or school.
 - 5.2.15.5 No billboards less than fifteen hundred (1,500) feet apart except back to back or end to end, and no more than two (2) billboards facing one direction.
 - 5.2.15.6 No advertisement or advertising structure shall be posted, erected, or maintained which simulates any official, directional, or other traffic control or warning sign erected or maintained by the State or by any county, municipality, or other governmental subdivision or which incorporates or makes use of lights simulating or resembling traffic signals or control signs.
 - 5.2.15.7 No advertisement shall be posted or maintained on rocks, fences, trees, or other perennial plants, or on poles maintained by public utilities.
- 5.3 Accessory Uses. Accessory buildings and uses customarily incident to a permitted use including:
 - 5.3.1 Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.
 - 5.3.2 A private garage or parking space.

- 5.3.3 Customary incidental home occupations and office of a resident physician, dentist, architect, engineer, attorney, or similar professional person including a sign not to exceed two (2) square feet in area.
- 5.3.4 The keeping of roomers or boarders by a resident family.
- 5.3.5 Roadside stands offering for sale only neighborhood agricultural products or other products produced on the premises.
- 5.3.6 One (1) bulletin board or sign not exceeding fifty (50) square feet in area appertaining to the construction, lease, hire, or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired, sold, or construction completed.
- 5.3.7 Temporary buildings for the uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work. This shall include trailers and mobile homes used as offices.
- 5.3.8 Principal uses permitted in this district shall be permitted one (1) double face on-site sign on the premises not to exceed thirty (30) square feet in area per face.
- 5.4 Height Regulations
 - 5.4.1 No building shall exceed two and one-half (2 1/2) stories nor shall it exceed thirty-five (35) feet in height except as provided in section 13.
- 5.5 Lot Area, Width, and Yard Requirements. The following minimum requirements shall be observed:
 - 5.5.1 Lot area:
 - 5.5.1.1 Dwellings two (2) acres, inclusive of road right-of-way.
 - 5.5.1.2 Other permitted uses: two (2) acres.
 - 5.5.2 Lot width:
 - 5.5.2.1 Dwellings: one hundred fifty (150) feet.
 - 5.5.2.2 Other permitted uses: two hundred (200) feet.
 - 5.5.3 Front yard depth:
 - 5.5.3.1 Dwellings and other permitted uses: fifty (50) feet from right-of-way line unless otherwise specified.

- 5.5.4 Side yard width:
 - 5.5.4.1 Each side yard:
 - 5.5.4.1.1 Dwellings: fifteen (15) feet.
 - 5.5.4.1.2 Other permitted uses: twenty-five (25) feet unless otherwise specified.
- 5.5.5 Rear yard depth:
 - 5.5.5.1 Dwellings and other permitted uses: forty (40) feet unless otherwise specified.
- 5.5.6 Lots of Record (undersize and separately owned). Side yard for dwellings on lots of record at the time of passage of this Ordinance that are under separate ownership from adjacent lots, and which do not meet the minimum width requirements of the district in which located, may be reduced as follows:
 - 5.5.6.1 The width of each of the side yards may be reduced to fifteen (15) percent of the width of the lot on lots having a width of fifty (50) feet or more. On lots having a width less than fifty (50) feet, each side yard shall be no less than five (5) feet.
 - 5.5.6.2 Corner Lots.
 - 5.5.6.2.1 The width of the side yard adjacent to the side street may be reduced to not less than ten (10) feet.
 - 5.5.6.2.2 The width of the side yard opposite the side street may be reduced to fifteen (15) percent of the width of the lot on lots having a width of fifty (50) feet or more.
 - 5.5.6.2.3 On lots having a width less than fifty (50) feet, each side yard shall be no less than five (5) feet.

5.6 Mining. See section 10.

5.7 Parking. See section 14

5.8 Exceptions. See section 2.

6. “B” Commercial District – Regulations

- 6.1 The regulations set forth in this section or set forth elsewhere in this Ordinance when referred to in this section are the regulations in the “B” Commercial District.
- 6.2 Permitted Uses. Any retail business or service establishment supplying commodities or performing services such as the following:
- 6.2.1 Any use permitted in the “D” Residence District.
 - 6.2.2 Banks, stores, shops, and personal service establishments.
 - 6.2.3 Bowling alleys, dance halls, or skating rinks.
 - 6.2.4 Farm implements, sale and repair.
 - 6.2.5 Farm stores or feed stores including accessory storage of liquid or solid fertilizer.
 - 6.2.6 Funeral homes or mortuaries.
 - 6.2.7 Hotels and motels.
 - 6.2.8 Hospital or clinic for animals.
 - 6.2.9 Laboratories for research or experimental testing.
 - 6.2.10 Offices and office buildings.
 - 6.2.11 Public garages, filling stations and automobile repair shops, or parking lots.
 - 6.2.12 Theaters, drive-in theaters, assembly halls, restaurants.
 - 6.2.13 Used car, trailer, or boat sales or storage lots.
 - 6.2.14 Accessory buildings and uses, including accessory signs and advertising structures related to the activity conducted on the premises but with sign area not to exceed one hundred (100) square feet.
- 6.3 Conditional Uses. The following uses may be conditionally permitted, if approved by the Board of Adjustment, in accordance with the procedures and under the conditions set forth in section 14 of this Ordinance provided such conditional uses shall comply with the height, area, and parking requirements of this section.
- 6.3.1 Wholesale merchandising or storage warehouses.
 - 6.3.2 General service and repair establishments including dyeing or cleaning works or laundry, plumbing and heating, printing, painting, upholstering, tinsmithing, or appliance repair shop.
 - 6.3.3 Compounding of cosmetics, toiletries, drugs, and pharmaceutical products.

- 6.3.4 Manufacture or assembly of boats, bolts, nuts, screws and rivets, ornamental iron products, firearms, electrical appliances, tools, dies, machinery and hardware products, sheet metal products, and vitreous enameled metal products.
 - 6.3.5 Manufacture or assembly of medical and dental equipment, drafting, optical and musical instruments, watches, clocks, toys, games, and electrical or electronic apparatus.
 - 6.3.6 Manufacture or storage of food products including beverage blending or bottling, bakery products, candy manufacture, fruit and vegetable processing and canning, and packing and processing of meat and poultry products, but not distilling of beverages or slaughtering of poultry or animals.
 - 6.3.7 Manufacture of boxes, crates, furniture, baskets, and other wood products of a similar nature.
 - 6.3.8 Generally, those light manufacturing uses similar to those listed in sections 6.3.1 through 6.3.7 above which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odors, heat, or glare than that which is generally associated with light industries of the type specifically permitted.
- 6.4 Parking Regulations
- 6.4.1 Regulations for single family dwellings, multiple family dwellings, schools, churches, and boarding or lodging houses shall be the same as those in the “D” Residence District.
 - 6.4.2 Off-street parking space for the uses listed below shall be provided on the lot to the extent provided:
 - 6.4.2.1 Funeral home or mortuary – one (1) space for each fifty (50) square feet of floor space in parlors or individual funeral service rooms.
 - 6.4.2.2 Hotels or motels – one (1) space for each sleeping room.

6.4.2.3 All other permitted uses – one (1) space for each two hundred (200) square feet of floor space.

6.5 Height Regulations

6.5.1 No building shall exceed four (4) stories, nor shall it exceed fifty (50) feet in height, except as provided in section 13 hereof.

6.6 Area Regulations

6.6.1 Front Yard – The front yard regulations are the same as those in the “E” Conservation District, except that on the side street side of a corner lot the front yard need not exceed ten (10) feet in depth.

6.6.2 Side Yard – The side yard regulations for dwellings are the same as those in the “D” Residence District. Where a lot is used for any other of the purposes permitted in this district, a side yard is not required except on the side of a lot abutting on an “A” or “D” District, in which case there shall be a side yard of not less than five (5) feet.

6.6.3 Rear Yard – The rear yard regulations for dwellings are the same as in the “D” Residence District. In all other cases, a rear yard is not required except where a lot abuts on an “A” or “D” District, in which case there shall be a rear yard of not less than fifty (50) feet in depth.

6.6.4 Minimum Lot Area – The minimum lot area requirements are the same as those in the “D” Residence District.

7. “C” Industrial District – Regulations

7.1 The regulations set forth in this section or set forth elsewhere in this Ordinance when referred to in this section, are the regulations of the “C” Industrial District.

7.2 Use Regulations. Any building or premises may be used for any purpose not in conflict with any regulation of Greene County regulating nuisances or laws of the State of Iowa; provided, however, that no building shall be erected, converted, reconstructed, or structurally altered for church, library, school, hospital, or residential purposes, except for resident watchmen and caretakers employed on the premises and except for farms; provided, that no building or occupancy permit shall be issued for any of the following uses or manufacturing, compounding, processing, packaging, or treatment of the following products until and unless the location of

such use shall have been approved by the Board of Adjustment, as provided in section 14 hereof.

7.2.1 Chemicals, Petroleum, Coal, and Allied Products:

- 7.2.1.1 Acids and derivatives.
- 7.2.1.2 Acetylene.
- 7.2.1.3 Ammonia.
- 7.2.1.4 Carbide.
- 7.2.1.5 Caustic soda.
- 7.2.1.6 Cellulose and cellulose storage.
- 7.2.1.7 Chlorine.
- 7.2.1.8 Coke oven products (including fuel gas) and coke oven products storage.
- 7.2.1.9 Creosote.
- 7.2.1.10 Distillation, manufacture, or refining of coal, tar, asphalt, wood, and bones.
- 7.2.1.11 Explosives (including ammunition and fireworks) and explosives storage.
- 7.2.1.12 Fertilizer (organic).
- 7.2.1.13 Fish oils and meal.
- 7.2.1.14 Glue, gelatin (animal).
- 7.2.1.15 Hydrogen and oxygen.
- 7.2.1.16 Lamp black, carbon black, and bone black.
- 7.2.1.17 Nitrating of cotton or other materials.
- 7.2.1.18 Nitrates (manufactured or natural) of an explosive nature, and storage.
- 7.2.1.19 Petroleum, gasoline, and lubricating oil refining, and wholesale storage.
- 7.2.1.20 Plastic materials and synthetic resins.
- 7.2.1.21 Potash.
- 7.2.1.22 Pyroxyline.

- 7.2.1.23 Rendering and storage of dead animals, offal, garbage, or waste products.
- 7.2.1.24 Turpentine and resin.
- 7.2.1.25 Wells, gas, and oil.
- 7.2.2 Permitted Uses
 - 7.2.2.1 Uses permitted in “B” Districts; provided no zoning certificate shall be issued for any dwellings, schools, hospitals, clinics, and other institutions for human care, except where incidental to a principal permitted use.
 - 7.2.2.2 Clay Stone and Glass Products
 - 7.2.2.2.1 Brick, firebrick, refractories, and clay products (coal-fired) cement, lime, gypsum, or plaster of Paris.
 - 7.2.2.2.2 Minerals and earths; quarrying, extracting, grinding, crushing, and processing.
 - 7.2.2.3 Food and Beverage
 - 7.2.2.3.1 Fat rendering.
 - 7.2.2.3.2 Fish curing, packing, and storage.
 - 7.2.2.3.3 Slaughtering of animals.
 - 7.2.2.3.4 Starch manufacture.
 - 7.2.2.4 Metals and Metal Products
 - 7.2.2.4.1 Aluminum powder and paint manufacture.
 - 7.2.2.4.2 Blast furnace, cupolas.
 - 7.2.2.4.3 Blooming Mill.
 - 7.2.2.4.4 Metal and metal ores, reduction, refining, smelting, and alloying.
 - 7.2.2.4.5 Scrap Metal reduction or smelting.
 - 7.2.2.4.6 Steel works and rolling mill (ferrous).
 - 7.2.2.5 Wood and Paper Products
 - 7.2.2.5.1 Match Manufacture.
 - 7.2.2.5.2 Wood pulp and fiber, reduction and processing.

- 7.2.2.6 Unclassified Industries and Uses
 - 7.2.2.6.1 Hair, hides, and raw fur, curing, tanning, dressing, dyeing, and storage.
 - 7.2.2.6.2 Stockyard.
 - 7.2.2.6.3 Junk yards and auto wrecking yards.
 - 7.2.2.6.4 Garbage and refuse disposal grounds.
- 7.2.3 Parking Regulations
 - 7.2.3.1 Off street parking spaces shall be provided as follows:
 - 7.2.3.1.1 For permitted industrial uses or service establishments: one space for each two (2) employees on the maximum working shift.
 - 7.2.3.1.2 For restaurants and other commercial uses: one space for each two hundred (200) square feet of floor area.
- 7.2.4 Height Regulations
 - 7.2.4.1 No building shall exceed four (4) stories nor fifty (50) feet in height, except as otherwise provided in section 13 hereof, and except that buildings may exceed four (4) stories or fifty (50) feet in height provided the building is set back one foot from all required yard lines for each one (1) foot of additional height above fifty (50) feet.
- 7.2.5 Area Regulations
 - 7.2.5.1 Front Yard – There shall be a front yard having a depth of not less than forty (40) feet.
 - 7.2.5.2 Side Yard – Except as hereinafter provided, there shall be a side yard on each side of a building having a width of not less than fifteen (15) feet.
 - 7.2.5.3 Rear Yard – Except as hereinafter provided, there shall be a rear yard of not less than 30 feet.

8. “D” Residence District – Regulations

- 8.1 The regulations set forth in this section or set forth elsewhere in this Ordinance when referred to in this section, are the regulations in the “D” Residence District.
- 8.2 Use Regulations. A building or premises shall be used only for the following purposes:
- 8.2.1 Permitted Uses
- 8.2.1.1 Agriculture, and the usual agricultural buildings and structures, including one (1) mobile home.
 - 8.2.1.2 Single-family dwellings.
 - 8.2.1.3 Two-family dwellings.
 - 8.2.1.4 Multiple dwellings.
 - 8.2.1.5 Churches or other places of worship, including parish houses and church school buildings.
 - 8.2.1.6 Boarding and lodging houses.
 - 8.2.1.7 Public schools, elementary and high, or private schools having a curriculum equivalent to a public elementary school and having no rooms used regularly for housing or sleeping purposes.
 - 8.2.1.8 Public libraries, parks, playgrounds, and community buildings.
 - 8.2.1.9 Accessory buildings and uses, including but not limited to home occupations, swimming pools, home barbecue grills, noncommercial greenhouses, accessory storage, walls and fences, off-street parking and loading spaces and antennae for radio and television receiving. Accessory uses shall also include public building and church bulletin boards not exceeding twenty (20) square feet in area and temporary signs not exceeding ten (10) square feet in area pertaining to the lease, hire, or sale of a building or premises.
- 8.3 Parking Regulations
- 8.3.1 Churches – Any church erected on a new site shall provide one off-street parking space upon the lot or within two hundred (200) feet thereof for

every five (5) persons for which seating is provided in the main auditorium.

8.3.2 Single-family Dwellings – Wherever a building is erected, converted, or structurally altered for a single-family dwelling at least one parking space shall be provided on the lot.

8.3.3 Schools – Any school erected on a new site shall provide one (1) off-street parking space upon the lot for every five (5) persons for which seating is provided in the auditorium or other place of general assembly.

8.3.4 Parking Space – Whenever a building is erected, converted, or structurally altered for a two-family or a multiple dwelling, boarding, or lodging house, at least one parking space shall be provided on the lot for each dwelling unit in the building.

8.4 Height Regulations

8.4.1 The height regulations are the same as those in the “E” Conservation District.

8.5 Area Regulations

8.5.1 Front Yard – The front yard regulations are the same as those in the “E” Conservation District.

8.5.2 Side Yard – There shall be a side yard on each side of a building having a width of not less than ten (10) feet, except that when a lot at the time of passage of this Ordinance has a width of sixty (60) feet or less, the side yard may be reduced to a width of not less than ten (10) percent of the width of the lot, but in no instance shall it be less than four (4) feet.

8.5.3 Rear Yard – There shall be a rear yard having a depth of twenty-five (25) feet or twenty (20) percent of the depth of the lot, whichever amount is larger.

8.5.4 Minimum Lot Area – Every lot or tract of land shall have an area of not less than seven thousand five hundred (7,500) square feet per family and an average width of sixty (60) feet, except that if a lot or tract has less area or width than herein required and its boundary line touches lands under other ownership on the effective date of this Ordinance and have not since

changed, such parcel of land may be occupied by any use permitted in this district.

8.5.5 For the purpose of complying with minimum health standards, the following minimum lot sizes shall be observed.

8.5.5.1 Lots which cannot be reasonably served by an existing public sanitary sewer system and public water mains shall have a minimum width of one hundred (100) feet, measured at the building line, and an area of not less than twenty thousand (20,000) square feet.

8.5.5.2 Lots which are not within a reasonable distance of public water supply mains, but are connected to a sanitary sewer system, shall have a minimum width of eighty (80) feet and an area of not less than ten thousand (10,000) square feet.

9. “E” Conservation District – Regulations

9.1 The regulations set forth in this section or set forth elsewhere in this Ordinance when referred to in this section are the regulations in the “E” Conservation District.

9.2 Use Regulations. A building or premises shall be used only for the following purposes:

9.2.1 Permitted Uses

9.2.1.1 Agriculture and the usual agricultural buildings and structures, including greenhouses.

9.2.1.2 Public parks and forest preserves.

9.2.1.3 Signs as follows:

9.2.1.3.1 Traffic and official signs.

9.2.1.3.2 Signs pertaining to the sale or lease of property, or to activities conducted on the property; provided, however, that these shall not exceed thirty (30) square feet in area.

9.2.1.3.3 Advertising signs, except that no signs shall be permitted within thirty (30) feet of any intersecting public roads or highways. Said

thirty (30) feet to be measured from the point where the right-of-way lines intersect.

9.2.2 Conditional Uses. The following uses may be permitted, if approved by the Board of Adjustment, in accordance with the procedures and under the conditions set forth in section 14 of this Ordinance provided such conditional uses shall comply with the height and area regulations of this section and with the parking regulations for similar uses set out elsewhere in this Ordinance.

9.2.2.1 Privately operated outdoor recreational facilities, including riding stables, lakes, swimming pools, tennis courts, and golf courses, provided they are located on sites containing not less than five (5) acres.

9.2.2.2 Marinas, yacht clubs, boat houses, and bait shops.

9.2.2.3 Motels and incidental facilities, including swimming pools, restaurants, incidental retail sales and services, and personal services, provided they are located on sites containing not less than one (1) acre.

9.2.2.4 Guest ranches, hunting and fishing resorts, ski resorts, and incidental facilities, including swimming pools, restaurants, incidental retail sales and services, and personal services, provided they are located on sites containing not less than twenty (20) acres.

9.2.2.5 Extraction of sand and gravel, provided that all pits and excavations shall be filled to the extent necessary so that the ground is put back in a usable fashion within six (6) months after the extraction operations are terminated.

9.2.2.6 Saw Mills.

9.2.3 Height Regulations

9.2.3.1 No building shall exceed two and one-half (2 1/2) stories nor shall it exceed thirty-five (35) feet in height except as provided in section 13.

9.2.4 Area Regulations

9.2.4.1 Front Yard

9.2.4.1.1 There shall be a front yard having a depth of not less than thirty (30) feet.

9.2.4.1.2 Where lots have double frontage, the required front yard shall be provided on both streets.

9.2.4.1.3 Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a lot of record at the time of passage of this Ordinance need not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along the side street with a depth of not less than five (5) feet. No accessory building shall project beyond the front yard line on either street.

9.2.4.2 Side Yard – There shall be a side yard on each side of a building having a width of not less than fifteen (15) feet.

9.2.4.3 Rear Yard – There shall be a rear yard having a depth of not less than fifty (50) feet or twenty (20) percent of the depth of the lot whichever amount is larger.

10. “F” Mineral Extraction District – Regulations

10.1 The regulations set forth in this section or set forth elsewhere in this Ordinance when referred to in this section are the regulations in the “F” Mineral Extraction District.

10.2 Permitted Uses

10.2.1 All agricultural uses.

10.2.2 Mineral extraction when the developer submits a plan for staged extraction and current overburden construction to conform to an overall master plan approved by the Zoning Commission and the Supervisors after the plans

are submitted for information only to the County Conservation Board and the Greene County Soil Conservation Commission and the State Department of Mines where a permit is required, at the discretion of the county boards and according to the master county recreation plans.

10.2.3 No permanent human habitat may be located on the premises of mineral extraction.

10.2.4 During extraction, appropriate fencing shall limit its hazard as approved by the Board of Supervisors.

10.2.5 No mineral extraction shall take place within two hundred (200) feet of a permanent water course unless in compliance with a long range plan that is in accordance with the master county recreation plans with appropriate methods for ownership and right-of-way and as noted therein for siltation, waterfowl hunting, general recreation, or similar specifications as the Greene County Conservation Board may adopt.

10.3 Yards – Set back from all property lines and state, county, and federal roads shall be one hundred-fifty (150) feet unless otherwise specified by the County Engineer for roadway safety.

10.4 Lot Area and Width – No restrictions.

11. Reserved.

12. Nonconforming Uses

12.1 The following provisions shall apply to nonconforming uses of buildings and land in any district.

12.2 Authority to Continue

12.2.1 Any building, structure or use that is lawfully established and exists on the effective date of this Ordinance, but does not conform to the provisions hereof, may be continued, but if such nonconforming use is discontinued for a term of one (1) year, any future use of said premises shall be in conformity with the provisions of this Ordinance, provided, however, that nonconforming business and industrial uses being operated on open land or in buildings of a temporary nature may be continued for a period not to exceed five (5) years from the effective date of this Ordinance.

- 12.3 Nonconforming Use May Be Extended
 - 12.3.1 A building which is nonconforming on the date this Ordinance becomes effective may be extended within the limits of the lot upon which it is located, provided such extension does not violate any of the yard area requirements of the district in which such is located, use or create or enlarge a nonconforming use in the district.
 - 12.3.2 A nonconforming use may not be extended into an adjoining district which does not permit such use.
- 12.4 Nonconforming Use Reconstructed
 - 12.4.1 If at any time any nonconforming building in existence or maintained at the time of the effective date of this Ordinance shall be destroyed by fire, explosion, or act of God, to the extent of more than fifty (50) percent the value thereof, then and without further action by the Supervisors the said buildings and said land on which such building was located or maintained shall from and after the date of such destruction be subject to all of the regulations of the district in which such land or building is located.
 - 12.4.2 If the destruction of the building is not greater than fifty (50) percent of the value of the building it may be reconstructed if such reconstruction is begun within six (6) months after such destruction and diligently prosecuted thereafter.
- 12.5 Nonconforming Use Substituted
 - 12.5.1 The substitution of one nonconforming use for another may be permitted when such substituted use will not increase congestion in the street, or endanger the health, safety, morals, or general welfare of the district in which it is located. There shall be no increase in the floor area of the building or in the lot area to accommodate such substituted use.
- 12.6 Restoration of Unsafe Portion of Building
 - 12.6.1 Nothing in these regulations shall prevent the restoration of any wall or other portion of a building declared unsafe by an authorized public official.
- 12.7 Nonconforming Uses of Historic or Architectural Significance

- 12.7.1 As designated by the Supervisors, upon recommendation of the County Conservation Board, monuments so noted shall not be extended, reconstructed, altered, or torn down without:
 - 12.7.1.1 First having plans and specifications approved by the Supervisors, upon an appointed professional review; or
 - 12.7.1.2 Direct purchase by the Conservation Board as a part of the overall park and recreation plan within a two (2) year period of application.

