

TITLE I – POLICY AND ADMINISTRATION (Chapters 1-6)

CHAPTER 1

CODE OF ORDINANCES

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1.01 TITLE.

This Code of Ordinances shall be known and may be cited as the Code of Ordinances of Warren County, Iowa 1992 (2020).

1.02 ORDINANCE ADOPTION PROCEDURE.

1. **Purpose.** The procedures in Section 1.02 of this Code of Ordinances shall be used by the County of Warren for adoption and amendment of all subsequent Ordinances in this County.
2. **Adoption in Accordance with Code of Iowa Section 331.302.** A proposed Ordinance must be considered in accordance with Iowa Code Sections 331.302(6)(a) or 331.302(6)(b), in accordance with Iowa Code Section 331.305. Code of Iowa Sections 331.302, 331.302(6)(a), 331.302(6)(b) (2020).
3. **Amendments.** All ordinances which amend, repeal or in any manner affect the Code of Ordinances shall include proper reference to title, division, chapter, section and subsection to maintain an orderly codification of ordinances of the County. Code of Iowa Section 331.302(4) (2020).
4. **Severability Clause.** If any section, provision or part of the Code of Ordinances is adjudged invalid or unconstitutional, such adjudication will not affect the validity of the Code of Ordinances as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

1.03 DEFINITIONS.

Where words and phrases used in this Code of Ordinances are defined by Iowa law, such definitions apply to their use in this 2020 Code of Ordinances and are adopted by reference. Those definitions so adopted that need further definition or are reiterated, and other words and

phrases used herein, have the following meanings, unless specifically defined otherwise in another portion of this Code of Ordinances.

1. “Alley” means a public right-of-way, other than a street, affording secondary means of access to abutting property.
2. “Assessor” means the County Assessor of Warren County, Iowa.
3. “Auditor” means the County Auditor of Warren County, Iowa.
4. “Board,” “Board of Supervisors,” or “Supervisors” means the Board of Supervisors of Warren County, Iowa.
5. “Board of Health” means the Board of Health of Warren County, Iowa.
6. “Code” means the specific chapter of this Code of Ordinances in which a specific subject is covered and bears a descriptive title word (such as the Building Code and/or a standard code adopted by reference).
7. “Code of Ordinances” means the Code of Ordinances of the County of Warren, Iowa, 1992, revised and/or adopted by the Warren County Board of Supervisors.
8. “County” means County of Warren, Iowa.
9. “County Attorney” means the Warren County Attorney.
10. “County Engineer” means the Warren County Engineer.
11. “Enforcement Officer” means the department or officer charged with carrying out enforcement of the chapter, including but not limited to commencing actions against violators of the chapter.
12. “Measure” means an ordinance, amendment, resolution or motion.
13. “Month” means a calendar month.
14. “Oath” means an affirmation in all cases in which by law an affirmation may be substituted for an oath, and in such cases the words “affirm” or “affirmed” are equivalent to the words “swear” and “sworn”.
15. “Occupant, Tenant”, applied to a building or land, includes any person who occupies the whole or a part of such building or land, whether alone or with others.

16. “Ordinances” means the ordinances of the County of Warren, Iowa, as embodied in the Code of Ordinances, ordinances not repealed by the ordinance adopting the Code of Ordinances, and those enacted hereafter.
17. “Person” means an individual, firm, partnership, domestic or foreign corporation, company, association or joint stock association, trust, or other legal entity, and includes a trustee, receiver, assignee, or similar representative thereof.
18. “Preceding,” “Following” means next before and next after, respectively.
19. “Property” includes real property, and tangible and intangible personal property unless clearly indicated otherwise.
20. “Property Owner” means a person owning private property in the County as shown by the County Auditor’s plats of the County.
21. “Public Place” includes in its meaning, but is not restricted to, any County-owned open place, such as parks and squares.
22. “Public Property” means all property owned by the County or held in the name of the County by any of the departments, commissions, or agencies within the County government.
23. “Public Way” includes any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare. [add bike paths, hiking trails]
24. “Recorder” means the County Recorder of Warren County, Iowa.
25. “Sanitarian” means Warren County Environmental Health Coordinator or designee.
26. “Sidewalk” means that surfaced portion of the street or roadway between the edge of the traveled way, surfacing, or curb line and the adjacent property line, intended for the use of pedestrians.
27. “State” means the State of Iowa.
28. “Statutes, Laws” means the latest edition of the Code of Iowa, as amended.
29. “Street” or “Highway” means the entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic.
30. “Treasurer” means the County Treasurer of Warren County, Iowa.