13. Additional Height and Area Regulations

- 13.1 The district height and area regulations hereinafter set forth in this section qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Ordinance.
- 13.2 Public, semi-public service buildings, hospitals, institutions, or schools, when permitted in a district, may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each yard line at least one (1) foot for each two (2) feet of additional building height above the height limit otherwise provided in the district in which the building is located.
- 13.3 Chimneys, church steeples, cooling towers, grain elevators, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, spires, wireless towers, grain elevators, wind turbines, substations in wind farms or utility-scale solar energy systems, antennas, or necessary mechanical appurtenances are exempt from the height regulations as contained herein, except as stated in sections 14.3 and 14.4.
- 13.4 Accessory buildings may be built in a required rear yard but such accessory buildings shall not occupy more than thirty (30) percent of a required rear yard and shall not be nearer than two (2) feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than ten (10) feet to the alley line. If a garage is located closer than ten (10) feet to the main building the garage shall be regarded as part of the main building for the purposes of determining side and rear yards.

- 13.5 No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes other than by domestic servants employed entirely on the premises.
- 13.6 Every part of a required yard shall be open to the sky, unobstructed by any structure, except for the projection of sills, belt courses, cornices, and ornamental features that are not to exceed twelve (12) inches.
- 13.7 No basement or cellar shall be occupied for residential purposes until the remainder of the building has been substantially completed.
- 13.8 Open-lattice enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Administrative officer for a distance of not more than three and one-half (3 1/2) feet and where the same are so placed as not to obstruct light and ventilation.
- 13.9 An open unenclosed porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet. An enclosed vestibule containing not more than forty (40) square feet may project into a front yard for a distance not to exceed four (4) feet.
- 13.10 Terraces, unenclosed porches, platforms, and ornamental features which do not extend more than three (3) feet above the floor level of the ground story may project into a required yard, provided these projections be distant at least two (2) feet from the adjacent side lot line.
- 13.11 For the purpose of the side yard regulations, a two-family dwelling or a multiple-family dwelling shall be considered as one (1) building occupying one (1) lot.
- 13.12 Temporary buildings and uses that are used in conjunction with construction work only may be permitted in any district during the period of construction, but such temporary buildings shall be removed upon completion of the construction work.
- 13.13 Where a lot or tract is used for farming or for a commercial or industrial purpose, more than one (1) main building may be located upon the lot or tract, but only when such buildings conform to all the open space requirements around the lot for the district in which the lot or tract is located.

- 13.14 In the event that a lot is to be occupied by a group of two (2) or more related buildings to be used for multiple-family dwelling, institutional, motel, or hotel purposes, there may be more than one (1) main building on the lot; provided, however, that the open space between buildings that are parallel or within forty-five (45) degrees of being parallel, shall have a minimum distance of twenty (20) feet for one (1) story buildings, thirty (30) feet for two (2) story buildings, and forty (40) feet for three (3) or four (4) story buildings.
- 13.15 Where an open space is more than fifty (50) percent surrounded by a building, the minimum width of the open space shall be at least twenty (20) feet for one (1) story buildings, thirty (30) feet for two (2) story buildings, and forty (40) feet for three (3) or four (4) story buildings.
- 13.16 No side yards are required where dwelling units are erected above commercial and industrial structures.
- 13.17 The front yards heretofore established shall be adjusted in the following cases:
- 13.17.1 Where forty (40) percent or more of the frontage on the same side of a street between two (2) intersecting streets is developed with two (2) or more buildings that have (with a variation of five (5) feet or less) a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing building nearest the street line.
- 13.17.2 Where forty (40) percent or more of the frontage on one side of a street between two (2) intersecting streets is developed with two (2) or more buildings that have a front yard of less depth than herein required, then:
- 13.17.2.1 Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two (2) closest front corners of the adjacent building on each side; or
- 13.17.2.2 Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one

side only, such building may be erected as close to the street as the existing adjacent building.

14. Special Exceptions

14.1 The Board of Adjustment (Board) may authorize the location of any of the buildings or uses listed below in the districts and according to the regulations specified below as a “special exception.”

14.2 The Board shall review applications for special exceptions according to the following provisions:

14.2.1 Application. A written application for special exception shall be submitted to the Board indicating the section of this Ordinance under which the special exception is sought and stating the grounds on which it is requested.

14.2.2 Hearing. The Board shall fix a reasonable time for the hearing of the special exception, give public notice thereof, as well as due notice to the parties in interest and decide the same within 30 days. At said hearing, any party may appear in person, by agent, or by attorney. The public hearing shall be held.

14.2.3 Findings and Standards. The special exception shall not be granted unless the Board finds that it is empowered under the section of this Ordinance described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest based on the following standards:

14.2.3.1 The establishment, maintenance, or operation of the special exception will not be detrimental to, or endanger, the public health, safety, morals, comfort, or general welfare of the community.

14.2.3.2 The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for a purpose already permitted, nor substantially diminishes and impairs property values within the neighborhood.

- 14.2.3.3 The approval of the special exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- 14.2.3.4 Adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided, and adequate measures have been taken or will be taken to provide ingress and egress so designed to minimize traffic congestion on public streets.
- 14.2.3.5 The special exception will not cause noise or other vibration which is objectionable due to volume, frequency, or beat unless muffled, damped, or otherwise controlled.
- 14.2.3.6 The special exception will not cause any emission of malodorous gas or other pollution of the air by ash, dust, vapors, or other substance which is harmful to health, animals, vegetation, or other property or which can cause soiling, discomfort, or irritation.
- 14.2.3.7 The special exception will not involve any direct or reflected glare which is visible from any adjoining property or from other public street or highway.
- 14.2.3.8 The special exception will not involve any activity that would substantially increase the burden on any public utilities or traffic congestion on a public street unless measures are taken to provide relief for the affected utility or street.

14.3 Special Exceptions “A”

- 14.3.1 Any public maintenance garage or storage yard erected and used by any department of the Township, County, State or Federal Government. Any District.
- 14.3.2 Airport or landing field. Any District. No building or structure such as poles, towers, wires, chimneys, or other such facility shall be constructed within the approach zones of said airport or landing field that may impose a public hazard as required for the flight of aircraft in landing or taking-off

at any airport or landing field, as shall be determined by the Greene County Zoning Commission.

- 14.3.3 Junk yards or auto wrecking yards. “A” and “C” Districts.
- 14.3.4 Garbage disposal and/or refuse dumps. “A” and “C” Districts.
 - 14.3.4.1 At no time shall a junk yard, auto wrecking yard, or garbage disposal and/or refuse dump be located within five hundred (500) feet of the boundary line of “B”, “D”, or “E” District.
 - 14.3.4.2 Noise and/or sight buffering in the form of landscaping or fencing may be required by the Board of Supervisors as needed according to its discretion.
- 14.3.5 Race tracks. “A” and “C” Districts.
 - 14.3.5.1 Minimum Development Requirements
 - 14.3.5.1.1 Area – twenty (20) acres.
 - 14.3.5.1.2 Width – six hundred (600) feet.
 - 14.3.5.1.3 Set back – two hundred (200) feet.
 - 14.3.5.1.4 Side yard – two hundred (200) feet.
 - 14.3.5.1.5 Rear yard – two hundred (200) feet
 - 14.3.5.1.6 Off-street parking – A minimum of one and one-half (1 1/2) parking spaces for each racer based on the maximum capacity of the track plus an additional one hundred (100) parking spaces for every 250 spectators shall be provided.
 - 14.3.5.1.7 Lighting – Any lighting provided shall be so arranged that will not shine directly on to adjacent properties.
 - 14.3.5.1.8 Buffering – Noise and/or sight buffering in the form of landscaping or fencing may be required by the Board of Supervisors as needed according to its discretion.

- 14.3.5.1.9 Distance from existing dwellings – No track shall be located closer than eight hundred (800) feet from any existing dwellings other than dwellings owned by the applicant for the proposed track.
- 14.3.5.1.10 Surfacing – The tracks shall be surfaced with asphalt or treated with oil to reduce dust.
- 14.3.6 Non-profit fraternal institutions. They shall be set back from all yard lines a distance of not less than two (2) feet for each foot of building height. Any district in which otherwise prohibited, except “C” Industrial. Minimum yard requirements shall be as specified in the district regulations.
- 14.3.7 New public and private cemetery. “B”, “C”, or “D” District.
- 14.3.8 Transmitting stations. “A”, “B”, or “C” District.
- 14.4 Special Exceptions “B”
 - 14.4.1 Mobile Homes. “A”, “B”, or “D” Districts.
 - 14.4.2 Mobile Home Parks. “A”, “B”, or “D” Districts.
 - 14.4.2.1 Minimum Development Requirements.
 - 14.4.2.1.1 Park
 - 14.4.2.1.1.1 Front yard – same as district or fifty (50) feet, whichever is greater.
 - 14.4.2.1.1.2 Side yard – thirty-five (35) feet.
 - 14.4.2.1.1.3 Rear yard – thirty-five (35) feet.
 - 14.4.2.1.1.4 Area – two (2) acres.
 - 14.4.2.1.1.5 Drives – twenty-five (25) feet in width surfaced with asphalt or Portland cement concrete.
 - 14.4.2.1.2 “Home” Spaces
 - 14.4.2.1.2.1 Space size – forty (40) feet by seventy-five (75) feet.

- 14.4.2.1.2.2 Space area – three thousand (3,000) square feet.
- 14.4.2.1.2.3 Off-drive parking – one (1) parking space for each “home” space.
- 14.4.2.1.2.4 Front yard – fifteen (15) feet.
- 14.4.2.1.2.5 Rear yard – ten (10) feet.
- 14.4.2.1.2.6 Side yard – five (5) feet each side.
- 14.4.3 Multiple dwellings containing three (3) or more dwelling units provided the minimum lot area per dwelling unit shall be as follows:
 - 14.4.3.1 With public sewer and water – four thousand (4,000) square feet.
 - 14.4.3.2 With public water and septic tanks – seven thousand (7,000) square feet.
 - 14.4.3.3 With private well and septic tanks – ten thousand (10,000) square feet.
 - 14.4.3.4 Any District except “C” District.
- 14.4.4 Any structure or land used by a public or private utility service company or corporation for public utility purposes including sewage lagoons, or for purposes of public communication. Any District. The basis for such permit shall be public convenience and necessity.

15. Tower, Antenna, and Wind Turbine Regulations

- 15.1 The following standards and requirements shall govern the design, development, and placement of towers, antennas, and wind turbine generators in the County.
- 15.2 Locations of Permitted Uses. A tower, antenna, or wind turbine generator may be permitted upon determination that all of the applicable conditions in this Ordinance are met:
 - 15.2.1 Residential Districts: Free-standing towers with heights not exceeding one hundred (100) feet are a permitted conditional use; those with heights exceeding one hundred (100) feet require a special exception.

- 15.2.2 Commercial Districts: Free-standing or guyed towers with heights not exceeding one hundred eighty (180) feet are permitted conditional uses; those with height exceeding one hundred eighty (180) feet require a special exception.
- 15.2.3 Industrial Districts: Free-standing or guyed towers with heights not exceeding three hundred sixty (360) feet are a permitted conditional use; those with heights exceeding three hundred sixty (360) feet require a special exception.
- 15.2.4 Agricultural Districts: Free-standing or guyed towers with heights not exceeding five hundred (500) feet are a permitted conditional use; those with heights exceeding five hundred (500) feet require a special exception.
- 15.2.5 If a special exception for additional tower height is requested, total tower height will not exceed one hundred fifty percent (150%) of the maximum height permitted in the applicable district as a conditional use. The applicant must demonstrate that additional height above that permitted as a conditional use by this Ordinance is necessary for essential service to residents of the County.
- 15.2.6 Telecommunications towers erected on existing structures other than telecommunications towers shall be allowed in any district, provided the height of the tower does not exceed one-third ($1/3$) of the height of the existing structure and the total of the existing structure and the tower does not exceed two hundred (200) feet.
- 15.2.7 All tower height allowances outlined in the preceding sections are subject to approval from the applicable Airport Commission if the tower is proposed to be located within the airport flight path.
- 15.3 Application Requirements
 - 15.3.1 The applicant for a conditional use permit for construction of a tower or wind turbine generator or placement of a commercial telecommunications antenna on an existing structure other than a tower previously permitted shall file an application with the Greene County Zoning Administrator accompanied by the appropriate fee as determined by resolution of the

Board of Supervisors. The application shall include the following documents:

- 15.3.1.1 A site plan drawn to scale identifying the site boundaries; tower or generator location; tower height; guy wires and anchors; design of proposed structures; parking, fencing and landscape plan; and existing uses on abutting parcels. A site plan is not required if antenna is to be mounted on an approved existing structure.
- 15.3.1.2 A current map showing locations of applicant's other antennas, facilities, existing towers or wind turbine generators, and proposed towers or wind turbine generators which are reflected in public records, serving any property within the County.
- 15.3.1.3 A report from a structural engineer containing the following:
 - 15.3.1.3.1 A description of the tower, including a description of the design characteristics and material;
 - 15.3.1.3.2 Documentation to establish that the tower has sufficient structural integrity for the proposed uses at the proposed location and if applicable, meets the minimum safety requirements in Electronics Industries Association (EIA) Standard 222, "Structural Standards for Steel Antenna Towers and Antenna Support Structures"; and
 - 15.3.1.3.3 The general capacity of the tower in terms of the number and type of antennas it is designed to accommodate, if applicable.
- 15.3.1.4 If applicant is other than the site owner, written authorization from the site owner for the application.
- 15.3.1.5 Identification of the owners of all antennas and equipment to be located at the site.

- 15.3.1.6 Evidence that the applicant contacted owners of all existing or approved towers within a one-half (1/2) mile radius of the proposed new tower site, including County-owned property, and that the equipment for which the tower is being constructed cannot be technologically or structurally accommodated on an existing or approved tower.
 - 15.3.1.7 Evidence that a valid FCC license for the proposed activity has been issued.
 - 15.3.1.8 A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential districts.
 - 15.3.1.9 A written agreement to remove the tower and/or antenna within one hundred eighty (180) days after cessation of use.
 - 15.3.1.10 Additional information as required to determine that all applicable conditions of this Ordinance have been met.
 - 15.3.1.11 Documentation that the proposed tower site and height have been approved by the appropriate Airport Commission, if applicable.
 - 15.3.1.12 If the application is for a conditional use permit for the construction of a wind turbine generator, the application shall provide covenants, easements, or similar documentation from the abutting property owners providing access to wind sufficient for its adequate operation, unless adequate accessibility to the wind is provided on site.
- 15.4 Additional Conditions & Considerations for Communications Towers & Antennas
- 15.4.1 Prior to consideration of a permit for location on private property which must be acquired, applicant must show that available publicly-owned sites, and available privately-owned sites, are unsuitable for operation of the facility under applicable telecommunications regulations and applicant's technical design requirements. A tower is not allowed if technically suitable space can be found on an existing telecommunications tower within one-half (1/2) mile radius of the proposed new tower site.

- 15.4.2 Applicant must show that the new tower is designed to accommodate applicant's future demand for additional antennas.
- 15.4.3 Applicant must show that all applicable health, nuisance, noise, fire, building, and safety code requirements are met.
- 15.4.4 For towers on County property, applicant must file with the County Zoning Administrator a written indemnification of the County and proof of liability insurance or other proof of financial ability to respond to claims up to one million dollars (\$1,000,000.00) in the aggregate which may arise from operation of the facility during its life, in form approved by the County Attorney. This information shall be updated annually by the applicant.
- 15.4.5 Land use regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage, and all other general zoning regulations except setback and height, shall apply to the tower.
- 15.4.6 For free-standing or guyed towers, setbacks on all sides shall be a distance equal to the collapse zone of the tower.
- 15.4.7 To limit climbing access to the tower, a fence six (6) feet in height with a locking portal, or an anti-climbing device may be required around the tower base.
- 15.4.8 All equipment used for installation shall follow an approved route to the site. The route shall be approved by the County Engineer.
- 15.4.9 At least every twenty-four (24) months, every tower shall be inspected by an expert who is regularly involved in the maintenance, inspection, and/or erection of towers. At a minimum, this inspection shall be conducted in accordance with the tower inspection check list provided in the Electronics Industries Association (EIA) Standard 222, "Structural Standards for Steel Antenna Towers and Antenna Support Structures." A copy of such inspection record shall be provided to the County.
- 15.5 Additional Conditions & Considerations for Wind Turbine Generators
 - 15.5.1 The following definitions shall apply in regards to Wind Turbine Generators:

- 15.5.1.1 Wind Farm. One or more wind turbine generators which are connected to the transmission of a local distribution grid.
Wind farms shall include but are not limited to wind turbine generators, operations and maintenance buildings, meteorological towers, collector grids, roads, and substations.
- 15.5.1.2 Wind Turbine Generator (WTG). A wind turbine generator is a device designed to extract kinetic energy from the wind and supply it in the form of electrical energy that is suitable for use by the electrical grid.
- 15.5.1.3 Blade. An element of a wind turbine which acts as a part of an airfoil assembly, thereby extracting through rotation, kinetic energy directly from the wind.
- 15.5.1.4 Wind Tower. The tubular structure, above grade, that supports the nacelle and rotor assembly.
- 15.5.1.5 Tower Foundation. The tower support structure, below grade, that supports the entire weight of the wind turbine.
- 15.5.1.6 Total Height. The height from grade to the highest vertical point of the swept rotor arc. In the case of a wind turbine with a horizontal axis rotor, the total height includes the distance from grade to the rotor axis of rotation within the nacelle plus one-half the swept rotor diameter.
- 15.5.1.7 Sub-station. An electrical construction designed to collect and modify electrical energy produced by the wind turbines for the purpose of supplying it to the local electrical utility.
- 15.5.2 The operation of a wind turbine generator or wind farm shall not cause interference to radio and television reception on adjoining property.
- 15.5.3 The placement of all Wind Turbine Generators (WTGs) shall comply with the following:
 - 15.5.3.1 Setback distances with respect to property lines shall not apply to wind turbines located within a wind farm where the property

lines nearest to any given wind turbine define and separate properties belonging to two or more participating landowners.

15.5.3.2 With respect to a wind turbine all setback and separation distances shall be defined relative to the nearest surface of the wind turbine support tower as measured at the natural ground level.

15.5.3.3 Notwithstanding any other consideration including calculated sound levels no commercial wind turbine shall be located at a distance less than one thousand (1,000) feet from the nearest occupied dwelling. Wind generator towers may be setback less than one thousand (1,000) feet from a dwelling if the property owner signs a waiver agreeing to the reduced setback distance. However, the wind generator tower shall not be located closer than the distance equal to the height of the tower.

15.5.3.4 Any wind turbine within a wind farm shall be located not less than the Rotor Radius from the nearest non-dwelling, principal, or secondary structure.

15.5.3.5 Any wind turbine within a wind farm shall be located not less than the total height from a road right-of-way line.

15.5.3.6 Any wind turbine within a wind farm may be located straddling the property lines separating two participating properties.

15.5.3.7 Any wind turbine within a wind farm shall be located not less than the Rotor Radius from property lines abutting non-participating properties.

15.6 Abandonment

15.6.1 In the event the use of any tower, antenna, or wind turbine generator has been discontinued for a period of one hundred eighty (180) consecutive days, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Greene County Zoning Administrator. Upon such abandonment, the tower owner shall have an additional one hundred eighty (180) days within which to reactivate the

use of the tower or dismantle and remove the tower. If the tower is not dismantled and removed as required, the County may do so and assess the costs against the property for collection in the same manner as a property tax, pursuant to Iowa Code section 331.384. As an alternative, the owner may prepare and submit a plan for the “banking” of the tower for future reactivation and use. Said plan must be submitted to the Greene County Zoning Administrator within one hundred eighty (180) days of the discontinuation of use of the tower, and shall be updated and submitted every one hundred eighty (180) days thereafter for a maximum of two (2) years, at which time the tower or WTG must be reactivated or dismantled.

16. Utility-Scale Solar Energy Systems

- 16.1 The following standards and requirements shall govern the design, development, and placement of utility-scale solar energy systems in the County.
- 16.2 In addition to other applicable sections of this Ordinance, utility-scale solar energy systems shall comply with the National Electrical Code.
- 16.3 Locations of Permitted Uses. Utility-scale solar energy systems are prohibited in the County except as a permitted conditional use in the following districts:
 - 16.3.1 “A” Agricultural Districts;
 - 16.3.2 “B” Commercial Districts;
 - 16.3.3 “C” Industrial Districts; and
 - 16.3.4 “F” Mineral Extraction Districts.
- 16.4 The combined total surface area of all photovoltaic panels included in a utility-scale solar energy system shall not exceed one thousand (1,000) acres.
- 16.5 Except as provided in section 16.6, a conditional use permit shall not be issued for a proposed utility-scale solar energy system when the fence or wall surrounding the system would be located within two (2) miles of:
 - 16.5.1 The fence or wall surrounding any existing utility-scale solar energy system; or
 - 16.5.2 The proposed location of the fence or wall surrounding any future utility-scale solar energy system for which a conditional use permit has previously been issued.

- 16.6 The limitation on the location of utility-scale solar systems contained in section 16.5 shall not apply to the construction of additional solar generating capacity by the holder of an existing conditional use permit for a solar energy system, but a separate conditional use permit shall be obtained prior to such construction and the combined total surface area of all photovoltaic panels installed under both the original conditional use permit and any subsequent conditional use permit shall not exceed one thousand (1,000) acres.
- 16.7 Community Information Open House
- 16.7.1 Prior to the submission of an application for a conditional use permit for a utility-scale solar energy system, a community information open house shall be organized and hosted by the project developer or applicant.
- 16.7.2 The purpose of the open house is outreach, with the intent of providing complete information to the community in an informal setting.
- 16.7.3 The open house shall not be construed to be a local government meeting or a formal public hearing.
- 16.7.4 The open house shall be conducted in accordance with the following protocol:
- 16.7.4.1 Notification. The applicant shall notify the County Board of Supervisors, the Zoning Administrator, and all property owners within one thousand (1,000) feet of the proposed utility-scale solar energy system at least ten (10) days prior to the open house by regular mail.
- 16.7.4.2 Meeting Date, Time, and Location. The open house shall be held on a Monday, Tuesday, Wednesday, or Thursday evening at an accessible location within five (5) miles of the site of the proposed project or at the Greene County Courthouse.
- 16.7.4.3 Content of Open House. The open house shall be arranged and hosted by the project developer, the applicant, or a qualified representative and shall at a minimum include a detailed explanation of the project, the site plan for the proposed

project, anticipated construction schedule, landscape plan, and decommissioning plan.

16.7.4.4 Community Representation. The Zoning Administrator or his or her designee shall be present at the open house to monitor proceedings and provide guidance as needed.

16.7.4.5 Response to Concerns. The applicant shall solicit and accept all comments, questions, and concerns of all attendees and respond to identified concerns if possible with reasonable practical means and methods of mitigating undue impact to the surrounding area.

16.7.4.6 Report. A report on the open house shall be submitted concurrent with the applicant's conditional use permit application. The report shall include the date, time, and location of the open house; a list of real property owners who were invited to the open house; and copies of any written comments received. This report may be used by the Board of Adjustment to establish conditions of approval for the conditional use permit.

16.8 Site Plan. A site plan shall be submitted concurrent with a conditional use permit application and shall be subject to the following development and design standards:

16.8.1 Physical access to the utility-scale solar energy system shall be restricted by fencing or walls in accordance with the National Electrical Code. Razor wire is discouraged. All fencing or wall details shall be provided as part of a conditional use permit application. Emergency access information to the site shall be provided to the applicable emergency management personnel.

16.8.2 All applicants shall obtain all required state and federal permits prior to construction activities.

16.8.3 Utility-scale solar energy systems shall adhere to the following minimum setbacks; provided, however, that participating and non-participating landowners may sign a waiver consenting to placement within the

minimum setback, in which case the solar energy system must instead comply with the principal structure setbacks in the zoning district in which the system is located:

- 16.8.3.1 One hundred fifty (150) feet from property lines, except where the property lines nearest to the utility-scale solar energy system define and separate properties belonging to two or more participating landowners.
- 16.8.3.2 Six hundred (600) feet from dwelling units.
- 16.8.3.3 Seventy-five feet (75) feet from right-of-way lines, including future right-of-way lines if known at the time of application.
- 16.8.3.4 One hundred fifty (150) feet from wildlife management areas and state recreation areas.
- 16.8.3.5 Two hundred fifty (250) feet from buildings.
- 16.8.3.6 One hundred fifty (150) feet from cemeteries.
- 16.8.4 The design of a utility-scale solar energy system shall adhere to the structural height requirements of the district in which the utility-scale solar energy system will be located; provided, however, that gen-tie lines, transmission lines, communication poles, and similar structures are exempt from the district's height regulations. If the utility-scale solar energy system requires roof-mounting on buildings on the property, the roof-mounted installation may not exceed the maximum height permitted in the district.
- 16.8.5 A utility-scale solar energy system shall not be used to display advertising, including signage, streamers, pennants, spinners, reflectors, ribbons, tinsel, balloons, flags, banners, or similar materials.
- 16.8.6 Utility-scale solar energy systems shall be designed to minimize glare on adjacent property and roadways.
- 16.8.7 Reasonable efforts shall be made to place alternating current (AC) power lines underground, depending on appropriate soil conditions, the shape and topography of the site, and other conditions or requirements.

- 16.8.8 The applicant shall use commercially reasonable efforts to repair damage to private or public drainage systems caused by the construction, operation, or maintenance of a utility-scale solar energy system.
- 16.8.9 The applicant shall be responsible for on-site cleanup of all waste and scrap that is the product of construction, as well as ongoing maintenance of project property, including the disposal of trash, waste, and other detritus, for the life of the project. Any required buffers and landscaping shall be maintained as appropriate to maintain the health of the vegetation.

16.9 Landscape Plan

- 16.9.1 The applicant shall provide a landscape plan, which shall be submitted concurrent with the conditional use permit application.
- 16.9.2 The landscape plan shall be prepared by a licensed landscape architect or a certified arborist.
- 16.9.3 Existing forestation, foliage, and native flora within, near, and surrounding the project shall be preserved insofar as is practical.
- 16.9.4 Landscaping may be required to address or mitigate visual impacts.
- 16.9.5 Any new, installed, vegetative screening may be located within the setbacks required under section 16.8.3. Trees shall be a minimum of four (4) feet in height when planted.
- 16.9.6 Grounds around and under solar arrays and in the project site buffer areas shall be planted and maintained in perennial vegetated ground cover and meet the following standards:
 - 16.9.6.1 Topsoil shall not be permanently removed during development, unless part of a remediation effort.
 - 16.9.6.2 Soils shall be planted and maintained with perennial vegetation to prevent erosion and to manage run off. Seeds should include a mix of grasses and wildflowers which are naturalized and noninvasive to the region of the project site and will result in a short stature pollinator friendly habitat.
 - 16.9.6.3 Seed mixes and maintenance practices should be consistent with recommendations made by qualified natural resource

professionals such as those from the Department of Natural Resources, the Greene County Soil and Water Conservation District, or Greene County Conservation.

16.9.6.4 Plant material must not have been treated with systematic insecticides, particularly neonicotinoids.

16.10 Emergency Plan

16.10.1 The applicant shall provide an emergency plan, which shall be submitted concurrent with the conditional use permit application.

16.10.2 The emergency plan shall include the following information:

16.10.2.1 Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for the safe start-up following cessation of emergency conditions;

16.10.2.2 Procedures for inspection and testing of associated alarms, interlocks, and controls; and

16.10.2.3 Procedures to be followed in response to notifications from the utility-scale solar energy system or any of its components of potentially dangerous conditions, including procedures for shutting down equipment, summoning service and repair personnel, and providing notification to fire department personnel for potentially hazardous conditions.

16.10.3 A copy of the emergency plan shall be given to the system owner, the local fire department, local emergency responders, and the Greene County Emergency Management Commission.

16.11 Roadway Use and Repair Agreement

16.11.1 A proposed roadway use and repair agreement between the applicant and Greene County shall be submitted concurrent with a conditional use permit application.

16.11.2 Construction of the utility-scale solar energy system may not commence until a final roadway use and repair agreement has been negotiated and approved by the parties to the agreement.

16.11.3 Among the terms contained in the roadway use and repair agreement, the applicant must agree:

16.11.3.1 Prior to the start of construction, to identify all county, municipal, or township roads to be used to transport utility-scale solar energy system parts, cement, or equipment for the construction, operation, or maintenance of the system and to obtain all required weight and size permits.

16.11.3.2 To conduct a preconstruction survey to determine existing road conditions in order to allow for the assessment of potential future damage due to development-related traffic; the survey shall include photographs to document the conditions of the public roads.

16.11.3.3 To restore affected roads and bridges to preconstruction conditions, with ordinary wear and tear excepted and not considered damage.

16.12 Public Drainage System Protection Agreement

16.12.1 A proposed public drainage system protection agreement between the applicant and the Trustees of each and every affected drainage district shall be submitted concurrent with a conditional use permit application.

16.12.2 Construction of the utility-scale solar energy system may not commence until a final public drainage system protection agreement has been negotiated and approved by the parties to the agreement.

16.12.3 Among the terms contained in the public drainage system protection agreement, the applicant must agree to use commercially reasonable efforts to repair damage to private or public drainage systems caused by the construction, operation, or maintenance of the utility-scale solar energy system.

16.13 Insurance

16.13.1 Evidence of general liability insurance coverage shall be submitted to the Zoning Administrator prior to the start of construction.

16.13.2 The evidence of general liability insurance shall be in the form of a certificate of insurance satisfactory to the Zoning Administrator and shall show general liability insurance coverage for the installation and operation of the utility-scale solar energy system under a standard homeowner's or businessowner's insurance policy, separate and distinct from any requirements of a public utility.

16.14 Abandonment

16.14.1 A utility-scale solar energy system will be deemed abandoned:

16.14.1.1 If the owner or operator of the utility-scale solar energy system notifies Greene County of its intention to discontinue use of the system, in which case the system will be deemed abandoned on the date of the system's discontinued use; or

16.14.1.2 If use of the system has been discontinued for a period of one hundred eighty (180) consecutive days.

16.14.2 Determination of the date of abandonment shall be made by the Zoning Administrator.

16.14.3 Upon such abandonment, the owner of the utility-scale solar energy system shall have two hundred seventy (270) days within which either to reactivate the use of the utility-scale solar energy system or to remove all above-ground and below-ground system facilities and structures (the "decommissioning period").

16.14.4 The owner of a utility-scale solar energy system may apply to the Zoning Administrator for an extension of the decommissioning period for up to ninety (90) days to complete either the reactivation or the removal of the system as required under section 16.14.3; such an extension may be granted or denied at the discretion of the Zoning Administrator.

16.14.5 If the owner of a utility-scale solar energy system fails during the decommissioning period either to reactivate the use of the system or to remove it pursuant to section 16.14.3, Greene County may remove the system and assess the costs against the owner in the same manner as a property tax, pursuant to Iowa Code section 331.384. As an alternative,

the owner may prepare and submit a plan for the “banking” of the system for future reactivation and use. Said plan must be submitted to the Zoning Administrator within one hundred eighty (180) days of the abandonment of the system and shall be updated and submitted every one hundred eighty (180) days thereafter for a maximum of two (2) years, at which time the system must be reactivated or removed.

16.15 Decommissioning Plan

16.15.1 Each utility-scale solar energy system shall have a decommissioning plan outlining the anticipated means and cost of removing the utility-scale solar energy system at the end of its serviceable life or upon its abandonment.

16.15.2 Such plan shall be submitted concurrent with the applicant’s conditional use permit application.

16.15.3 The cost estimates contained in the decommissioning plan shall be made by a competent party, such as a professional engineer, a contractor capable of decommissioning, or a person with suitable expertise or experience with decommissioning.

16.15.4 The decommissioning plan shall also identify the financial resources that will be available to pay for decommissioning and removal of the utility-scale solar energy system and any accessory facilities.

17. Board of Adjustment

17.1 Creation and Membership

17.1.1 A Board of Adjustment, hereafter referred to as the “Board,” is hereby established.

17.1.2 The Board shall consist of five (5) members appointed by the Greene County Board of Supervisors.

17.1.3 Terms shall be for five (5) years and vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

17.1.4 The County Board of Supervisors shall have the power to remove any member of the Board for cause upon written charges and after a public hearing.

17.2 Administrative officer

- 17.2.1 The Board of Supervisors shall appoint an administrative officer authorized to enforce the resolutions or ordinances so adopted by the Board of Supervisors.
- 17.2.2 The Administrative officer may be a person holding other public office in the County, or in a city or other governmental subdivision within the County, and the Board of Supervisors is authorized to pay to such officer out of the general fund such compensation as it shall deem fit.
- 17.2.3 The administrative officer shall be charged with the following responsibilities:
 - 17.2.3.1 To issue permits and collect any fees which may be established for said permits.
 - 17.2.3.2 To carry out administrative duties for the Zoning Commission and Board of Supervisors.
 - 17.2.3.3 To enforce the Ordinance and to stop all violations.
 - 17.2.3.4 To explain the Ordinance when citizens desire information on zoning.
- 17.3 Chairman and Meetings
 - 17.3.1 The Board of Adjustment shall elect its own chairman and, in case of vacancy, shall name another chairman.
 - 17.3.2 The chairman of the Board, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.
 - 17.3.3 All meetings of the Board shall be held at the call of the chairman and at such time and place within the County as the Board may determine.
 - 17.3.4 All meetings of the Board shall be open to the public.
 - 17.3.5 The Board shall keep minutes of its proceedings, showing the vote of each member, upon every question, or if absent or failing to vote indicating such fact, and shall keep complete records of its examinations and other official actions.
 - 17.3.6 Every rule, regulation, amendment or repeal thereof, order, requirement, decision, or determination of the Board shall immediately be filed in the office of the Board and shall be a public record.

- 17.3.7 The Board shall adopt its own rules of procedure not in conflict with this Ordinance or with the Iowa Code, to enable it to perform its functions and duties.
- 17.3.8 The presence of three (3) members shall be necessary to constitute a quorum of the Board.
- 17.4 Appeals
 - 17.4.1 Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the County affected by any decision of the administrative officer.
 - 17.4.2 Appeals shall be taken within a reasonable time as provided by the rules of the Board by filing with the administrative officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof, and by paying the appropriate fee as determined by the Board of Supervisors at the time that the notice is filed, which fee the administrative officer shall forthwith pay to the treasurer of Greene County.
 - 17.4.3 The administrative officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- 17.5 Hearings
 - 17.5.1 The Board of Adjustment shall fix a reasonable time for the hearing of the appeal and render a decision thereon without unreasonable delay.
 - 17.5.2 Any person may appear and testify at the hearing either in person or by duly authorized representative or attorney.
 - 17.5.3 Ten (10) days notice by letter from the administrative officer shall be given to all owners of the property located within five hundred (500) feet in all directions from the property for which the variation is being sought.
 - 17.5.4 The letter shall state the location of the property and a brief description of the appeal and shall state the time and place of the hearing.
- 17.6 Stay of Proceedings
 - 17.6.1 An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative officer certifies to the Board of Adjustment after

the 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.

17.6.2 In the event the administrative officer provides certification to the Board that a stay would cause imminent peril to life or property pursuant to section 17.6.1, a proceeding shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a Court of Record or application on notice to the officer from whom the appeal is taken and/or due cause shown.

17.7 Jurisdiction. The Board of Adjustment shall have jurisdiction in the following matters:

17.7.1 To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the administrative officer in the enforcement of this Ordinance or any supplemental amendment.

17.7.2 To hear and decide applications for variations and, subject to such standards, principles, and procedures provided in this Ordinance, to vary the strict application of the height, area, parking, or density requirements to the extent necessary to permit the applicant a reasonable use of his property in those specified instances where there are peculiar, exceptional, and unusual circumstances in connection with a specific parcel of land, which circumstances do not generally exist within the locality or neighborhood concerned.

17.7.3 To hear and decide applications for conditional use permits specifically listed on the district regulations of this Ordinance; before authorizing the issuance of such a conditional use permit, the Board may impose such conditions as will in the Board's judgment insure that:

17.7.3.1 The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

- 17.7.3.2 The conditional use will not be injurious to the use and enjoyments of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
- 17.7.3.3 The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
- 17.7.3.4 Adequate utilities, access roads, drainage, and/or other necessary facilities will be provided.
- 17.7.3.5 Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- 17.7.3.6 The conditional use shall in all other respects conform to the applicable regulation of the district in which it is located.
- 17.7.4 Upon application, the Board is hereby empowered to authorize the following exceptions to the terms of this Ordinance:
 - 17.7.4.1 To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown on record.
 - 17.7.4.2 To permit the reconstruction of a nonconforming building which has been destroyed or partially destroyed to the extent of not more than sixty-five (65) percent of its assessed value, by fire or act of God where the Board shall find some compelling public necessity requiring the continuance of the nonconforming use.
 - 17.7.4.3 To permit the erection and use of a building or the use of premises in any location for a public service corporation for public utility purposes which the Board deems reasonably necessary for the public convenience or welfare.
 - 17.7.4.4 To interpret the provisions of this Ordinance where the street layout actually on the ground varies from the street layouts as

shown on the map(s) fixing the several districts, which map(s) are attached to and made a part of this Ordinance.

18. Applications and Permits

- 18.1 A written permit shall be obtained from the administrative officer before starting or proceeding with any of the following:
 - 18.1.1 Excavating for, erecting, constructing, reconstructing, enlarging, altering, or moving any building or structure other than farm buildings or structures.
 - 18.1.2 Changing the use or occupancy of any building, structure, or land from one classification to another.
 - 18.1.3 Changing a nonconforming use to another nonconforming use.
- 18.2 Written applications on approved forms shall be filed with the administrative officer and shall state legal description of the property as of public record and the names of owner and applicant, shall describe the uses to be established or expanded, and shall give such other information as may be required for the enforcement of this Ordinance. Each application shall be accompanied by a dimensioned drawing of the lot showing the location of buildings and structures, dimensions of the lot, size of yard, and auto parking areas.
- 18.3 The administrative officer shall issue a written permit, or denial thereof with reasons in writing, within fifteen (15) days of the date of the acceptance of the application. In the event that permit or denial thereof is not issued within fifteen (15) days, the applicant may appeal directly to the Zoning Board of Adjustment which shall order the issuance of a permit or denial thereof with reasons in writing. Except where an extension has been obtained in writing from the administrative officer, permits hereafter issued shall expire within six (6) months if a substantial beginning has not been made in the construction or the establishment of the use applied for and completed within eighteen (18) months.
- 18.4 Fees for Zoning Certificates or Permits shall be established by resolution by the Board of Supervisors. The fees shall be paid to the administrative officer who shall deliver the same to the Treasurer of Greene County.

18.5 All applications for permits and copies of permits issued shall be systematically kept for ready public reference by the administrative officer.

19. Enforcement

19.1 It shall be the duty of the administrative officer to enforce this Ordinance in accordance with its provisions.

19.2 The administrative officer may, if necessary, appoint one (1) or more deputies to assist him in carrying out his duties as set forth in this Ordinance.

20. Interpretation, Purpose, and Conflict

20.1 The provisions of this Ordinance shall control when this Ordinance imposes a greater restriction upon the use of buildings or premises, or upon height of buildings, or requires larger open spaces than are imposed or required by previously or hereafter adopted or issued ordinances, resolutions, rules, regulations, permits, easements, or other agreements between parties, not in conflict with any of the provisions of this Ordinance and which have been or shall be adopted or issued pursuant to law.

20.2 The provisions of this Ordinance shall be interpreted and applied as the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare.

21. Changes and Amendments

21.1 All ordinances regulating zoning, except as herein provided, adopted after the effective date of the Ordinance shall be in the form of an amendment to or an addition to this Ordinance.

21.2 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 Zoning Commission after public hearing 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.

21.3 Procedure of Change

21.3.1 Applications for any change of district boundaries or classifications of property as shown on the Zoning Maps shall be submitted to the County

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 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 County Zoning Commission on forms prescribed by it and shall be verified by the person or persons preparing said amendment.

21.3.2 Before submitting its recommendations on a proposed amendment to the Board of Supervisors, the Zoning Commission shall hold at least one (1) public hearing thereon, notice of which shall be given to all property owners within five hundred feet (500) of the property concerned by placing said notice in the United States mail at least ten (10) days before date of such hearing. The notice shall state the place and time at which the proposed amendment to the Ordinance including text and maps may be examined. When the Zoning Commission has completed its recommendations on a proposed amendment, it shall certify the same to the Board of Supervisors.

21.3.3 After receiving the certification of said recommendations on the proposed amendment from the Zoning Commission and before adoption of such amendment, the Board of Supervisors shall hold a public hearing thereon. At least fifteen (15) days notice of the time and place of the hearing shall be given by one publication in a newspaper of general circulation in the County. In addition, notices shall be sent by the United States mail as specified above.

22. Violation and Penalty

22.1 Any person, firm, or corporation who violates or disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall, upon conviction, be fined not more than five hundred dollars

(\$500.00) or imprisoned for not more than thirty (30) days for each offense, and each day that a violation is permitted to exist shall constitute a separate offense.

22.2 In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land used in violation of this Ordinance, the County Board of Supervisors, in addition to other remedies, may institute any proper action or proceedings in the name of Greene County to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct, or abate such violations, to prevent the occupancy of such building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about said premises.

23. Official and Public Copies

23.1 An official copy of this Ordinance shall be separately maintained in a bound format.

23.2 The County zoning administrator shall be responsible for the compilation, organization, and maintenance of this Ordinance and shall be keep the official copy of this Ordinance on file in the offices of the zoning administrator and the County Auditor.

23.3 The County zoning administrator shall also keep additional copies of this Ordinance on file in the zoning administrator's office for public inspection and for sale for cost to the public.

24. Severability

24.1 If any section, provision, sentence, clause, phrase, 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 provision, section, clause, phrase, or part hereof not adjudged invalid or unconstitutional.

25. Effective Date

25.1 This Ordinance shall be in full force and effect from and after its final adoption and publication as provided by law.

Zoning Map I

Zoning Map II

SUBDIVISION ORDINANCE

1. Purpose

1.1 The purpose of this Ordinance is to promote the adequacy, safety, and efficiency of the street and road system in Greene County, Iowa, and to improve the health, safety, and general welfare of the residents of Greene County by providing rules and regulations for the approval of plats, subdivisions, resubdivisions, and dedications in the unincorporated areas of Greene County; by prescribing minimum standards for the design, layout, and development thereof; by providing for the preliminary and final approval or disapproval thereof; and by providing for the enforcement and penalties for the violation thereof.

2. Definitions. As used in this Ordinance, unless context otherwise requires:

- 2.1 “Block” means an area of land within a subdivision that is entirely bounded by streets, highways, or ways, except alleys, or the exterior boundary or boundaries of the subdivision.
- 2.2 “Board” means the Board of Supervisors of Greene County, Iowa.
- 2.3 “Building lines” shall be shown on all lots whether intended for residential, commercial, or industrial use; such building lines shall not be less than required by the Zoning Ordinance of Greene County, Iowa.
- 2.4 “Commission” means the Greene County Planning and Zoning Commission.
- 2.5 “Cul-de-sac” means a short, minor street, having one end open to motor traffic, the other end being permanently terminated by a vehicular turn-around.
- 2.6 “Easement” means a grant by the property owner of the use for a specific purpose of a strip of land by the general public, a corporation, or a certain person or persons, and within the limits of which the owner of the fee shall not erect any permanent structures but shall have the right to make any other use of the land subject to such easement which is not inconsistent with the rights of the grantee. Public utilities shall have the right to trim or remove trees which interfere with the use of such easements.
- 2.7 “Engineer” means a registered engineer authorized to practice civil engineering as defined by the registration act of the State of Iowa.

- 2.8 “Lot” means a portion of a subdivision or other parcel of land intended for the purpose, whether immediate or future, of transfer of ownership or for building development.
- 2.9 “Plat” means a map, drawing, or chart on which the subdivider’s plan of the subdivision is presented and which he submits for approval and intends in final form to record.
- 2.10 “Subdivision” means the division of a lot, tract, or parcel of land into three (3) or more lots, plots, sites, or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or of building development. It also includes a resubdivision of land or lots.
- 2.11 “Surveyor” means a registered surveyor authorized to practice surveying, as defined by the registration act of the State of Iowa.

3. Jurisdiction

- 3.1 This Ordinance shall apply to all subdivisions hereinafter made of land in the unincorporated areas of the County except lands within one (1) mile of a City that has enacted subdivision regulations.
- 3.2 In cases where a subdivision lies within one (1) mile of such a City, the Zoning Commission of such City and the Greene County Zoning Commission may cooperate and agree that the approval of a plat by the City Zoning Commission shall be conditioned upon receiving advice from, or approval by, the County Zoning Commission.

4. Subdivision Procedure

- 4.1 Every owner of any tract of land situated in the unincorporated areas of Greene County, Iowa, who may hereafter subdivide the same said land into three (3) or more parts for the purpose of laying out a subdivision including lots, streets, alleys, or other tracts intended for public use shall:
 - 4.1.1 Submit six (6) copies of a preliminary plat of the proposed subdivision to the County Board of Supervisors for their review. The preliminary plat shall contain such information and data as outlined in section 6.

- 4.1.2 The Board shall refer one (1) copy to the County Engineer and four (4) copies to the County Zoning Commission for their review and recommendation.
- 4.1.3 Before approving a preliminary plat, the Commission may in its discretion, hold a public hearing, notice of which shall be given by publication in a local newspaper and by posting notices on the tract, both at least seven (7) days prior to such public hearing. Notice of the public hearing shall also be given pursuant to the requirements of Iowa Code section 21.4.
- 4.1.4 The County Board of Supervisors shall then take action upon the preliminary plat as so recommended, approving or disapproving the same. In event of disapproval, the Board shall state their reasons for such action and notify the platlor of the changes which should be made.
- 4.1.5 The Board shall approve or reject such plat within thirty (30) days after the date of submission thereof to the Board. If the Board does not act within thirty (30) days, the preliminary plat shall be deemed to be approved; provided, however that the subdivider may agree to an extension of the time for a period not to exceed sixty (60) days. The approval of the preliminary plat by the Board shall be null and void unless the final plat is presented to the Board within one hundred eighty (180) days after date of approval.
- 4.1.6 Approval of the final plat by the County Board of Supervisors shall be ineffective if the plat is not recorded by the subdivider in the office of the County Recorder within one hundred eighty (180) days after the date of approval, unless within that time an extension is granted by the County Board of Supervisors.
- 4.1.7 All plats shall meet the minimum lot size and area requirements as specified in this Ordinance according to the district requirements covering a particular plat, in addition to the current approved design criteria and construction specifications for subdivisions in Greene County, Iowa. The final plat shall contain such information and data as outlined in section 7.

5. Subdivision Design Standards

- 5.1 The standards and design herein contained are intended only as the minimum requirements so that the general arrangement and layout of a subdivision may be adjusted to a wide variety of circumstances. However, in the design and development of the plat, the subdivider should use standards consistent with the site conditions so as to assure an economical, pleasant, and durable neighborhood, and shall conform with design standards established by the County Engineer as approved by the Board of Supervisors.
- 5.2 Streets – General Requirements
- 5.2.1 Comprehensive plan. All proposed plats and subdivisions shall conform to the Comprehensive Plan of Greene County.
- 5.2.2 Continuation of Existing Streets. Proposed streets shall provide for continuation of completion of any existing streets (constructed or recorded) in adjoining property, at equal or greater width, but not less than sixty-six (66) feet in width, except as indicated in section 5.2.15 below, and in similar alignment, unless variations are recommended by the Board of Supervisors.
- 5.2.3 Circulation. The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares, or unsubdivided land as may be required by the Board. In a case where a street will eventually be extended beyond the plat, but is temporarily dead-ended, an interim turnaround may be required.
- 5.2.4 Street Intersections. Street intersections shall be as nearly at right angles as possible.
- 5.2.5 Cul-de-sac. Whenever a cul-de-sac is permitted, such street shall be no longer than six hundred (600) feet and shall be provided at the closed end with a turnaround having a street property line diameter of at least one hundred twenty (120) feet in the case of residential subdivisions. The right-of-way width of the street leading to the turnaround shall be a minimum of sixty-six (66) feet. The property line at the intersection of the

turnaround and the lead-in portion of the street shall be rounded at a radius of not less than thirty (30) feet.

- 5.2.6 Street names. All newly platted streets shall be named in a manner consistent with the present street name system. A proposed street that is obviously in alignment with other existing streets, or with a street that may be logically extended, although the various portions be at a considerable distance from each other, shall bear the same name. Names of new streets shall be subject to the approval of the Board in order to avoid duplication or close similarity of names.
- 5.2.7 Physical and Cultural Features. In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas, and other natural features which would lend themselves to attractive treatment.
- 5.2.8 Half Streets. Dedication of half streets will be discouraged. Where there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half shall be platted if deemed necessary by the Board.
- 5.2.9 Alleys. Alleys may be required in business areas and industrial districts for adequate access to block interiors and for off-street loading and parking purposes. Except where justified by unusual conditions, alleys will not be approved in residential districts. A means of turning around shall be provided in dead-end alleys.
- 5.2.10 Easements. Easements for utilities or open ditches shall be provided along rear or side lot lines or along alleys, if needed. Whenever any stream or important surface water course is located in an area that is being subdivided, the subdivider shall, at his own expense, make adequate provision for straightening or widening the channel so that it will properly carry the surface water, and shall provide and dedicate to the County an easement along each side of the stream, which easement shall be for the purpose of widening, improving, or protecting the stream. The width of such easement shall not be less than thirty (30) feet and the total width of

the easement shall be adequate to provide for any necessary channel relocation or straightenings.

- 5.2.11 Neighborhood Plan. If any overall plan has been made by the Commission for the neighborhood in which the proposed subdivision is located, the street system of the latter shall conform in general thereto.
- 5.2.12 Unsubdivided Portion of Plat. Where the plat to be submitted includes only part of the tract owned by the subdivider, the Commission may require topography and a sketch of a tentative future system of the unsubdivided portion.
- 5.2.13 Major Thoroughfares. Where a new subdivision, except where justified by limiting conditions, involves frontage on a heavy traffic way, limited accessway, freeway, or parkway, the street layout shall provide motor access to such frontage by one of the following means:
 - 5.2.13.1 A parallel street supplying frontage for lots backing on to the trafficway.
 - 5.2.13.2 A series of cul-de-sacs or short loops entered from and planned at right angles to such a paralleled street with their terminal lots backing on to the highway.
 - 5.2.13.3 An access drive separated by a planting strip from the highway to which motor access from the drive is provided at points suitably spaced.
 - 5.2.13.4 A service drive or alley at the rear of the lots. Where any one of the above-mentioned arrangements is used, deed covenants or other means should prevent any private residential driveways from having direct access to the trafficway.
 - 5.2.13.5 An easement to Greene County shall be given for all streets before the same will be accepted for County maintenance.
- 5.2.14 Railroads. If a railroad is involved, the subdivision plan should:
 - 5.2.14.1 Be so arranged as to permit, where necessary, future grade separations at highway crossings of the railroad.

- 5.2.14.2 Border the railroad with a parallel street at a sufficient distance from it to permit deep lots to back onto the railroad; or form a buffer strip for park, commercial, or industrial use.
 - 5.2.14.3 Provide cul-de-sacs at right angles to the railroad so as to permit lots to back thereonto.
 - 5.2.15 Street Widths. Major streets and parkways shall have a minimum right-of-way width as set forth in the Comprehensive Plan or as adopted by the Zoning Commission or the Board of Supervisors. The width of minor or residential streets shall not be less than sixty-six (66) feet unless the street is paved with curb and gutter, in which case the minimum right-of-way width shall be sixty (60) feet.
 - 5.2.16 Street Grades. Streets and alleys shall be completed to grades which have been officially determined or approved by the County Engineer. The finished roadbed shall be a minimum of thirty-two (32) feet, shoulder to shoulder. Adjacent side slopes shall be graded to conform with the Iowa State Highway Commission standards. The maximum grade shall not exceed six (6) percent for main and secondary thoroughfares, or eight (8) percent for minor or local service streets. All changes in grades on streets or highways shall be connected by vertical curves. The grade alignment, vertical curves, and resultant visibility shall be worked out in detail to meet the approval of the County Engineer.
- 5.3 Blocks
 - 5.3.1 No block shall be longer than one thousand three hundred twenty (1,320) feet.
 - 5.3.2 At street intersections, block corners shall be rounded with a radius of not less than twenty-five (25) feet. Where, at any one intersection, a curve radius has been previously established, such radius shall be used as a standard.
- 5.4 Lots
 - 5.4.1 Corner lots shall have a minimum width that will permit required building setbacks on both front and side streets.

- 5.4.2 Double frontage lots, other than corner lots, shall be prohibited except where such lots back on to a major street or highway.
- 5.4.3 For the purpose of complying with minimum health standards, the following minimum lots sizes shall be observed:
 - 5.4.3.1 Lots which cannot be reasonably served by an existing public sanitary sewer system and public water mains shall have a minimum width of one hundred (100) feet, measured at the building line, and an area of not less than twenty thousand (20,000) square feet.
 - 5.4.3.2 Lots which are not within a reasonable distance of public water supply mains, but are connected to a sanitary sewer system, shall have a minimum width of eighty (80) feet and an area of not less than ten thousand (10,000) square feet.
- 5.4.4 Side lot lines shall be approximately at right angles to the street or radial to curved streets. On large-size lots and except when required by topography, lot lines shall be straight.
- 5.5 Improvements. For subdivisions being developed within the unincorporated area of Greene County, the following regulations shall apply.
 - 5.5.1 Minimum paving requirements when within one (1) mile of an incorporated town or city that has an established Subdivision Ordinance, shall conform to the standards therein set forth, and shall also meet the approval of the Town or City Engineer.
 - 5.5.2 All other streets shall be put to grade and standard cross section according to plans approved by the County Engineer. The type and strength of street surfacing shall be done to meet the approval of the County Engineer and shall be commensurate with the volume, character, and general circulation requirements as determined by the Board of Supervisors.
 - 5.5.3 Public water mains shall have a minimum diameter of four (4) inches with larger sizes for feeder mains. Water mains shall be at least two (2) feet outside of the curb or traveled roadway on the high side of the street, with a minimum cover of five (5) feet.

- 5.5.4 Gas mains shall be laid on the opposite side of the street from the water mains and outside of the curb or traveled roadway line.
- 5.5.5 Underground cables shall be laid either just outside of the property line or at the back lot line within the area of perpetual easement. Overhead lines shall be placed at the back lot lines within the area of perpetual easement.
- 5.5.6 Sanitary sewers shall be located in the center of the street and all house laterals shall be in before paving the street. Sanitary sewers shall have a minimum diameter of eight (8) inches.
- 5.5.7 Any lot that cannot reasonably be served by the public sewer shall show results of soil percolation tests made by the engineer preparing the plat. Such tests shall be in accordance with the State Board of Health and the Greene County Board of Health.
- 5.5.8 Storm drainage facilities shall be provided, such as storm sewers and intakes and suitable permanent culverts or bridges of a size and design approved by the County Engineer.
- 5.5.9 Natural drainage courses and waterways within any subdivision shall be preserved, with minor alterations relative to the lot lines permitted.
- 5.5.10 Street signs shall be required at all intersections and shall be a type subject to the specifications adopted by the County Engineer.

6. Preliminary Plat

- 6.1 The preliminary plat of a subdivision is not intended to serve as a recorded plat. Its purpose is to show on a map all facts needed to enable the Commission to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. An example of a preliminary plat accompanies and is made part of this Ordinance.
- 6.2 The subdivider, owner, or his representative may call at the office of the Commission in advance of the preliminary plat in order to discuss the proposed subdivision and in order to obtain information as to the requirements necessary for the approval of the plat.
- 6.3 Number of Copies and Scale

- 6.3.1 Six (6) copies of the preliminary plat shall be submitted to the County Board of Supervisors for its review.
- 6.3.2 The scale of the map shall be one inch equals fifty feet (1" = 50') on small subdivisions and one inch equals one hundred feet (1" = 100') on large subdivisions unless otherwise required by the Board.
- 6.4 The Preliminary Plat shall include:
 - 6.4.1 The name of subdivision, date, compass point, scale, and official description and acreage of property being platted;
 - 6.4.2 The name and address of recorded owner and/or developer;
 - 6.4.3 The name and address of engineer or surveyor;
 - 6.4.4 The existing buildings, railroads, underground utilities, and other right-of-way;
 - 6.4.5 The location, names, and widths of all existing and proposed roads, alleys, streets, and highways in or adjoining the area being subdivided;
 - 6.4.6 The location and names of adjoining subdivisions, and the names of owners of adjoining parcels;
 - 6.4.7 The proposed lot lines with approximate dimensions and the square foot area of irregularly shaped lots;
 - 6.4.8 The area dedicated for public use – streets, schools, parks, and playgrounds;
 - 6.4.9 The contour lines at intervals of not more than five (5) feet;
 - 6.4.10 The building setback lines;
 - 6.4.11 Boundaries of the proposed subdivision indicated by a heavy line;
 - 6.4.12 The zoning classification of the area;
 - 6.4.13 The proposed utility service, including:
 - 6.4.13.1 The source of water supply; and
 - 6.4.13.2 Provision for sewage disposal, drainage, and flood control;
 - 6.4.14 A general location sketch at a legible scale showing the relationship of the plat to its general surroundings;
 - 6.4.15 The lot numbers;
 - 6.4.16 The easements for public highway purposes; and

6.4.17 The corner radii.

6.5 The following materials shall accompany the preliminary plat:

6.5.1 An abstractor's title together with an attorney's opinion, in duplicate, showing that the fee title to the subdivision is in the owner's name as shown on the plat, as well as any encumbrances.

6.5.2 The filing fee.

7. Final Plat

7.1 Number of Copies and Scale

7.1.1 When and if the preliminary plat is approved, the subdivider shall submit ten (10) copies of the final plat for review by the Board. An example of a final plat accompanies and is made part of this Ordinance.

7.1.2 One (1) copy of the final plat shall be forwarded to the County Engineer, and four (4) copies shall be forwarded to the Commission for its study and recommendation.

7.1.3 The scale of the map shall be one inch equals one hundred feet ($1" = 100'$) on large subdivisions, unless otherwise required by the Commission.

7.2 The final plat shall include:

7.2.1 The name of subdivision, date, compass point, and scale;

7.2.2 The corner radii;

7.2.3 Curve data including delta angle, length of arc, degree of curve, tangent, and radius;

7.2.4 The boundary of subdivided area in heavy line with accurate distances, bearings, and boundary angles;

7.2.5 The exact name, location, width, and lot designation of all streets within the subdivision;

7.2.6 The easements for public utilities showing width and use intended;

7.2.7 The building setback lines with dimensions;

7.2.8 The official legal description and acreage of the property being subdivided;

7.2.9 The lot numbers;

7.2.10 The certification and seal of registered engineer and/or land surveyor; and

- 7.2.11 The description and location of all permanent monuments set in the subdivision, including ties to original government corners.
- 7.3 The following materials shall accompany the final plat:
 - 7.3.1 Plan and profile of all streets and alleys at a fifty (50) foot horizontal scale and five (5) foot vertical scale. Profiles shall show location, size and grade of all conduits, sewers, pipelines, etc., to be placed under the streets and alleys. Profiles shall be drawn so that North will be orientated to the top or to the left side of the drawing.
 - 7.3.2 Any protective covenants or restrictions to be imposed upon the plat shall be submitted for approval.
 - 7.3.3 A deed or easement to the County, properly executed for all streets intended as public streets and for any other property intended for public use.
 - 7.3.4 The following certificates:
 - 7.3.4.1 From the County Treasurer that the subdivision land is free from taxes.
 - 7.3.4.2 From the Clerk of the District Court that the subdivision land is free from all judgments, attachments, mechanics, or other liens of record in this office.
 - 7.3.4.3 From the County Recorder that the title in fee is in the owner and that it is free from encumbrances other than those secured by an encumbrance bond.
- 7.4 Improvements
 - 7.4.1 Before the final plat of any subdivided area shall be approved and recorded, the owner shall make and install the improvements described in section 5 in accordance with County specifications.
 - 7.4.2 All improvements shall be inspected by County representatives and approved by the County Engineer.
 - 7.4.3 The cost of the inspection shall be paid by the developer.
 - 7.4.4 If, at the time of the presentation of said final plat, it is not practicable or advisable to have the required improvements completed before the same is

accepted and approved as a plat, the owner shall enter into a contract with the County to make such improvements at such time as may be therein stated.

7.4.5 The Board may accept completed streets for County maintenance before improvements on all streets in the plat have been completed.

7.5 Recording Plat

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

7.5.1.1 One copy shall be retained for file by the Zoning Administrator.

7.5.1.2 One copy shall be filed with the County Recorder.

7.5.1.3 One copy with accompanying resolution by the Board of Supervisors approving and accepting the plat shall be filed with the County Auditor. This copy must be accompanied by a certificate by the owner and spouse, if any, that the subdivision is with free consent and is in accordance with the desire of the owners. This certificate must be signed and acknowledged by the owner and spouse before some officer authorized to take the acknowledgements of deeds.

7.5.2 A resolution by the Board of Supervisors approving the plat shall accompany the copy of the plat submitted to the County Auditor.

8. Fees

8.1 Before a preliminary plat may be considered by the Commission, the subdivider or his agent shall deposit with the County Treasurer a fee of ten dollars (\$10.00) to be credited to the Secondary Road Fund.

9. Variations and Exceptions

9.1 Whenever the tract proposed to be subdivided is of such unusual topography, size or shape, or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in substantial hardships or injustices, the Board of Supervisors upon recommendation from the Commission may vary or modify such requirements so that the subdivider

is allowed to develop his property in a reasonable manner; but so, at the same time, the public welfare and interest of the County and surrounding area are protected and the general intent and spirit of these regulations are preserved.

10. Enforcement

- 10.1 No plat or any subdivision shall be recorded in the County Recorder's Office or have any validity until it has been approved in the manner prescribed herein.
- 10.2 The Board of Supervisors shall not permit any public improvements over which it has control to be made from the County Road Fund or any County money expended for improvements or maintenance in any area that has been subdivided or upon any street that has been dedicated after the date of adoption of this Ordinance unless such subdivision or street has been approved in accordance with the provisions contained herein and accepted by the Board of Supervisors as a public highway and added to the Secondary Road system of the County. Streets of a subdivision not accepted by the Board as public highways shall remain private roads.

11. Changes and Amendments

- 11.1 Any provisions of these regulations may be changed and amended by the Board of Supervisors; provided, however, that such changes and amendments should not become effective until after study and report by the Commission and until after a public hearing has been held, public notice of which should have been given in a newspaper or general circulation at least fifteen (15) days prior to such hearing.

12. Severability

- 12.1 If any section, provision, sentence, clause, phrase, 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 provision, section, clause, phrase, or part hereof not adjudged invalid or unconstitutional.

13. Effective Date

- 13.1 This Ordinance shall be in full force and effect from and after its final adoption and publication as provided by law.

Example of a Preliminary Plat

Example of a Final Plat

Checklist for Plats

Checklist for Plats (Cont.)

FLOODPLAIN MANAGEMENT ORDINANCE

1. Statutory Authority, Findings of Fact, and Purpose

1.1 Statutory Authority. 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.

1.2 Findings of Fact

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

1.2.2 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 floodplain causing increases in flood heights and velocities.

1.2.3 This Ordinance relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Iowa Department of Natural Resources (IDNR).

1.3 Statement of Purpose. It is the purpose of this Ordinance to protect and preserve the rights, privileges and property of Greene 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 1.2.1 of this Ordinance with provisions designed to:

1.3.1 Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.

- 1.3.2 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.
- 1.3.3 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.
- 1.3.4 Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
- 1.3.5 Assure that eligibility is maintained for property owners in the County to purchase flood insurance through the National Flood Insurance Program.

2. Definitions. As used in this Ordinance, unless context otherwise requires:

- 2.1 “Appurtenant structure” means a structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.
- 2.2 “Base flood” means the flood having one (1) percent chance of being equaled or exceeded in any given year (also commonly referred to as the “100-year flood”).
- 2.3 “Base flood elevation” (BFE) means the elevation floodwaters would reach at a particular site during the occurrence of a base flood event.
- 2.4 “Basement” means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides; also see “lowest floor.”
- 2.5 “Development” means 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, drilling operations, or storage of equipment or materials. “Development” does not include “minor projects” or “routine maintenance of existing buildings and facilities” as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling or grading.
- 2.6 “Enclosed area below lowest floor” means the floor of the lowest enclosed area in a building when all the following criteria are met:

- 2.6.1 The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of section 5.6.1 of this Ordinance;
- 2.6.2 The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking, or storage;
- 2.6.3 Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the base flood elevation; and
- 2.6.4 The enclosed area is not a “basement” as defined in this section.
- 2.7 “Existing construction” means any structure for which the “start of construction” commenced before the effective date of the first floodplain management regulations adopted by the County.
- 2.8 “Existing factory-built home park or subdivision” means 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 first floodplain management regulations adopted by the County.
- 2.9 “Expansion of existing factory-built home park or subdivision” means 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).
- 2.10 “Factory-built home” means 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 “recreational vehicles” which are placed on a site for greater than one hundred eighty (180) consecutive days and not fully licensed for and ready for highway use.

- 2.11 “Factory-built home park or subdivision” means a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
- 2.12 “Five hundred (500) year flood” means a flood, the magnitude of which has a two-tenths (0.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every five hundred (500) years.
- 2.13 “Flood” means a general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
- 2.14 “Flood insurance rate map” (FIRM) means the official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the County.
- 2.15 “Flood insurance study” (FIS) means a report published by FEMA for a county issued along with the county’s Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.
- 2.16 “Floodplain” means any land area susceptible to being inundated by water as a result of a flood.
- 2.17 “Floodplain management” means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing, and floodplain management regulations.
- 2.18 “Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
- 2.19 “Floodway” means the channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.

- 2.20 “Floodway fringe” means those portions of the special flood hazard area outside the floodway.
- 2.21 “Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- 2.22 “Historic structure” means any structure that is:
- 2.22.1 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;
 - 2.22.2 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;
 - 2.22.3 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
 - 2.22.4 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.
- 2.23 “Lowest floor” means the floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of “enclosed area below lowest floor” are met.
- 2.24 “Maximum damage potential development” means hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency; or other buildings or building complexes similar in nature or use.
- 2.25 “Minor projects” means small development activities (except for filling, grading, and excavating) valued at less than \$500.

- 2.26 “New construction” means those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the County.
- 2.27 “New factory-built home park or subdivision” means 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 first floodplain management regulations adopted by the County.
- 2.28 “Recreational vehicle” means a vehicle which is:
- 2.28.1 Built on a single chassis;
 - 2.28.2 Four hundred (400) square feet or less when measured at the largest horizontal projection;
 - 2.28.3 Designed to be self-propelled or permanently towable by a light duty truck; and
 - 2.28.4 Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.
- 2.29 “Routine maintenance of existing buildings and facilities” means 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:
- 2.29.1 Normal maintenance of structures such as re-roofing, replacing roofing tiles, and replacing siding;
 - 2.29.2 Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work;
 - 2.29.3 Basement sealing;
 - 2.29.4 Repairing or replacing damaged or broken window panes;
 - 2.29.5 Repairing plumbing systems, electrical systems, heating or air conditioning systems, wells, or septic systems.

- 2.30 “Special flood hazard area” (SFHA) means the land within a county subject to the “base flood.” This land is identified on the county’s Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, and/or A99.
- 2.31 “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 one hundred eighty (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.
- 2.32 “Structure” means 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, grain storage facilities, and/or other similar uses.
- 2.33 “Substantial damage” means 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. Volunteer labor and donated materials shall be included in the estimated cost of repair.
- 2.34 “Substantial improvement” means any improvement to a structure which satisfies either of the following criteria:
- 2.34.1 Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the

structure either (i) before the “start of construction” of the improvement, or (ii) if the structure has been “substantially damaged” and is being restored, before the damage occurred. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an “historic structure,” provided the alteration will not preclude the structure’s designation as an “historic structure.”

2.34.2 Any addition which increases the original floor area of a building by twenty-five (25) percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the County shall be added to any proposed addition in determining whether the total increase in original floor space would exceed twenty-five (25) percent.

2.35 “Variance” means a grant of relief by the County from the terms of the floodplain management regulations.

2.36 “Violation” means the failure of a structure or other development to be fully compliant with the County’s floodplain management regulations.

3. General Provisions

3.1 Lands to Which Ordinance Applies

3.1.1 The provisions of this Ordinance shall apply to all lands and development which have significant flood hazards.

3.1.2 The Flood Insurance Rate Map (FIRM) for Greene County and Incorporated Areas, dated April 19, 2016, which was prepared as part of the Greene County Flood Insurance Study, shall be used to identify such flood hazard areas, and all areas shown thereon to be within the boundaries of the base flood shall be considered as having significant flood hazards. The Greene County Flood Insurance Study is hereby

adopted by reference and is made a part of this Ordinance for the purpose of administering floodplain management regulations.

3.2 Rules for Interpretation of Flood Hazard Boundaries

3.2.1 The boundaries of the Special Flood Hazard areas shall be determined by scaling distances on the official Flood Insurance Rate Map.

3.2.2 When an interpretation is needed as to the exact location of a boundary, the Greene County Zoning Administrator shall make the necessary interpretation.

3.2.3 The Greene County Board of Supervisors shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Administrator in the enforcement or administration of this Ordinance.

3.3 Compliance

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

3.4 Abrogation and Greater Restrictions

3.4.1 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.

3.5 Interpretation

3.5.1 In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, 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.

3.6 Warning and Disclaimer of Liability

3.6.1 The standards required by this Ordinance are considered reasonable for regulatory purposes.

- 3.6.2 This Ordinance does not imply that areas outside the designated special flood hazard areas will be free from flooding or flood damages.
- 3.6.3 This Ordinance shall not create liability on the part of Greene 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.

4. Administration

4.1 Appointment, Duties, and Responsibilities of Local Official

- 4.1.1 The Greene County Zoning Administrator is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.
- 4.1.2 Duties and responsibilities of the Administrator shall include, but not necessarily be limited to, the following:
 - 4.1.2.1 Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.
 - 4.1.2.2 Review floodplain development applications to assure that all necessary permits have been obtained from federal, state, and local governmental agencies, including approval when required from the IDNR for floodplain construction.
 - 4.1.2.3 Record and maintain a record of (i) the elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of all new or substantially improved structures; or (ii) the elevation to which new or substantially improved structures have been floodproofed.
 - 4.1.2.4 Notify adjacent communities/counties and the IDNR prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Emergency Management Agency (FEMA).
 - 4.1.2.5 Keep a record of all permits, appeals, and such other transactions and correspondence pertaining to the administration of this Ordinance.

- 4.1.2.6 Submit to the Federal Insurance Administrator an annual report concerning the County's participation, utilizing the annual report form supplied by the Federal Insurance Administrator.
- 4.1.2.7 Notify the Federal Insurance Administrator of any annexations or modifications to the County's boundaries.
- 4.1.2.8 Review subdivision proposals to ensure such proposals are consistent with the purpose of this ordinance and advise the Board of Supervisors of potential conflict.
- 4.1.2.9 Maintain the accuracy of the County's Flood Insurance Rate Maps when:
 - 4.1.2.9.1 Development placed within the floodway results in any of the following:
 - 4.1.2.9.1.1 An increase in the Base Flood Elevations; or
 - 4.1.2.9.1.2 Alteration to the floodway boundary;
 - 4.1.2.9.2 Development placed in Zones A, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one (1) foot in the base elevation; or
 - 4.1.2.9.3 Development relocates or alters the channel.
 - 4.1.2.9.4 Within six (6) months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.
- 4.1.2.10 Perform site inspections to ensure compliance with the standards of this Ordinance.
- 4.1.2.11 Forward all requests for variances to the Board of Supervisors for consideration. Ensure all requests include the information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Supervisors.

4.2 Floodplain Development Permit

- 4.2.1 Permit Required – A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, storage of materials and equipment, excavation, or drilling operations), including the placement of factory-built homes.
- 4.2.2 Application for Permit – Application shall be made on forms furnished by the Administrator and shall include the following:
 - 4.2.2.1 Description of the work to be covered by the permit for which application is to be made.
 - 4.2.2.2 Description of the land on which the proposed work is to be done (i.e., lot, block, tract, street address, or similar description) that will readily identify and locate the work to be done.
 - 4.2.2.3 Location and dimensions of all structures and additions.
 - 4.2.2.4 Indication of the use or occupancy for which the proposed work is intended.
 - 4.2.2.5 Elevation of the base flood.
 - 4.2.2.6 Elevation (in relation to North American Vertical Datum 1988) of the lowest floor (including basement) of structures or of the level to which a structure is to be floodproofed.
 - 4.2.2.7 For structures being improved or rebuilt, the estimated cost of improvements and market value of the structure prior to the improvements.
 - 4.2.2.8 Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.
- 4.2.3 Action on Permit Application
 - 4.2.3.1 The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain

development meets the applicable standards of this Ordinance and shall approve or disapprove the application.

4.2.3.2 For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore.

4.2.3.3 The Administrator shall not issue permits for variances except as directed by the Board of Supervisors.

4.2.4 Construction and Use to be as Provided in Application and Plans

4.2.4.1 Floodplain Development Permits issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement, or construction.

4.2.4.2 Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance.

4.2.4.3 The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, structure, floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

5. Floodplain Management Standards

5.1 All development must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where base flood elevations have not been provided in the Flood Insurance Study, the IDNR shall be contacted to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the base flood elevation. The applicant will be responsible for providing the IDNR with sufficient technical information to make such determination.

5.2 Review by the IDNR is not required for the proposed construction of new or replacement bridges or culverts where (i) the bridge or culvert is located on a

stream that drains less than one hundred (100) square miles; and (ii) the bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(1)b, Iowa Administrative Code.

5.3 All development within the special flood hazard areas shall:

5.3.1 Be designed and adequately anchored to prevent flotation, collapse, or lateral movement.

5.3.2 Use construction methods and practices that will minimize flood damage.

5.3.3 Use construction materials and utility equipment that are resistant to flood damage.

5.4 Residential Structures

5.4.1 All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the base flood elevation.

5.4.2 Construction shall be upon compacted fill which shall, at all points, be no lower than one (1) foot above the base flood elevation and extend at such elevation at least eighteen (18) feet beyond the limits of any structure erected thereon.

5.4.3 Alternate methods of elevating (such as piers or extended foundations) may be allowed, subject to favorable consideration by the 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.

5.4.4 All new residential structures located in areas that would become isolated due to flooding of surrounding ground shall be provided with a means of access that will be passable by wheeled vehicles during the base flood. However, this criterion shall not apply where the Administrator determines there is sufficient flood warning time for the protection of life and property. When estimating flood warning time, consideration shall be given to the criteria listed in 567-75.2(3), Iowa Administrative Code.

5.5 Non-Residential Structures

- 5.5.1 All new or substantially improved non-residential structures shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the base flood elevation, or together with attendant utility and sanitary systems, be floodproofed to such a level.
 - 5.5.2 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 base flood; and that the structure, below the base flood elevation is watertight with walls substantially impermeable to the passage of water.
 - 5.5.3 A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator.
- 5.6 All New and Substantially Improved Structures
- 5.6.1 Fully enclosed areas below the “lowest floor” (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
 - 5.6.1.1 A minimum of two (2) openings, with positioning on at least two (2) walls, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
 - 5.6.1.2 The bottom of all openings shall be no higher than one (1) foot above grade.
 - 5.6.1.3 Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.
 - 5.6.1.4 Such areas shall be used solely for parking of vehicles, building access and low damage potential storage.

- 5.6.2 New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- 5.6.3 New and substantially improved structures shall be constructed with electric meter, electrical service panel box, hot water heater, heating, air conditioning, ventilation equipment (including ductwork), and other similar machinery and equipment elevated (or in the case on non-residential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation.
- 5.6.4 New and substantially improved structures shall be constructed with plumbing, gas lines, water/gas meters, and other similar service utilities either elevated (or in the case of non-residential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation or designed to be watertight and withstand inundation to such a level.
- 5.7 Factory-Built Homes
 - 5.7.1 All new and substantially improved 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 base flood elevation.
 - 5.7.2 All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the State Building Code.
- 5.8 Utility and Sanitary Systems

- 5.8.1 On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
- 5.8.2 All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one (1) foot above the base flood elevation.
- 5.8.3 New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one (1) foot above the base flood elevation.
- 5.8.4 Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.
- 5.9 Storage of Materials and Equipment
 - 5.9.1 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 base flood elevation.
 - 5.9.2 Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters; or (ii) be readily removable from the area within the time available after flood warning.
- 5.10 Flood Control Structural Works
 - 5.10.1 Flood control structural works such as levees, flood walls, etc., shall provide, at a minimum, protection from the base flood with a minimum of three (3) feet of design freeboard and shall provide for adequate interior drainage.
 - 5.10.2 In addition, structural flood control works shall be approved by the IDNR.

- 5.11 Watercourse Alterations or Relocations
 - 5.11.1 Watercourse alterations or relocations must be designed to maintain the flood carrying capacity within the altered or relocated portion.
 - 5.11.2 In addition, such alterations or relocations must be approved by the IDNR.
- 5.12 Subdivisions
 - 5.12.1 Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage.
 - 5.12.2 Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this Ordinance.
 - 5.12.3 Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the base flood.
 - 5.12.4 Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include base flood elevation data for those areas located within the Special Flood Hazard Area.
- 5.13 Accessory Structures to Residential Uses
 - 5.13.1 Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied.
 - 5.13.1.1 The structure shall be designed to have low flood damage potential. Its size shall not exceed six hundred (600) square feet in size. Those portions of the structure located less than one (1) foot above the base flood elevation must be constructed of flood-resistant materials.
 - 5.13.1.2 The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.

- 5.13.1.3 The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
 - 5.13.1.4 The structure shall be firmly anchored to resist flotation, collapse, and lateral movement.
 - 5.13.1.5 The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one (1) foot above the base flood elevation.
 - 5.13.1.6 The structure's walls shall include openings that satisfy the provisions of 5.5.1 of this Ordinance.
 - 5.13.2 Exemption from the base flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.
- 5.14 Recreational Vehicles
 - 5.14.1 Recreational vehicles are exempt from the requirements of section 5.7 of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.
 - 5.14.1.1 The recreational vehicle shall be located on the site for less than one hundred eighty (180) consecutive days; and,
 - 5.14.1.2 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.
 - 5.14.2 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 5.7 of this Ordinance regarding anchoring and elevation of factory-built homes.
- 5.15 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.

5.16 Maximum Damage Potential Development

- 5.16.1 All new or substantially improved maximum damage potential development shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the elevation of the five hundred (500) year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level.
- 5.16.2 When floodproofing is utilized, a professional engineer, registered in the State of Iowa, shall certify (i) that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces, and (ii) other factors associated with the two-tenths (0.2) percent annual chance flood; and that the structure, below the two-tenths (0.2) percent annual chance flood elevation is watertight with walls substantially impermeable to the passage of water.
- 5.16.3 A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the Administrator.
- 5.16.4 Where two-tenths (0.2) percent chance flood elevation data has not been provided in the Flood Insurance Study, the IDNR shall be contacted to compute such data.
- 5.16.5 The applicant will be responsible for providing the IDNR with sufficient technical information to make such determinations.

6. Variance Procedures

- 6.1 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.
- 6.2 Variances granted must meet the following applicable standards.
 - 6.2.1 Variances shall only be granted upon:
 - 6.2.1.1 A showing of good and sufficient cause;
 - 6.2.1.2 A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

- 6.2.1.3 A determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense; create nuisances; cause fraud on or victimization of the public; or conflict with existing local codes or ordinances.
- 6.2.2 Variances shall not be issued within any designated floodway if any increase in flood levels during the base 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.
- 6.2.3 Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 6.2.4 In cases where the variance involves a lower level of flood protection for structures 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.
- 6.2.5 All variances granted shall have the concurrence or approval of the IDNR.
- 6.3 In passing upon applications for variances, the Board of Supervisors shall consider all relevant factors specified in other sections of this Ordinance and:
 - 6.3.1 The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - 6.3.2 The danger that materials may be swept on to other land or downstream to the injury of others.
 - 6.3.3 The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
 - 6.3.4 The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - 6.3.5 The importance of the services provided by the proposed facility to the County.

- 6.3.6 The requirements of the facility for a floodplain location.
 - 6.3.7 The availability of alternative locations not subject to flooding for the proposed use.
 - 6.3.8 The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - 6.3.9 The relationship of the proposed use to the Greene County Comprehensive Plan and floodplain management program for the area.
 - 6.3.10 The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - 6.3.11 The expected heights, velocity, duration, rate of rise, and sediment transport of the flood water expected at the site.
 - 6.3.12 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.
 - 6.3.13 Such other factors which are relevant to the purpose of this Ordinance.
- 6.4 Upon consideration of the factors listed in section 6.3, 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 are not necessarily limited to:
- 6.4.1 Modification of waste disposal and water supply facilities.
 - 6.4.2 Limitation of periods of use and operation.
 - 6.4.3 Imposition of operational controls, sureties, and deed restrictions.
 - 6.4.4 Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the IDNR and are deemed the only practical alternative to achieving the purpose of this Ordinance.
 - 6.4.5 Floodproofing measures. Such 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 Board 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.

7. Nonconforming Uses

- 7.1 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:
- 7.1.1 If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Ordinance.
- 7.1.2 Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
- 7.1.3 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.
- 7.2 Except as provided in section 7.1.2, any use which has been permitted as a variance shall be considered a conforming use.

8. Penalties for Violation

- 8.1 Violations of the provisions of this Ordinance or failure to comply with any of the requirements shall constitute a misdemeanor.
- 8.2 Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than thirty (30) days.
- 8.3 Nothing herein contained prevents Greene County from taking such other lawful action as is necessary to prevent or remedy a violation.

9. Amendments

9.1 The regulations and standards set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed.

9.2 No amendment, supplement, change, or modification shall be undertaken without prior approval of the IDNR.

10. Severability Clause

10.1 If any section, provision, sentence, clause, phrase, 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 provision, section, clause, phrase, or part hereof not adjudged invalid or unconstitutional.

JEFFERSON MUNICIPAL AIRPORT HEIGHT ZONING ORDINANCE

1. **Definitions.** As used in this Ordinance, unless the context otherwise requires:
 - 1.1 “Airport” means the Jefferson Municipal Airport.
 - 1.2 “Airport elevation” means the highest point of an airport’s usable landing area measured in feet above mean sea level, which elevation is established to be one thousand forty-eight (1,048) feet.
 - 1.3 “Airport hazard” means any structure or object of natural growth located on or in the vicinity of a public airport, or any use of land near such airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at such airport or is otherwise hazardous to such landing or takeoff of aircraft.
 - 1.4 “Airport primary surface” means a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
 - 1.5 “Airspace height” means for the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.
 - 1.6 “Control zone” means airspace extending upward from the surface of the earth which may include one or more airports and is normally a circular area of five (5) statute miles in radius, with extensions where necessary to include instrument approach and departure paths.
 - 1.7 “Instrument runway” means a runway having an existing instrument approach procedure utilizing air navigation facilities or area type navigation equipment, for which an instrument approach procedure has been approved or planned.
 - 1.8 “Minimum descent altitude” means the lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circle-to-land maneuvering in execution of a standard instrument approach procedure, where no electronic glide slope is provided.

- 1.9 “Minimum enroute altitude” means the altitude in effect between radio fixes which assures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.
- 1.10 “Minimum obstruction clearance altitude” means the specified altitude in effect between radio fixes on VOR airways, off-airway routes, or route segments which meets obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within twenty-two (22) miles of a VOR.
- 1.11 “Runway” means a defined area on an airport prepared for landing and takeoff of aircraft along its length.
- 1.12 “Visual runway” means a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a FAA approved airport layout plan, a military services approved military airport layout plan, or by any planning document submitted to the FAA by competent authority.

2. Airport Zones and Airspace Height Limitations

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

2.1.1 Horizontal Zone

- 2.1.1.1 The horizontal zone is the land lying under a horizontal plane one hundred fifty (150) feet above the established airport elevation, the perimeter of which is constructed by:

- 2.1.1.1.1 Visual Runway: swinging arcs of five thousand (5,000) feet radii from the center of each end of the primary surface of Runways 14, 18, and 36, and connecting the adjacent arcs by lines tangent to those arcs.

- 2.1.1.1.2 Instrument Runway: swinging arcs of ten thousand (10,000) feet radii from the center of each end of the primary surface of Runway 32, and connecting the adjacent arcs by lines tangent to those arcs.
 - 2.1.1.2 Note: The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a five thousand (5,000) foot arc is encompassed by tangents connecting two adjacent ten thousand (10,000) foot arcs, the five thousand (5,000) foot arc shall be disregarded on the construction of the perimeter of the horizontal surface.
 - 2.1.1.3 No structure shall exceed one hundred fifty (150) feet above the established airport elevation in the horizontal zone, as depicted on the Jefferson Municipal Airport Height Zoning Map.
 - 2.1.2 Conical Zone
 - 2.1.2.1 The conical zone is the land lying under a surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) to one (1) for a horizontal distance of four thousand (4,000) feet.
 - 2.1.2.2 No structure shall penetrate the conical surface in the conical zone, as depicted on the Jefferson Municipal Airport Height Zoning Map.
 - 2.1.3 Approach Zone
 - 2.1.3.1 The approach zone is the land lying under a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface.

- 2.1.3.2 Note: An approach surface is applied to each end of each runway based upon the type of approach available or planned for that runway end.
- 2.1.3.3 The inner edge of the approach surface is:
 - 2.1.3.3.1 Visual utility runway: two hundred fifty (250) feet wide for Runways 18 and 36.
 - 2.1.3.3.2 Visual other than utility runway and non-precision instrument runway: five hundred (500) feet wide for Runways 14 and 32.
- 2.1.3.4 The outer edge of approach zone is:
 - 2.1.3.4.1 Visual utility runway: one thousand two hundred fifty (1,250) feet for Runways 18 and 36.
 - 2.1.3.4.2 Visual other than utility runway: one thousand five hundred (1,500) feet for Runway 14.
 - 2.1.3.4.3 Non-precision instrument runway: three thousand five hundred (3,500) feet for Runway 32.
- 2.1.3.5 The approach zone extends for a horizontal distance of:
 - 2.1.3.5.1 All visual runways: five thousand (5,000) feet at a slope of twenty (20) to one (1) for Runways 14, 18, and 36.
 - 2.1.3.5.2 Non-precision instrument runways: ten thousand (10,000) feet at a slope of thirty-four (34) to one (1) for Runway 32.
- 2.1.3.6 No structure shall exceed the approach surface to any runway, as depicted on the Jefferson Municipal Airport Height Zoning Map.
- 2.1.4 Transitional Zone
 - 2.1.4.1 The transitional zone is the land lying under those surfaces extending outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of

seven (7) to one (1) from the sides of the primary surface and from the sides of the approach surfaces.

2.1.4.2 No structures shall exceed the transitional surface, as depicted on the Jefferson Municipal Airport Height Zoning Map.

2.1.5 No structure shall be erected in Greene County that raises the published minimum descent altitude or decision height for an instrument approach to any runway, nor shall any structure be erected that causes the minimum obstruction clearance altitude or minimum enroute altitude to be increased on any federal airway in Greene County.

3. Use Restrictions

3.1 Notwithstanding any other provisions of section 2, no use may be made of land or water within Jefferson, Iowa, or Greene County, Iowa, in such a manner as to interfere with the operation of any airborne aircraft.

3.2 The following special requirements shall apply to each permitted use:

3.2.1 All lights or illumination used in conjunction with street, parking, signs, or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from Jefferson Municipal Airport or in the vicinity thereof.

3.2.2 No operation from any use shall produce smoke, glare, or other visual hazards within three (3) statute miles of any usable runway of the Jefferson Municipal Airport.

3.2.3 No operation from any use in Jefferson, Iowa, or Greene County, Iowa, shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

4. Lighting

4.1 Notwithstanding the provisions of section 3, the owner of any structure over two hundred (200) feet above ground level must install on the structure lighting in accordance with Federal Aviation Administration (FAA) Advisory Circular 70-7460-ID and amendments. Additionally, any structure, constructed after the effective date of this Ordinance and exceeding nine hundred forty-nine (949) feet above ground level, must install on that structure high intensity white obstruction

lights in accordance with Chapter 6 of FAA Advisory Circular 7460-ID and amendments.

- 4.2 Any permit or variance granted may be so conditioned as to require the owner of the structure or growth in question to permit the City of Jefferson or Greene County at its own expense to install, operate, and maintain thereto such markers or lights as may be necessary to indicate to pilots the presence of an airspace hazard.

5. Variances

- 5.1 Any person desiring to erect or increase the height of any structure, or to permit the growth of any tree, or otherwise use property in violation of any section of this Ordinance, may apply to the Board of Adjustment for variance from such regulations
- 5.2 No application for variance to the requirements of this Ordinance may be considered by the Board of Adjustment unless a copy of the application has been submitted to the Jefferson Municipal Airport Commission and airport manager for an opinion as to the aeronautical effects of such a variance.
- 5.3 If the Jefferson Municipal Airport Commission and airport manager do not respond to the Board of Adjustment within fifteen (15) days from receipt of the copy of the application, the Board may make its decision to grant or deny the variance.

6. Board of Adjustment

- 6.1 There is hereby created a Board of Adjustment to have and exercise the following powers:
 - 6.1.1 To hear and decide appeals from any order, requirement, decision, or determination made in the enforcement of this Ordinance;
 - 6.1.2 To hear and decide special exemptions to the terms of this Ordinance upon which such Board of Adjustment under such regulations may be required to pass; and
 - 6.1.3 To hear and decide specific variances.
- 6.2 The Board of Adjustment shall consist of two (2) members selected by the Jefferson City Council, two (2) members selected by the Greene County Board of Supervisors, and one (1) additional member to act as Chairperson and to be selected

by a majority vote of the members selected by the Jefferson City Council and the Greene County Board of Supervisors.

- 6.3 Members are removable for cause by the appointing authority upon written charges, after a public hearing.
- 6.4 Vacancies are filled for the unexpired term of any member whose office becomes vacant in the same manner in which the member was selected.
- 6.5 The terms of the members are for five (5) years and are staggered.
- 6.6 The Board of Adjustment shall adopt rules for its governance and in harmony with the provisions of this Ordinance.
- 6.7 Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board of Adjustment may determine.
- 6.8 The Chairperson, or in his or her absence the Acting Chairperson, may administer oaths and compel the attendance of witnesses.
- 6.9 All meetings of the Board of Adjustment shall be open to the public.
- 6.10 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 examinations, and other official actions, all of which shall immediately be filed in the office of the Jefferson City Clerk and the Greene County Auditor, and on due cause shown.
- 6.11 The Board of Adjustment shall have the powers established in the Code of Iowa, section 414.12.
- 6.12 The concurring vote of a majority of the members of the Board of Adjustment shall be sufficient to reverse any order, requirement, decision, or determination of any administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect variations of this Ordinance.
- 6.13 Any person aggrieved, or any taxpayer affected, by any decision of the Board of Adjustment, may appeal to the Court of Record as provided in Code of Iowa, section 414.15.

7. Administrative Agency

- 7.1 It shall be the duty of the Jefferson Building Inspector and the County Zoning Administrator to administer the regulations prescribed herein.
- 7.2 Applications for permits and variances shall be made to the Jefferson Building Inspector and the County Zoning Administrator upon a form furnished by the County Zoning Administrator.
- 7.3 Applications required by this Ordinance to be submitted to the Airport Commission shall be promptly considered and granted or denied.
- 7.4 Applications for action by the Board of Adjustment shall be forthwith transmitted by the Jefferson Building Inspector and the County Zoning Administrator.

8. Penalties

- 8.1 Each violation of this Ordinance or any regulation, order, or ruling promulgated hereunder shall constitute a misdemeanor, and be punishable by a fine of not more than five hundred dollars (\$500.00) or imprisonment for not more than one (1) year or both; and each day a violation continues to exist shall constitute a separate offense.

9. Conflicting Regulations

- 9.1 Where there exists a conflict between any of the regulations or limitations prescribed in this Ordinance all any other regulations applicable to the same area, whether the conflict be with respect to height of structures, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

10. Severability

- 10.1 If any section, provision, sentence, clause, phrase, 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 provision, section, clause, phrase, or part hereof not adjudged invalid or unconstitutional.

11. Effective Date

- 11.1 This Ordinance shall be in full force and effect from and after its passage by the City of Jefferson, Iowa, and Greene County, Iowa, and publication and posting as required by law.

ORDINANCE PROVIDING FOR THE REGULATION OF PRIVATE WELLS AND PRIVATE SEWAGE DISPOSAL SYSTEMS

1. Purpose

1.1 The purpose of this Ordinance is to ensure water quality, to protect groundwater resources, and to promote the public health by providing minimum standards for the construction and reconstruction of private wells; by encouraging, enforcing, and overseeing the proper plugging of abandoned wells; by safeguarding private wells from contamination; and by promoting the maintenance of existing private sewage disposal systems and the use of the best technology in the installation of new private sewage disposal systems.

2. Adoption of State Code and Delegation of Authority

2.1 The Greene County Board of Supervisors adopts by reference, in their entirety, the following Iowa Administrative Code Chapters:

2.1.1 567 IAC 38 (455B) – Private Water Well Construction Permits;

2.1.2 567 IAC 39 – Requirements for Properly Plugging Abandoned Wells;

2.1.3 567 IAC 49 (455B) – Nonpublic Water Supply Wells; and

2.1.4 567 IAC 69 – Private Sewage Disposal Systems.

3. Enforcement

3.1 Pursuant to Chapter 137 of the Code of Iowa, the Greene County Board of Health is the designated agency to interpret, monitor, and enforce this Ordinance.

3.2 The Greene County Board of Supervisors is delegated the authority to issue private well construction permits in Greene County by means of a 28E Agreement with the Iowa Department of Natural Resources. The Board of Supervisors hereby designates the Greene County Board of Health as the authority for private water well construction permits in Greene County.

4. Severability

4.1 If any section, provision, sentence, clause, phrase, 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 provision, section, clause, phrase, or part hereof not adjudged invalid or unconstitutional.

5. Effective Date

5.1 This Ordinance shall be in full force and effect from and after its final adoption and publication as provided by law.

DUST CONTROL ORDINANCE

1. Purpose

1.1 The purpose of this Ordinance is to authorize Greene County, Iowa, through its Secondary Road Department, to provide a safe, efficient, and effective dust suppressant service within Greene County.

2. Definitions. As used in this Ordinance, unless the context otherwise requires:

2.1 “Dust suppressant service” means the application by the Greene County Secondary Road Department of calcium chloride or any other substance approved by the Greene County Engineer to a segment of a public roadway in Greene County, Iowa, for the purpose of reducing the amount of dust generated by vehicular traffic on the roadway.

3. Dust Control Service

3.1 Greene County, Iowa, is hereby authorized to engage in the sale, offering for sale, delivery, dispensing, distributing, and advertising of a dust suppressant service.

3.2 The authorization granted in section 3.1 of this Ordinance is hereby declared to be in satisfaction of section 23A.2 of the Code of Iowa.

4. Severability

4.1 If any section, provision, sentence, clause, phrase, 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 provision, section, clause, phrase, or part hereof not adjudged invalid or unconstitutional.

5. Effective Date

5.1 This Ordinance shall be in full force and effect from and after its final adoption and publication as provided by law.

GREENE COUNTY FIRE PROTECTION ORDINANCE

1. Purpose

1.1 The purpose of this Ordinance is to encourage the efficient use of fire protection resources by creating uniform procedures for providing Greene County fire protection officials with advance notice of planned open burning by property owners and establishing penalties when such advance notice is not provided.

2. Advance Notice Requirement

2.1 Except as provided in section 2.2 below, every person, firm, corporation, or government entity shall provide advance notice to the Greene County Communications Center (515-386-2136) that an outdoor burn will be held on a specific date at a specific place before burning any building, structure, farmland, pasture (including Conservation Reserve Program [CRP] acres), other rural ground, road ditches, brush piles, woodland, or debris.

2.2 Nothing in this ordinance shall be deemed to apply to the following situations:

2.2.1 Use of an outdoor fire for cooking;

2.2.2 Barbecue grills;

2.2.3 Outdoor fireplaces;

2.2.4 Supervised burning of normal yard waste; or

2.2.5 Supervised burning of trash.

3. Covered Area

3.1 This Ordinance applies only to the unincorporated areas of Greene County.

4. Violations

4.1 A violation of this Ordinance is a civil infraction under the Greene County Code of Ordinances and is subject to a civil penalty of \$100 for the first violation, \$250 for a second violation, and \$500 for a third or subsequent violation.

5. Severability

5.1 If any section, provision, sentence, clause, phrase, 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 provision, section, clause, phrase, or part hereof not adjudged invalid or unconstitutional.

6. Effective Date

6.1 This Ordinance shall be in full force and effect from and after its final adoption and publication as provided by law.

UNIFORM RURAL ADDRESS SYSTEM ORDINANCE

1. Purpose

1.1 This Ordinance shall govern and mandate the use of a uniform rural address system for the residents of Greene County in order to facilitate the use of E911 communications system and to promote the convenience, safety, and general welfare of those residents of Greene County and provides for a penalty.

2. Definitions. As used in this Ordinance, unless context otherwise requires:

2.1 “Administrator” means the E911 service board.

2.2 “Base map” means the Uniform Rural Address System map, subject to the provisions of this Ordinance.

2.3 “Board” means the Greene County Board of Supervisors.

2.4 “Building” means a roofed and/or walled structure built for permanent use.

2.5 “Engineer” means the Greene County Engineer.

2.6 “Person” means any individual, firm, corporation, unincorporated association or legal entity.

2.7 “Subdivision” means the division of a tract of land into separate lots or parcels for the purpose of transfer of ownership or building development.

3. Establishment of System

3.1 The Board does by this Ordinance establish and accept the system as presented by the Administrator as the Uniform Rural Address System for Greene County.

4. Extent of System

4.1 The Uniform Rural Address System shall extend over the entire unincorporated area of Greene County.

4.2 The unincorporated areas using an address system are subject to the provisions of this Ordinance.

5. Implementation of System. The Board shall direct the Administrator to:

5.1 Develop a base map to be used in the Rural Address System;

5.2 Verify the accuracy of the base map to be used in the assignment of addresses;

5.3 Make all necessary corrections, additions, and updates to the base map;

5.4 Furnish base maps to the Board for their use;

- 5.5 Notify post offices, rural emergency providers, law enforcement communications, emergency vehicles, all county offices, and all providers and offices located in adjacent counties whereby such districts overlap into Greene County of the effective date of the system and the address assignments; and
- 5.6 Send notification to all residents affected by this system; such notification should include such information as:
 - 5.6.1 The date the system will take effect;
 - 5.6.2 The projected date the post office and County will start using the system;
 - 5.6.3 Information as to type and placement of address markers, and when they shall be in place; and
 - 5.6.4 An explanation of the system and how to use it.

6. Road Markers

- 6.1 The Administrator, in coordination with the Engineer, shall supervise the installation of road identification markers at each road intersection in Greene County where the provisions of this Ordinance apply.
- 6.2 The road markers shall comply with Iowa Department of Transportation specifications.

7. Required Posting

- 7.1 Every person owning, controlling, occupying, or using any house, store, storeroom, or building situated on premises fronting any public way as provided in section 4 shall, after assignment of a number under the rural permanent address system provided for in this Ordinance, install a permanent marker on such premises indicating the assigned number as in accordance with section 5.6.3.
- 7.2 The provisions of this Ordinance shall not apply to accessory buildings but may apply to such buildings located on a separate unit of frontage if requested by the owner or proprietor.
- 7.3 Specifications
 - 7.3.1 Rural resident numbering signs shall be made of aluminum, twelve (12) inches wide by eighteen (18) inches high, and made in a vertical forty-five (45) degree configuration.

7.3.2 The surface shall be made of blue reflectorized material with four (4) inch white numbers.

7.4 Placement of Signs

7.4.1 Property signs shall be placed on the left hand side of the primary entrance to the property on the property/right of way line at least five (5) feet, but no more than ten (10) feet, from the entrance and no more than two (2) feet either side of the property/right-of-way line.

7.4.2 There shall be no obstruction between the signs and the road.

7.4.3 The erection and maintenance of property signs shall be the responsibility of the property owner.

7.4.4 Signs shall be installed within one (1) year of the passage of this Ordinance upon all properties subject to this Ordinance by the owners thereof.

7.5 Cost Payment and Procurement of Signs

7.5.1 The cost of signs provided by the Administrator will be determined by the Administrator and payment for such signs shall be made to the Administrator.

7.5.2 The Administrator shall notify all persons of when and how signs will be available.

7.5.3 Persons may procure signs from sources other than the Administrator provided they comply with the specifications listed above.

8. New Structures

8.1 Every person erecting a building subject to the provisions of section 7 of this Ordinance after the date the Uniform Rural Address System becomes effective shall, within fifteen (15) days of commencement of construction, notify the Administrator who shall within thirty (30) days assign a number to such structure.

8.2 The provisions of section 7 shall be applicable to any person subject to the provisions of this section.

9. Maintenance of the Uniform Rural Address System

9.1 The Administrator shall be responsible for the continued maintenance of the Uniform Rural Address System in Greene County.

9.2 The Administrator's duties shall include assigning all new addresses, updating maps, making periodic checks of the rural areas of Greene County to insure that the provisions of this Ordinance are being complied with, and any other duties necessary to insure the continued maintenance of and compliance with the Uniform Rural Address System of Greene County.

10. Special Account – Use of Account

10.1 All penalties and other monies available or paid to the County under the provisions of the Ordinance shall be placed in the County general fund and credited to a special account to be designated as the Uniform Rural Address System Account.

10.2 The Uniform Rural Address System Account shall be available to the Board by appropriation and shall be expended for the administration and enforcement of this Ordinance and for any other expenses incurred by the County directly or indirectly due to the provisions set forth by this Ordinance.

10.3 Any unencumbered and any unexpended balance of the Uniform Rural Address System Account remaining at the end of any fiscal year shall not lapse but shall be carried forward for the purposes of this Ordinance until expended or until appropriated by subsequent Board action.

11. Civil Penalty

11.1 Any person found in violation of section 7 or 8 of this Ordinance shall be subject to a fine up to one hundred dollars (\$100.00) per violation.

11.2 Each day a person fails to comply with this Ordinance shall be a separate violation.

12. Severability

12.1 If any section, provision, sentence, clause, phrase, 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 provision, section, clause, phrase, or part hereof not adjudged invalid or unconstitutional.

13. Effective Date

13.1 This Ordinance shall be in full force and effect from and after its final adoption and publication as provided by law.

HAZARDOUS SUBSTANCES ORDINANCE

1. Purpose

1.1 The purpose of this Ordinance is to reduce the danger to public health, safety, and welfare from leaks, spills, or releases of hazardous wastes or substances by establishing responsibility for the treatment, removal, and cleanup of leaks, spills, or releases of such substances within Greene County, Iowa, and providing criminal penalties for certain violations.

2. Definitions. As used in this Ordinance, unless the context otherwise requires:

2.1 Authorized person

2.1.1 “Authorized person” means the Greene County Sheriff or his or her duly appointed designee, or the Greene County Emergency Management Coordinator or his or her duly appointed designee.

2.1.2 An authorized person may also appoint the fire chief or assistant fire chief of any municipality or fire district as his or her temporary deputy, or may delegate his or her duties to such fire chief or assistant fire chief, in his or her discretion.

2.2 “Cleanup” means action necessary to contain, collect, control, identify, analyze, clean up, treat, disperse, remove, or dispose of a hazardous waste or substance.

2.3 Hazardous waste

2.3.1 “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:

2.3.1.1 Causes, or significantly contributes to, an increase in serious irreversible, or incapacitating reversible, illness; or

2.3.1.2 Poses a substantial danger to human health or the environment.

2.3.2 “Hazardous waste” may include, but is not limited to, wastes that are toxic, corrosive, or flammable, irritants, strong sensitizers, and explosives.

2.3.3 “Hazardous waste” does not include:

2.3.3.1 Agricultural wastes, including manures and crop residues that are returned to the soil as fertilizers or soil conditioners; or

- 2.3.3.2 Source, special nuclear, or by-product materials as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.
- 2.4 Hazardous substance
- 2.4.1 “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, that is an irritant, or that generates pressure through decomposition, heat, or other means.
- 2.4.2 “Hazardous substance” includes 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; any toxic pollutant or hazardous substance listed under subsection 311 of the Federal Water Pollution Control Act as amended to January 1, 1977; and any hazardous material designated by the Secretary of Transportation under the Hazardous Materials Transportation Act.
- 2.5 “Hazardous condition” means any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous waste or substance onto the land, into a water of the State, or into the atmosphere which creates an immediate or potential danger to the public health or safety or to the environment.
- 2.6 “Responsible person” means any person, individual, corporation, firm, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity, who at any time produces, handles, stores, uses, transports, refines, or disposes of a hazardous waste or substance the release of which creates a hazardous condition, including bailees, carriers, and any other person in control of a hazardous waste or substance when a hazardous condition occurs, whether the person owns the hazardous waste or substance or is operating under a lease, contract, or other agreement with the legal owner of the hazardous waste or substance.
- 2.7 Treatment

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

3. Cleanup Required

- 3.1 Whenever a hazardous condition is created so that a hazardous waste or substance or a constituent of the hazardous waste or substance may enter the environment or be emitted into the air or discharged into any waters, including ground waters, the responsible person shall cause the condition to be remedied by a cleanup or treatment, as rapidly as feasible to an acceptable safe condition, and restore the affected area to its state prior to the hazardous condition as far as practicable. The cost of cleanup shall be borne by the responsible person. All responsible persons shall be jointly and severally liable for said cost.
- 3.2 If the responsible person does not cause the cleanup 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, setting a deadline for commencing and accomplishing the cleanup and stating that the County will proceed to procure cleanup or treatment services if the cleanup or treatment is not accomplished within the deadline. The County may procure cleanup or treatment services if the responsible person does not do so within the deadline.
- 3.3 If the cost of the cleanup is beyond the capacity of the County to finance, the authorized officer shall report to the Board of Supervisors and immediately seek any State or Federal funds available for such cleanup.

4. Liability for Cleanup Costs.

- 4.1 The responsible person shall be strictly liable to the County for all of the following:

- 4.1.1 The reasonable cleanup or treatment costs incurred by the County as a result of the failure of the person to cleanup or treat a hazardous substance or waste involved in a hazardous condition caused by that person, including emergency cleanup or treatment of the hazardous condition.
- 4.1.2 The reasonable costs incurred by the County to evacuate people from the area threatened by a hazardous condition caused by the responsible person.
- 4.1.3 The reasonable damages to the County for the injury to, destruction of, or loss of County property, including parks and roads, resulting from a hazardous condition caused by that person, including the costs of assessing the injury, destruction, or loss.

5. Notifications

- 5.1 A responsible person shall notify the Greene County Law Enforcement Center in Jefferson, Iowa, or an authorized person of the occurrence of a hazardous condition as soon as possible, but not later than six (6) hours after the onset of the hazardous condition or discovery of the hazardous condition.
- 5.2 Any County employee, member of a law enforcement agency, or member of a fire department who discovers a hazardous condition shall notify the Greene County Law Enforcement Center or an authorized person, who will notify the proper State agencies in the manner established by the State.

6. Police Authority

- 6.1 If the circumstances reasonably so require, an authorized person or any peace officer or law enforcement officer may:
 - 6.1.1 Evacuate persons from their homes to areas away from the site of the hazardous condition.
 - 6.1.2 Establish perimeters or other boundaries at or near the site of a hazardous condition and limit access to cleanup personnel.
 - 6.1.3 Issue any other reasonable order to ensure the safety of persons or property or the containment of the hazardous condition.
- 6.2 No person shall disobey an order of an authorized person or any peace officer or law enforcement officer issued under the authority of this section.

7. Liability

7.1 The County of Greene 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 responsible person.

8. Penalty

8.1 Any person violating any provision, section, or paragraph of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not more than one hundred dollars (\$100.00) or imprisonment for not more than thirty (30) days.

8.2 Each day a violation occurs shall constitute a separate offense.

9. Severability

9.1 If any section, provision, sentence, clause, phrase, 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 provision, section, clause, phrase, or part hereof not adjudged invalid or unconstitutional.

10. Effective Date

10.1 This Ordinance shall be in full force and effect from and after its final adoption and publication as provided by law.

VICIOUS ANIMALS ORDINANCE

1. Purpose

1.1 The purpose of this Ordinance is to protect human beings and domesticated animals from the perils of vicious animals in Greene County, Iowa.

2. Definitions. As used in this Ordinance, unless the context otherwise requires:

2.1 “Animal” means any member of the animal kingdom except human beings.

2.2 “At Large” means off an owner’s premises and not under the control of a competent person, restrained within a motor vehicle, or housed in a veterinary hospital or kennel.

2.3 “Board” means the Board of Supervisors for Greene County, Iowa.

2.4 “Covered Area” means the unincorporated areas of Greene County and any municipality in Greene County that has not enacted its own municipal ordinance regulating the keeping of vicious animals.

2.5 “Euthanize” means to kill in a humane manner by an authorized veterinarian.

2.6 “Keeping” means confining, harboring, maintaining, owning, or sheltering.

2.7 “Owner” means any person keeping an animal.

2.8 “Sheriff” means the elected Sheriff of Greene County or his or her designee.

2.9 “Vicious Animal” means any animal that has either:

2.9.1 Attacked or bitten a person on two separate occasions without provocation, bitten a person on one or more occasions without provocation causing an injury above the person’s shoulders, or bitten or attacked a person on one or more occasions without provocation while the animal was running at large, excluding:

2.9.1.1 A dog used in security or police work if the attack or bite occurred while the dog was actually performing in its capacity as a security or police dog; and

2.9.1.2 An animal that attacked or bit a person who, at the time of the attack or bite, was engaged in a criminal act against the person or property of another; or

2.9.2 Attacked a domestic animal or fowl without provocation:

2.9.2.1 On two separate occasions within a twelve-month period; or

2.9.2.2 On three or more separate occasions within the lifetime of the attacking animal.

3. Seizure, Impoundment, and Disposition of Vicious Animals

- 3.1 No person shall keep a vicious animal in the covered area.
- 3.2 If the Sheriff determines that an owner is keeping a vicious animal in the covered area, the Sheriff shall personally serve the owner written notice of the Sheriff's determination, and the owner shall immediately surrender the vicious animal to the Sheriff.
- 3.3 Unless written consent for euthanasia is signed by every owner of a vicious animal at the time of the vicious animal's surrender, the Sheriff shall hold the vicious animal for ninety-six (96) hours, and the cost of maintaining the animal shall be assessed equally to all non-consenting owners.
- 3.4 If no owner of the animal appeals the Sheriff's determination within ninety-six (96) hours of the vicious animal's surrender, the Sheriff may euthanize the vicious animal, and the non-consenting owners shall be equally assessed the cost incurred in euthanizing the animal.

4. Right of Appeal

- 4.1 The Sheriff shall in writing inform every owner of an animal surrendered to the Sheriff in the effectuation of the provisions of this Ordinance of an owner's right to appeal the Sheriff's determination that the animal is a vicious animal being kept in violation of this Ordinance.
- 4.2 The Sheriff shall inform every owner of both the method by which an appeal may be taken and an owner's right to represent him- or herself or to be represented by another person in the appeal.
- 4.3 The Sheriff shall also inform every owner that an owner has ninety-six (96) hours from the time of the animal's surrender to appeal the Sheriff's determination that the animal is a vicious animal being kept in violation of this Ordinance.
- 4.4 Any appeal must be made in writing and must be received by the Sheriff within ninety-six (96) hours of the animal's surrender.
- 4.5 Any written appeal timely received by the Sheriff shall be immediately placed on the agenda for the next regular Board meeting in accordance with Chapter 21 of the

Code of Iowa, provided that such appeal shall not be heard sooner than five (5) days after the appeal is taken.

- 4.6 The appellant shall be informed by certified mail of the date and time of the hearing before the Board and shall be granted access to any records in the possession of the Sheriff relevant to the Sheriff's determination.
- 4.7 During the pendency of the appeal, the Sheriff shall maintain the allegedly vicious animal, and if the Sheriff's initial decision is ultimately upheld, the costs incurred in maintaining the animal may be assessed to the owner making the appeal.

5. Appeal Hearing

- 5.1 On appeal, the Board shall review the Sheriff's decision de novo at the time scheduled for the appeal, unless a continuance is requested by the appellant.
- 5.2 The appellant shall be permitted to present whatever evidence is desired in support of his or her appeal, including his or her own testimony, the testimony of other witnesses, and documentary evidence.
- 5.3 At the appeal hearing, the technical rules of evidence shall not apply, and the Board may set reasonable time limits for the parties to present their evidence.
- 5.4 The Board may question the appellant, and the Sheriff shall present the Board with the grounds for his or her determination.
- 5.5 The appeal hearing shall be audio recorded.
- 5.6 When the Board deliberates on the appeal, no parties shall be present.
- 5.7 The Board's decision shall be based solely on the evidence submitted to the Board at the hearing.
- 5.8 Within five (5) days of the appeal hearing, the Board shall mail the appellant its decision in writing by certified mail.
- 5.9 The Board's written decision shall include the reasons for its decision, as well as the method by which the appellant may appeal the Board's decision.
- 5.10 A person aggrieved by the Board's decision may appeal the decision as if it were a contested case before an agency and as if the person had exhausted administrative remedies in accordance with the procedures and standards in sections 17A.19 and 17A.20 of the Code of Iowa.

5.11 An appeal of the Board's decision must be made within ten (10) days of the mailing of the Board's decision, after which the Sheriff may euthanize the animal.

6. Liability

6.1 Nothing in this Ordinance absolves the owner of an animal that inflicts injury to a person or property from financial responsibility for the animal's actions.

7. Penalties

7.1 A violation of this Ordinance shall constitute a County civil infraction and is subject to a civil penalty of \$750 for the first violation and a civil penalty of \$1,000 for each subsequent violation.

8. Severability

8.1 If any section, provision, sentence, clause, phrase, 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 provision, section, clause, phrase, or part hereof not adjudged invalid or unconstitutional.

9. Variances

9.1 Variances to this Ordinance with respect to the keeping of vicious animals may be granted by the Board provided that the application for the variance is submitted in writing to the Board, the request is consistent with the purpose of this Ordinance, and the application contains sufficient information to substantiate the need and propriety for such action.

9.2 A request for a variance shall be heard by the Board at a regularly scheduled meeting.

9.3 In ruling on a variance request the Board is entitled to consider the applicant's experience with regard to the handling and keeping of similar animals, the type and quality of the facilities provided for the confinement of the animal, and any prior documented complaints or problems concerning the animal for which the variance is being requested.

10. Effective Date

10.1 This Ordinance shall be in full force and effect from and after its final adoption and publication as provided by law.

SOCIAL HOST ORDINANCE

1. Purpose

1.1 The purpose of this Ordinance is to promote the safety, health, and welfare of the people of Greene County, Iowa, by reducing the illegal consumption of alcoholic beverages, prescription drugs, and controlled substances by persons under the age of twenty-one (21) in Greene County.

2. Definitions. As used in this Ordinance, unless the context otherwise requires:

2.1 “Alcoholic beverage” means any alcoholic beverage specified in Iowa Code section 123.3(4).

2.2 “Controlled substance” means a drug, substance, or immediate precursor listed in schedules I through V of Division II of Chapter 124 of the Iowa Code.

2.3 “Licensed premises” means all rooms, enclosures, contiguous areas, or places susceptible of precise description where alcoholic beverages are sold or consumed under authority of a liquor control license, wine permit, or beer permit.

2.4 “Permit” or “license” means an express written authorization issued by the Alcoholic Beverages Division of the Iowa Department of Commerce.

2.5 “Prescription drug” means any drug or device listed in Iowa Code section 155A.3(38).

3. Prohibited Acts

3.1 Except as provided in section 3.2, a person who is the owner or lessee of, or who otherwise has control over, property, shall not knowingly permit any person, knowing or having reasonable cause to believe the person to be under the age of twenty-one (21), to consume or possess on such property any alcoholic beverage, prescription drug that was not lawfully dispensed, or controlled substance that was not lawfully dispensed.

3.2 Section 3.1 shall not apply in the case of:

3.2.1 an alcoholic beverage given or dispensed to a person under twenty-one (21) years of age within a private home and with the knowledge, presence, and consent of the parent or guardian, for beverage or medicinal purposes;

3.2.2 an alcoholic beverage administered to a person under twenty-one (21) years of age by either a physician or dentist for medicinal purposes;

- 3.2.3 the consumption or possession of any alcoholic beverage or controlled substance in connection with a religious observance, ceremony, or rite;
 - 3.2.4 a person under the age of twenty-one (21) who handles alcoholic beverages during the regular course and scope of the person's employment by a liquor control licensee or wine or beer permittee under Iowa Code Chapter 124;
 - 3.2.5 the consumption or possession of an alcoholic beverage on property that is a licensed premises; or
 - 3.2.6 a landlord or manager of the property.
- 3.3 If more than one person under the age of twenty-one (21) is present on the property, each person under the age of twenty-one (21) permitted to consume or possess an alcoholic beverage, a prescription drug, or a controlled substance in violation of this Ordinance constitutes a separate violation of this Ordinance.

4. Affirmative Defenses

- 4.1 A person otherwise subject to a civil penalty under this Ordinance has an affirmative defense if the person:
- 4.1.1 took reasonable steps to prevent the possession or consumption of the alcoholic beverage, prescription drug, or controlled substance; or
 - 4.1.2 notified law enforcement and gave consent to law enforcement to enter the property, to the fullest extent to which the person had authority to give such consent, for the purpose of stopping the illegal activities.

5. Violations

- 5.1 A violation of this Ordinance is a civil infraction under the Greene County Code of Ordinances and is subject to a civil penalty of \$750 for the first violation and a civil penalty of \$1,000 for each subsequent violation.
- 5.2 A violation of this Ordinance may also be considered by the County when determining whether or not to approve an application for a license submitted by a person found in violation of the Ordinance.

6. Enforcement

- 6.1 The provisions of this Ordinance may be enforced by any peace officer within the State of Iowa.

7. Severability

7.1 If any section, provision, sentence, clause, phrase, 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 provision, section, clause, phrase, or part hereof not adjudged invalid or unconstitutional.

8. Applicability

8.1 This Ordinance shall be effective throughout Greene County, Iowa, following its adoption and publication as provided by law.

9. Effective Date

9.1 This Ordinance shall be in full force and effect from and after its final adoption and publication as provided by law.

WIND ENERGY ORDINANCE

1. Purpose

1.1 The purpose of this Ordinance is to provide for the special valuation of wind energy conversion property pursuant to Iowa Code Chapter 427B.26.

2. Definitions. As used in this Ordinance, unless the context otherwise requires:

2.1 “Net acquisition cost” (NAC) means the acquired cost of the property including all foundations and installation cost less any excess cost adjustment.

2.2 “Wind energy conversion property” means the entire wind plant including, but not limited to, a wind charger, windmill, wind turbine, tower and electrical equipment, pad mount transformers, power lines, and substation.

3. Authority to Establish

3.1 The Greene County Board of Supervisors is authorized, pursuant to Iowa Code Chapter 427B.26, to provide by ordinance for special valuation of wind energy conversion property as provided in section 4 below.

4. Establishment

4.1 Pursuant to Iowa Code Chapter 427B.26, a special valuation of wind energy conversion property is allowed in lieu of the valuation assessment provisions in Iowa Code sections 441.21(8)(b) and (c) and sections 428.24 through 428.29. The special valuation shall apply only to wind energy conversion property first assessed on or after the effective date of this Ordinance.

5. Amount of Valuation

5.1 Wind energy conversion property, first assessed on or after the effective date of this Ordinance, shall be valued by the County Assessor for property tax purposes as follows:

5.1.1 Assessment Year 1 = 0

5.1.2 Assessment Year 2 = (NAC) x 5%

5.1.3 Assessment Year 3 = (NAC) x 10%

5.1.4 Assessment Year 4 = (NAC) x 15%

5.1.5 Assessment Year 5 = (NAC) x 20%

5.1.6 Assessment Year 6 = (NAC) x 25%

5.1.7 Assessment Year 7 = (NAC) x 30%

5.1.8 Assessment Years after the 7th year = (NAC) x 30%

6. Declaration of Special Valuation

6.1 The taxpayer shall file with the County Assessor by February 1 of the assessment year in which the wind energy conversion property is first assessed for property tax purposes a declaration of intent to have the property assessed at the value determined under section 5 in lieu of the valuation assessment provisions in Iowa Code sections 441.21(8)(b) and (c) and sections 428.24 through 428.29.

7. Reporting Requirements

7.1 By February 1 of each year, the taxpayer shall file the following reports annually with the County Assessor and shall include the declaration of intent prescribed in section 6 in the first year:

7.1.1 Copy of Asset ledger sheet to IRS;

7.1.2 Engineering breakdown of component parts;

7.1.3 Tower numbering system;

7.1.4 Name of the contact person, phone number, and mailing address; and

7.1.5 Report of all leased equipment, the name of the company or companies from which the equipment is leased, and the agreement between the lessor and lessee regarding who is responsible for the property tax on the leased equipment.

8. Repeal of Special Valuation

8.1 If in the opinion of the Board of Supervisors continuation of the special valuation provided under section 4 ceases to be of benefit to the county, the Board of Supervisors may repeal this Ordinance.

8.2 In the event this Ordinance is repealed, property specially valued under section 4 prior to the repeal of the Ordinance shall continue to be valued under section 4 until the end of the nineteenth (19th) assessment year following the assessment year in which the property was first assessed.

9. Severability

9.1 If any section, provision, sentence, clause, phrase, 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 provision, section, clause, phrase, or part hereof not adjudged invalid or unconstitutional.

10. Effective Date

10.1 This Ordinance shall be in full force and effect from and after its final adoption and publication as provided by law.

LOCAL OPTION SALES AND SERVICES TAX ORDINANCE

1. Local Option Sales and Services Tax

- 1.1 There is imposed a local option sales and services tax applicable to transactions within incorporated Churdan, Dana, Grand Junction, Jefferson, Paton, Rippey, and Scranton, and all unincorporated areas in Greene County, Iowa.
- 1.2 The rate of the local option sales and services tax shall be one (1) percent upon the gross receipts taxed under Iowa Code Chapters 423 and 423B in the jurisdictions listed in section 1.1 above.
- 1.3 The local option sales and services tax is imposed on transactions occurring:
 - 1.3.1 On or after July 1, 2013 within incorporated Churdan;
 - 1.3.2 On or after January 1, 2017 within incorporated Dana, Grand Junction, Jefferson, Paton, and Scranton, and all unincorporated areas in Greene County; and
 - 1.3.3 On or after July 1, 2017 within incorporated Rippey.
- 1.4 The local option sales and services tax in the jurisdictions listed in section 1.1 above will expire on June 30, 2027.
- 1.5 All persons required to collect state gross receipts taxes shall collect the tax pursuant to Iowa Code section 423B.6 for local option sales and services tax.
- 1.6 All applicable provisions of the appropriate sections of Chapter 423 of the Iowa Code are adopted by reference.

2. Severability

- 2.1 If any section, provision, sentence, clause, phrase, 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 provision, section, clause, phrase, or part hereof not adjudged invalid or unconstitutional.

3. Effective Date

- 3.1 This Ordinance shall be in full force and effect from and after its final adoption and publication as provided by law.

**ORDINANCE PROVIDING FOR THE PARTIAL EXEMPTION FROM PROPERTY
TAXATION FOR CERTAIN PROPERTIES**

1. Purpose

1.1 The purpose of this Ordinance is to provide for a partial exemption from property taxation of the actual value added to cattle facilities by the new construction of cattle facilities or by the retrofitting of existing facilities, and for a partial exemption from property taxation of the actual value added to industrial real estate by the new construction of industrial real estate, research-service facilities, warehouses, and distribution centers and by the acquisition of or improvement to machinery and equipment assessed as real estate pursuant to section 427A.1(1)(e) of the Code of Iowa, within the County of Greene.

2. Definitions. As used in this Ordinance, unless the context otherwise requires:

2.1 “Actual value added” means the actual value added as of the first year for which the exemption is received, except that actual value added by improvements to machinery and equipment means the actual value as determined by the County Assessor as of January 1 of each year for which the exemption is received.

2.2 “Cattle facilities” means owner-operated cattle facilities, including small or medium sized feedlots, but not including slaughter facilities.

2.3 Distribution center

2.3.1 “Distribution center” means a building or structure used primarily for the storage of goods which are intended for subsequent shipment to retail outlets.

2.3.2 “Distribution center” does not mean a building or structure used primarily to store raw agricultural products, used primarily by a manufacturer to store goods to be used in the manufacturing process, used primarily for the storage of petroleum products, or used for the retail sale of goods.

2.4 New construction

2.4.1 “New construction” means new buildings and structures and includes new buildings and structures which are constructed as additions to existing buildings and structures.

2.4.2 “New construction” does not include either i) the reconstruction of an existing building or structure which does not constitute complete replacement of an existing building or structure or ii) the refitting of an existing building or structure, unless the Board of Supervisors determines:

2.4.2.1 The reconstruction of an existing building or structure is required due to economic obsolescence;

2.4.2.2 The reconstruction is necessary to implement recognized industry standards for the manufacturing and processing of specific products; and

2.4.2.3 The reconstruction is required for the owner of the building or structure to continue to competitively manufacture or process those products.

2.4.3 The exemption shall also apply to new machinery and equipment assessed as real estate pursuant to section 427A.1(1)(e) of the Code of Iowa, unless the machinery or equipment is part of the normal replacement or operating process to maintain or expand the existing operational status.

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

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

3. Partial Tax Exemption for Actual Value Added to Industrial Real Estate

3.1 Under this Ordinance the actual value added to industrial real estate for the reasons specified herein shall be eligible to receive a partial exemption from taxation for a period of five (5) years.

3.2 However, if property ceases to be classified as industrial real estate or ceases to be used as a warehouse or distribution center, the partial exemption for the value added shall not be allowed for subsequent assessment years.

4. Partial Tax Exemption for Actual Value Added to Cattle Facilities

4.1 Under this Ordinance the actual value added to cattle facilities for the reasons specified herein shall be eligible to receive a partial exemption from taxation for a period of five (5) years.

4.2 However, if property ceases to be used as a cattle facility, the partial exemption for the value added shall not be allowed for subsequent assessment years.

5. Calculation of the Amount of Actual Value Added

5.1 The amount of actual value added which is eligible to be exempt from taxation shall be as follows:

5.1.1 For the first year, seventy-five (75) percent.

5.1.2 For the second year, sixty (60) percent.

5.1.3 For the third year, forty-five (45) percent.

5.1.4 For the fourth year, thirty (30) percent.

5.1.5 For the fifth year, fifteen (15) percent.

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

6. Application for Exemption

6.1 An application shall be filed for each project resulting in actual value added for which an exemption is claimed.

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

6.3 Applications for exemption shall be made on forms prescribed by the Director of Revenue of the State of Iowa and shall contain information pertaining to the nature

of the improvement, its cost, and other information deemed necessary by the Director of Revenue.

- 6.4 A person may submit a proposal to the Board of Supervisors to receive prior approval for eligibility for a tax exemption on new construction.
- 6.5 The Board of Supervisors may give its prior approval of a tax exemption for new construction if the new construction is in conformance with the zoning plans for the County.
- 6.6 The prior approval shall also be subject to the hearing requirements of section 427B.1 of the Code of Iowa.
- 6.7 Prior approval does not entitle the owner to exemption from taxation until the new construction has been completed and found to be qualified real estate.
- 6.8 However, if the tax exemption for new construction is not approved, the person may submit an amended proposal to the Board of Supervisors to approve or reject.

7. Repeal of Partial Tax Exemption

- 7.1 When in the opinion of the Board of Supervisors the exemption granted by this Ordinance ceases to be of benefit to Greene County, Iowa, the Board of Supervisors may repeal this Ordinance, but all existing exemptions shall continue until their expiration.

8. Ineligibility for Partial Tax Exemption

- 8.1 A property tax exemption under this Ordinance shall not be granted if the property for which the exemption is claimed has received any other property tax exemption authorized by law.

9. Severability

- 9.1 If any section, provision, sentence, clause, phrase, 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 provision, section, clause, phrase, or part hereof not adjudged invalid or unconstitutional.

10. Effective Date

- 10.1 This Ordinance shall be in full force and effect from and after its final adoption and publication as provided by law.

**ORDINANCE PROVIDING FOR THE DIVISION OF TAXES IN THE BEAVER CREEK
WIND FARM URBAN RENEWAL AREA**

1. For purposes of this Ordinance the following terms shall have the following meanings:

1.1 “2018 Turbine Area” means that portion of Greene County, State of Iowa, described in the Urban Renewal Plan for the Greene County Beaver Creek Wind Farm Urban Renewal Area approved by Resolution No. 2018-31 on the 29th day of October, 2018, which 2018 Turbine Area includes the lots and parcels located within the area legally described as follows:

Turbine #	Turbine Latitude	Turbine Longitude	Parcel ID #	Assessor's Legal	Address Number	St/Ave	Driveway Latitude	Driveway Longitude	Twp	Section #
1	N42 08 19.87	W94 12 36.62	427400901	27/85/29 BLL SW1/4 SE1/4	2266	150	42 8' 14.09	94 12' 36.50	Paton	27
2	N42 08 19.84	W94 12 17.12	427400902	27/85/29 BLL SE1/4 SE1/4	2294	150	42 8' 14.04	94 12' 16.99	Paton	27
4	N42 07 51.11	W94 13 50.85	433200902	33/85/29 BLL SE1/4 NE1/4	644	V	42 7' 50.65	94 13' 22.81	Paton	33
3	N42 07 51.13	W94 13 31.82	433200901	33/85/29 BLL SW1/4 NE1/4	644	V	42 7' 50.65	94 13' 22.81	Paton	33
5	N42 07 52.00	W94 13 14.83	434100901	34/85/29 BLL SW1/4 NW1/4	649	V	42 7' 48.54	94 13' 22.80	Paton	34
6	N42 07 52.17	W94 12 55.66	434100902	34/85/29 BLL SE1/4 NW1/4	649	V	42 7' 48.54	94 13' 22.80	Paton	34
7	N42 07 51.63	W94 12 39.55	434200901	34/85/29 BLL SW1/4 NE1/4	648	W	42 7' 48.22	94 12' 12.64	Paton	34
8	N42 07 51.68	W94 12 23.18	434200902	34/85/29 BLL SE1/4 NE1/4	648	W	42 7' 48.22	94 12' 12.64	Paton	34
9	N42 07 54.48	W94 12 04.82	435100901	35/85/29 BLL SW1/4 NW1/4	637	W	42 7' 54.40	94 12' 12.68	Paton	35
10	N42 08 07.99	W94 11 45.91	435100902	35/85/29 BLL NE1/4 NW1/4	2339	150	42 8' 13.95	94 11' 45.94	Paton	35
11	N42 08 08.16	W94 11 25.76	435200901	35/85/29 BLL NW1/4 NE1/4	2367	150	42 8' 13.91	94 11' 25.83	Paton	35
12	N42 08 02.37	W94 10 31.66	436100901	36/85/29 BLL NE1/4 NW1/4	2449	150	42 8' 14.04	94 10' 28.27	Paton	36
13	N42 07 26.94	W94 13 29.85	433400902	33/85/29 BLL SE1/4 SE1/4	698	V	42 7' 22.61	94 13' 22.62	Paton	33
14	N42 07 26.94	W94 13 54.21	433400901	33/85/29 BLL SW1/4 SE1/4	698	V	42 7' 22.61	94 13' 22.62	Paton	33
15	N42 07 37.18	W94 11 34.20	435400901	35/85/29 BLL NW1/4 SE1/4	674	X	42 7' 35.49	94 11' 3.16	Paton	35
16	N42 07 37.21	W94 11 12.59	435400902	35/85/29 BLL NE1/4 SE1/4	674	X	42 7' 35.49	94 11' 3.16	Paton	35
17	N42 07 18.24	W94 11 44.83	802100901	02/84/29 BLL NE1/4 NW1/4	703	W	42 7' 21.76	94 12' 12.67	N Junction	2
18	N42 07 07.35	W94 10 52.62	801100901	01/84/29 BLL NFR1/2 NW1/4 (EX LOT a &E60' AC)	733	X	42 7' 4.64	94 11' 3.30	N Junction	1
19	N42 07 16.51	W94 10 31.78	801100902	01/84/29 BLL E60' AC NFR1/2 NW1/4	2445	160	42 7' 21.96	94 10' 32.28	N Junction	1

20	N42 06 35.65	W94 10 51.46	801300902	01/84/29 BLL SW1/4 SW1/4	779	X	42 6' 37.64	94 11' 3.29	N Junction	1
21	N42 06 42.33	W94 10 36.69	801300901	01/84/29 BLL NE1/4 SW1/4	779	X	42 6' 37.64	94 11' 3.29	N Junction	1
22	N42 06 48.59	W94 10 20.35	801400901	01/84/29 BLL NW1/4 SE1/4	762	Y	42 6' 49.53	94 9' 53.11	N Junction	1
23	N42 06 48.56	W94 10 00.36	801400902	01/84/29 BLL NE1/4 SE1/4	762	Y	42 6' 49.53	94 9' 53.11	N Junction	1
36	N42 06 19.69	W94 11 28.17	811200901	11/84/29 BLL NW1/4 NE1/4	2365	170	42 6' 25.37	94 11' 28.13	N Junction	11
37	N42 06 19.76	W94 11 11.24	811200902	11/84/29 BLL NE1/4 NE1/4	2387	170	42 6' 25.29	94 11' 11.14	N Junction	11
38	N42 06 12.24	W94 10 56.00	812100901	12/84/29 BLL SW1/4 NW1/4	825	X	42 6' 12.51	94 11' 3.17	N Junction	12
39	N42 06 18.56	W94 10 19.63	812200901	12/84/29 BLL W1/2 NW1/4 NE1/4	2463	170	42 6' 25.11	94 10' 19.55	N Junction	12
50	N42 05 53.53	W94 12 05.12	811300902	11/84/29 BLL NW1/4 SW1/4	861	W	42 5' 53.48	94 12' 13.08	N Junction	11

51	N42 05 52.93	W94 11 35.20	811400901	11/84/29 BLL NW1/4 SE1/4	862	X	42 5' 52.70	94 11' 3.00	N Junction	11
52	N42 05 53.26	W94 11 15.51	811400902	11/84/29 BLL NE1/4 SE1/4	862	X	42 5' 52.70	94 11' 3.00	N Junction	11
53	N42 05 50.32	W94 10 33.77	812300901	12/84/29 BLL NE1/4 SW1/4	850	Y	42 5' 24.70	94 9' 53.02	N Junction	12
54	N42 05 53.56	W94 10 10.44	812400901	12/84/29 BLL NE1/4 SE1/4	850	Y	42 5' 58.83	94 9' 53.02	N Junction	12
62	N42 05 24.83	W94 11 59.18	814100901	14/84/29 BLL NW1/4 NW1/4	917	W	42 5' 24.70	94 12' 12.94	N Junction	14
63	N42 05 25.55	W94 11 17.77	814200902	14/84/29 BLL NE1/4 NE1/4	916	X	42 5' 25.68	94 11' 2.98	N Junction	14
64	N42 05 25.74	W94 10 54.72	813100901	13/84/29 BLL NW1/4 NW1/4	2413	180	42 5' 33.09	94 10' 55.00	N Junction	13
72	N42 05 04.49	W94 10 41.46	813300901	13/84/29 BLL NE1/4 SW1/4	951	X	42 5' 6.83	94 11' 3.07	N Junction	13
73	N42 05 04.11	W94 10 18.25	813400901	13/84/29 BLL NW1/4 SE1/4	952	Y	42 5' 6.27	94 9' 52.96	N Junction	13
80	N42 04 17.92	W94 11 13.23	823200901	23/84/29 BLL SE1/4 NE1/4	1048	X	42 4' 15.65	94 11' 3.09	N Junction	23
81	N42 04 21.04	W94 10 45.74	824100901	24/84/29 BLL SW1/4 NW1/4	1037	X	42 4' 21.42	94 11' 3.10	N Junction	24
82	N42 04 23.29	W94 10 23.75	824200901	24/84/29 BLL SW1/4 NE1/4	1034	Y	42 4' 24.25	94 9' 52.87	N Junction	24
83	N42 04 23.40	W94 10 04.79	824200902	24/84/29 BLL SE1/4 NE1/4	1034	Y	42 4' 24.25	94 9' 52.87	N Junction	24

1.2 “2020 Turbine Area” means that portion of Greene County, State of Iowa, described in Amendment No. 1 to the Urban Renewal Plan for the Greene County Beaver Creek Wind Farm Urban Renewal Area approved by Resolution No. 2020-59 on the 14th day of December, 2020, which 2020 Turbine Area includes the lots and parcels located within the area legally described as follows:

Turbine #	Parcel ID #	Assessor's Legal	Address Number	St/Ave	Driveway Latitude	Driveway Longitude	Twp	Section #
101	323100901	23/85/30 BLL NE1/4 NW1/4	1731	130th	42 9' 58.03	94 18' 50.85	Dawson	23
102	323200901	23/85/30 BLL NW1/4 NE1/4	1751	130th	42 9' 58.07	94 18' 37.31	Dawson	23
103	324100901	24/85/30 BLL SW1/4 NW1/4	429	R	42 9' 42.82	94 18' 02.54	Dawson	24
104	324100902	24/85/30 BLL SE1/4 NW1/4	1837	130th	42 9' 57.97	94 17' 36.62	Dawson	24
105	323300901	23/85/30 BLL SE1/4 SW1/4	1740	140th	42 9' 6.10	94 18' 44.55	Dawson	23
106	324300901	24/85/30 BLL NE1/4 SW1/4	1848	140th	42 9' 5.98	94 17' 27.95	Dawson	24
107	326100901	26/85/30 BLL SE1/4 NW1/4	1751	140th	42 9' 6.12	94 18' 37.08	Dawson	26
108	326200901	26/85/30 BLL SW1/4 NE1/4	1751	140th	42 9' 6.12	94 18' 37.08	Dawson	26
109	326400901	26/85/30 BLL SW1/4 SE1/4	598	R	42 8' 13.96	94 18' 25.00	Dawson	26
110	326400902	26/85/30 BLL SE1/4 SE1/4	598	R	42 8' 13.96	94 18' 25.00	Dawson	26
111	325300901	25/85/30 BLL SW1/4 SW1/4	1710	150th	42 8' 13.93	94 17' 55.29	Dawson	25
112	325300902	25/85/30 BLL NE1/4 SW1/4	552	S	42 8' 39.74	94 16' 52.22	Dawson	25
113	325400902	25/85/30 BLL SE1/4 NW1/4	552	S	42 8' 39.74	94 16' 52.22	Dawson	25
114	430100901	30/85/29 BLL N1/2 S1/2 NW1/4	537	S	42 8' 39.74	94 16' 52.22	Paton	30
115	430100902	30/85/29 BLL N1/2 S1/2 NW1/4	537	S	42 8' 46.70	94 16' 52.21	Paton	30
116	430200901	30/85/29 BLL ALL W OF THE DD SW1/4 NE1/4	537	S	42 8' 46.70	94 16' 52.21	Paton	30
117	429300901	29/85/29 BLL SE1/4 SW1/4	2036	150th	42 8' 14.15	94 15' 17.82	Paton	29
118	429400901	29/85/29 BLL NW1/4 SE1/4	574	U	42 8' 28.00	94 14' 33.15	Paton	29
119	429400902	29/85/29 BLL NE1/4 SE1/4 (EXC RR & LOT A)	574	U	42 8' 28.00	94 14' 33.15	Paton	29
120	428300901	28/85/29 BLL NW1/4 SW1/4 (EX RY -2AC)	557	U	42 8' 35.19	94 14' 33.24	Paton	28
121	428300902	28/85/29 BLL NE1/4 SW1/4	557	U	42 8' 35.19	94 14' 33.24	Paton	28
122	335300901	35/85/30 BLL LOTS 3 & 4 NW1/4 SW1/4	651	Q	42 7' 47.86	94 19' 11.55	Dawson	35
123	335300902	35/85/30 BLL NE1/4 SW1/4	651	Q	42 7' 47.86	94 19' 11.55	Dawson	35
124	336100901	36/85/30 BLL SW1/4 NW1/4	649	R	42 7' 48.13	94 18' 02.03	Dawson	36
125	336100902	36/85/30 BLL SE1/4 NW1/4	649	R	42 7' 48.13	94 18' 02.03	Dawson	36
126	431200901	31/85/29 BLL NW1/4 NE1/4	1951	150th	42 8' 13.84	94 16' 18.03	Paton	31
127	432100901	32/85/29 BLL SE1/4 NW1/4	2039	150th	42 8' 14.14	94 15' 16.61	Paton	32
128	432300901	32/85/29 BLL SE1/4 SW1/4	2048	160th	42 7' 22.15	94 15' 07.46	Paton	32
129	433300901	33/85/29 BLL SE1/4 SW1/4	698	V	42 7' 22.16	94 13' 22.62	Paton	33
130	702100901	02/84/30 BLL N45.27 AC NEFR1/4 NW1/4	1747	160th	42 7' 22.03	94 18' 38.43	Hardin	2
131	701100901	01/84/30 BLL SW1/4 NW1/4	726	S	42 7' 22.03	94 18' 38.43	Hardin	1
132	701100902	01/84/30 BLL SE1/4 NW1/4	726	S	42 7' 01.76	94 16' 52.23	Hardin	1

133	701200901	01/84/30 BLL SW1/4 NE1/4	726	S	42 7' 01.76	94 16' 52.23	Hardin	1
134	806300901	06/84/29 BLL NWFR1/4 SW1/4	787	S	42 6' 35.64	94 16' 52.23	Junction	6
135	806400901	06/84/29 BLL NW1/4 SE1/4	1954	170th	42 6' 24.22	94 16' 15.10	Junction	6
136	806200901	06/84/29 BLL SE1/4 NE1/4	748	T	42 6' 54.98	94 15' 42.61	Junction	6
137	702400901	02/84/30 BLL SW1/4 SE1/4	1726	170th	42 6' 24.86	94 18' 37.02	Hardin	2
138	711100901	11/84/30 BLL SW1/4 NW1/4	1735	170th	42 6' 24.84	94 18' 48.14	Hardin	11
139	711100902	11/84/30 BLL SE1/4 NW1/4	1735	170th	42 6' 24.84	94 18' 48.14	Hardin	11
140	712100901	12/84/30 BBL NE1/4 NW1/4	1825	170th	42 6' 24.61	94 17' 44.04	Hardin	12
141	712400901	12/84/30 BLL NE1/4 SE1/4	826	S	42 6' 03.34	94 16' 52.28	Hardin	12
143	711300901	11/84/30 BLL SW1/4 SW1/4	899	Q	42 5' 32.62	94 19' 12.37	Hardin	11
144	711300902	11/84/30 BLL SE1/4 SW1/4	899	Q	42 5' 32.62	94 19' 12.37	Hardin	11
145	711400901	11/84/30 BLL SW1/4 SE1/4	899	Q	42 5' 32.62	94 19' 12.37	Hardin	11
146	803100901	03/84/29 BLL NEFR1/4 NW1/4	700	W	42 7' 21.84	94 12' 12.67	Junction	3
147	803200901	03/84/29 BLL NWFR1/4 NE1/4	700	W	42 7' 21.84	94 12' 12.67	Junction	3
148	802200901	02/84/29 BLL NE1/4 NEFR1/4	716	X	42 7' 13.22	94 11' 03.58	Junction	2
149	803400901	03/84/29 BLL NW1/4 SE1/4	750	W	42 6' 51.64	94 12' 12.97	Junction	3
150	803200902	03/84/29 BLL SE1/4 NE1/4	750	W	42 6' 51.64	94 12' 12.97	Junction	3
151	802300901	02/84/29 BLL NE1/4 SW1/4	701	W	42 6' 51.53	94 12' 12.97	Junction	2
152	810100901	10/84/29 BLL NE1/4 NW1/4	2235	170th	42 6' 25.79	94 12' 58.72	Junction	10
153	810300901	10/84/29 BLL NE1/4 SW1/4	864	W	42 6' 25.79	94 12' 58.72	Junction	10
154	810400901	10/84/29 BLL NW1/4 SE1/4	864	W	42 5' 51.79	94 12' 13.08	Junction	10
155	810400902	10/84/29 BLL NE1/4 SE1/4	864	W	42 5' 51.79	94 12' 13.08	Junction	10
156	809400901	09/84/29 BLL S1/2 SE1/4 SE1/4	898	V	42 5' 33.83	94 13' 22.97	Junction	9
157	815100901	15/84/29 BLL NE1/4 NW1/4	914	W	42 5' 25.43	94 12' 12.94	Junction	15
158	815200901	15/84/29 BLL NW1/4 NE1/4	914	W	42 5' 25.43	94 12' 12.94	Junction	15
159	815200902	15/84/29 BLL NE1/4 NE1/4	914	W	42 5' 25.43	94 12' 12.94	Junction	15
160	816300901	16/84/29 BLL NE1/4 SW1/4	2189	185th	42 5' 07.60	94 13' 29.90	Junction	16
161	816400901	16/84/29 BLL NW1/4 SE1/4	2165	185th	42 5' 07.54	94 13' 47.09	Junction	16
162	815300901	15/84/29 BLL NE1/4 SW1/4	2245	185th	42 5' 07.25	94 12' 51.04	Junction	16
163	821100901	21/84/29 BLL E OF RR	1042	V	42 4' 18.77	94 13' 22.57	Junction	21
		S1/2 NW1/4						
164	821200901	21/84/29 BLL SW1/4 NE1/4	1042	V	42 4' 18.77	94 13' 22.57	Junction	21
165	822100901	22/84/29 BLL NE1/4 NW1/4	1015	V	42 4' 34.33	94 13' 22.54	Junction	22
166	822200901	22/84/29 BLL NW1/4 NE1/4	1008	W	42 4' 37.00	94 12' 12.74	Junction	22
167	822200902	22/84/29 BLL NE1/4 NE1/4	1008	W	42 4' 37.00	94 12' 12.74	Junction	22
168	814300901	14/84/29 BLL SW1/4 SW1/4	999	W	42 4' 41.01	94 12' 12.76	Junction	14
169	814300902	14/84/29 BLL SE1/4 SW1/4	999	W	42 4' 41.01	94 12' 12.76	Junction	14
170	822300901	22/84/29 BLL E1/2 SW1/4	1070	W	42 4' 04.23	94 12' 12.61	Junction	22
		(EX LOT 1)						

171	822400901	22/84/29 BLL NW1/4 SE1/4	1070	W	42 4' 04.23	94 12' 12.61	Junction	22
172	823300901	23/84/29 BLL SE1/4 SW1/4	2348	200th	42 3' 48.77	94 11' 37.82	Junction	23
173	824400901	24/84/29 BLL SW1/4 SE 1/4	2462	200th	42 3' 48.85	94 10' 19.95	Junction	24
		(EX LOT 1)						
174	824400902	24/84/29 BLL SE 1/4 SE 1/4	2486	200th	42 3' 48.83	94 10' 03.00	Junction	24
175	828400901	28/84/29 BLL NW 1/4 SE 1/4	1150	V	42 3' 22.91	94 13' 22.52	Junction	28
176	828400902	28/84/29 BLL NE 1/4 SE 1/4	1150	V	42 3' 22.91	94 13' 22.52	Junction	28
177	827100901	27/84/29 BLL SW 1/4 NW 1/4	1149	V	42 3' 22.91	94 13' 22.52	Junction	28
178	827100902	27/84/29 BLL SE 1/4 NW 1/4	1149	V	42 3' 23.19	94 13' 22.52	Junction	27
179	827200901	27/84/29 BLL SW 1/4 NE 1/4	1149	V	42 3' 23.19	94 13' 22.52	Junction	27
180	827200902	27/84/29 BLL SE 1/4 NE 1/4	1149	V	42 3' 23.19	94 13' 22.52	Junction	27
181	826100901	26/84/29 BLL SW 1/4 NW 1/4	1149	W	42 3' 22.85	94 12' 12.76	Junction	26
182	825100901	25/84/29 BLL SE 1/4 NW 1/4	2450	200th	42 2' 57.08	94 10' 23.15	Junction	25
183	825200901	25/84/29 BLL SW 1/4 NE 1/4	2450	200th	42 2' 57.08	94 10' 23.15	Junction	25
184	826400901	26/84/29 BLL SE 1/4 SE 1/4	1186	X	42 3' 03.95	94 11' 02.80	Junction	26
185	825300901	25/84/29 BLL SW 1/4 SW 1/4	2436	210th	42 2' 56.75	94 10' 36.81	Junction	25
186	825400901	25/84/29 BLL SW 1/4 SE 1/4	2458	210th	42 2' 56.75	94 10' 23.03	Junction	25

- 1.3 “Amended Area” means that portion of Greene County, State of Iowa, included within the 2018 Turbine Area and the 2020 Turbine Area, which Amended Area includes the lots and parcels located within the area legally described in sections 1.1 and 1.2.
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 Greene, Iowa, Greene County Community School District, Paton-Churdan Community School District, and all other taxing districts from and after the effective date of this Ordinance shall be divided as hereinafter in this Ordinance provided.
3. As to the 2018 Turbine Area, 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 taxing property in the 2018 Turbine Area upon the total sum of the assessed value of the taxable property in the 2018 Turbine Area as shown on the assessment roll as of January 1, 2018, being January 1 of the calendar year preceding the first calendar year in which the municipality certified to the county auditor the amount of loans, advances, indebtedness, or bonds

payable from the division of property tax revenue described in Ordinance No. 2018-01, 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 herein as the "base period taxes" for such area.

As to the 2020 Turbine Area, base period taxes shall be computed in the same manner using the total assessed value shown on the assessment roll as of January 1, 2019, being the assessment roll applicable to the property in such area as of January 1 of the calendar year preceding the effect date of this Ordinance.

4. That portion of the taxes each year in excess of the base period taxes for the Amended Area, determined for each sub-area thereof as provided in section 3 of this Ordinance, shall be allocated to and when collected be paid into the special tax increment fund previously established by Greene 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, Code of Iowa, incurred by Greene County, State of Iowa, to finance or refinance, in whole or in part, urban renewal projects undertaken within the Urban Renewal Area pursuant to the Urban Renewal Plan, as amended, except that (i) taxes for the regular and voter-approved physical plant and equipment levy of a school district imposed pursuant to section 298.2, Code of Iowa, and taxes for the instructional support program of a school district imposed pursuant to section 257.19, Code of Iowa (but in each case only to the extent required under section 403.19(2), Code of Iowa); (ii) taxes for the payment of bonds and interest of each taxing district; (iii) taxes imposed under section 346.27(22), Code of Iowa, related to joint county-city buildings; and (iv) any other exceptions under section 403.19, Code of Iowa, shall be collected against all taxable property within the Amended Area without any limitation as hereinabove provided.
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 this 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 same manner as all other property taxes.

6. At such time as the loans, monies advanced, bonds and interest thereon and indebtedness of Greene 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.
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 continue the division of taxes from property within the 2018 Turbine Area under the provisions of section 403.19, Code of Iowa, as authorized in Ordinance No. 2018-01 and to fully implement the provisions of section 403.19, Code of Iowa, with respect to the division of taxes from property within the 2020 Turbine Area as described above. Notwithstanding any provisions in any prior Ordinances or other documents, the provisions of this Ordinance and all prior Ordinances relating to the Urban Renewal Area, as amended, shall be construed to continue the division of taxes from property within the Area to the maximum period of time allowed by section 403.19, Code of Iowa. 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, Code of Iowa, with reference to the Amended Area and the territory contained therein.

PUBLIC NUISANCE TAX SALE ORDINANCE

1. Authorization of Public Nuisance Tax Sales

1.1 The County Treasurer is authorized to separately offer and to sell at the annual tax sale delinquent taxes on parcels that are abandoned property and are assessed as residential property or as commercial multifamily housing property and that are, or are likely to become, a public nuisance, as provided in section 446.19B of the Code of Iowa as the same may be amended from time to time.

2. Severability

2.1 If any section, provision, sentence, clause, phrase, 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 provision, section, clause, phrase, or part hereof not adjudged invalid or unconstitutional.

3. Effective Date

3.1 This Ordinance shall be in full force and effect from and after its final adoption and publication as provided by law.

**ORDINANCE AUTHORIZING THE PURCHASE OF DELINQUENT TAXES BY
COUNTY OR CITY**

1. Authorization of Purchase of Delinquent Taxes by County or City

1.1 The County and each city in the County are hereby authorized to separately bid on and to purchase delinquent taxes and to assign tax sale certificates of abandoned property or vacant lots.

1.2 Further, the County and each city in the County may bid for and purchase abandoned property assessed as residential property or as commercial multifamily housing property or for a vacant lot a sum equal to the total amount due upon proof of filing of a verified statement with the County Treasurer that a parcel to be purchased is abandoned property and that the parcel is suitable for use as housing following rehabilitation or that a parcel to be purchased is a vacant lot, as provided in section 446.19A of the Code of Iowa as the same may be amended from time to time.

2. Severability

2.1 If any section, provision, sentence, clause, phrase, 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 provision, section, clause, phrase, or part hereof not adjudged invalid or unconstitutional.

3. Effective Date

3.1 This Ordinance shall be in full force and effect from and after its final adoption and publication as provided by law.

GREENE COUNTY ELECTION PRECINCT ORDINANCE

1. Purpose

1.1 The purpose of this Ordinance is to draw, to name, and to fix definitively the boundaries of the election precincts in Greene County, Iowa, in compliance with Chapter 49 of the Code of Iowa.

2. Definitions. As used in this Ordinance, unless the context otherwise requires:

2.1 “City” means an incorporated city or town or other incorporated area located either wholly or partially in Greene County, Iowa.

2.2 “Commissioner of Elections” means the Greene County Auditor.

2.3 “Precinct” or “Voting Precinct” means a county or municipal subdivision for casting and counting votes in elections.

2.4 “Township” means a civil and political subdivision of Greene County, Iowa.

3. Establishment of Voting Precincts

3.1 Greene County is hereby divided into the following voting precincts:

3.1.1 Central Precinct, which shall consist of all of Bristol Township, Franklin Township, Grant Township, Greenbrier Township, Hardin Township, and Jackson Township, excluding the City of Jefferson;

3.1.2 East Precinct, which shall consist of all of Junction Township and Washington Township, including the City of Dana, the City of Grand Junction, and the City of Rippey;

3.1.3 North Precinct, which shall consist of all of Cedar Township, Dawson Township, Highland Township, and Paton Township, including the City of Churdan and the City of Paton;

3.1.4 West Precinct, which shall consist of all of Kendrick Township, Scranton Township, and Willow Township, including the City of Scranton and that portion of the City of Ralston that lies within the boundaries of Greene County;

3.1.5 First Jefferson Precinct, which shall consist of the City of Jefferson’s “First Precinct,” as defined by Jefferson City Ordinance Number 609 enacted on December 14, 2021, or any succeeding ordinance enacted by

the City of Jefferson fixing the voting precincts of the City of Jefferson;
and

3.1.6 Second Jefferson Precinct, which shall consist of the City of Jefferson’s
“Second Precinct,” as defined by Jefferson City Ordinance Number 609
enacted on December 14, 2021, or any succeeding ordinance enacted by
the City of Jefferson fixing the voting precincts of the City of Jefferson.

3.2 The Greene County Auditor shall maintain maps of the voting precincts established
in section 3.1 and shall make those maps available for inspection during normal
business hours at the Office of the Greene County Auditor.

4. Correction of Errors

4.1 If this Ordinance fails to place any part of Greene County within a precinct
established by this Ordinance, the Commissioner of Elections shall assign that part
of Greene County to an adjacent precinct.

4.2 If this Ordinance places any part of Greene County in more than one precinct
established by this Ordinance, the Commissioner of Elections shall assign that part
of Greene County to one of the two overlapping precincts.

5. Severability

5.1 If any section, provision, sentence, clause, phrase, 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 provision, section, clause, phrase, or part hereof
not adjudged invalid or unconstitutional.

6. Effective Date

6.1 This Ordinance shall be in full force and effect from and after its final adoption and
publication as provided by law.