31. “Writing, written” includes printing, typing, lithographing, or other mode of representing words and letters.
32. “Year” means a calendar year.

1.04 GENERAL POWERS.

The County may, except as expressly limited by the Constitution of the State of Iowa, and if not inconsistent with the laws of the general assembly, 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 preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents. Code of Iowa Section 331.301 (2020). Each and every provision of this Code of Ordinances shall be deemed to be in the exercise of the foregoing powers and the performance of the foregoing functions.

1.05 INDEMNITY.

The applicant for any permit or license under this Code of Ordinances, by making such application, assumes and agrees to pay for all injury to or death of any person or persons whomsoever, and all loss of or damage to property whatsoever, including all costs and expenses incident thereto, however arising from or related to, directly, indirectly or remotely, the issuance of the permit or license, or the doing of anything thereunder, or the failure of such applicant, or the agents employees or servants of such applicant, to bide by or comply with any of the provision of this Code of Ordinances or the terms and conditions of such permit or license, and such applicant, by making such application, forever agrees to indemnify the County and its officers, agents and employees, and agrees to save them harmless from any and all claims, demands, lawsuits or liability whatsoever for any loss, damage, injury or death, including all costs and expenses incident thereto, by reason of the foregoing.

This section shall apply even though acts or omissions of the County, or its officers, agents and employees, may have caused or contributed to such damage, injury or death. The provisions of this section shall be deemed to be a part of any permit or license issued under this Code of Ordinances or any other ordinance of the County whether expressly recited therein or not.

1.06 RULES OF CONSTRUCTION.

In the construction of the Code of Ordinances the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the board or repugnant to the context of the provisions.

1. Tense. Words used in the present tense include the past and future tenses, and vice versa.
2. May. The word “may” confers power.

3. Must. The word “must” states a requirement.
4. Shall. The word “shall” imposes a duty.
5. Gender. Warren County ordinances are gender neutral
6. Number. All words in the plural shall include the singular and all words in the singular shall include the plural unless the natural construction of the wording indicates otherwise.
7. Interpretation. All general provisions, terms, phrases, and expressions contained in the Code of Ordinances shall be liberally construed so that the true intent and meaning of the Board may be fully carried out, and to promote justice.
8. Extension of Authority. Whenever an officer or employee is required or authorized by a provision of the Code of Ordinances to act, the provision shall be construed as authorizing performance by a regular assistant, subordinate or a duly authorized designee of said officer or employee.

1.07 CATCH LINES AND NOTES.

The catch lines of the several sections of the Code of Ordinances, titles, headings (chapter, division, section and subsection), editor’s notes, cross references and State law references, unless set out in the body of the section itself, contained in the Code of Ordinances, do not constitute any part of the law, and are intended merely to indicate, explain, supplement or clarify the contents of a section.

1.08 ALTERING THE CODE.

It is unlawful for any unauthorized person to change or amend by additions or deletions, any part or portion of the Code of Ordinances, or to insert or delete pages or portions thereof, or to alter or tamper with the Code of Ordinances in any manner whatsoever which shall cause the law of the County to be misrepresented thereby. Code of Iowa Section 718.5 (2020).

1.09 CHAPTERS ADOPTED, REVISED, REPEALED OR REPLACED SINCE 2015.

The Warren County Code was codified in 2015. Since that codification, several chapters have been adopted, revised, repealed, or replaced. The following is a list of those Chapters:

1. Chapter 2, “County Infractions,” revised and approved October 5, 2021, by Resolution 21- 300, October 5, 2021.
2. Chapter 3, “General Assistance Program,” repealed and replaced with “General Assistance Program” by Resolution 21-266, September 7, 2021.
3. Chapter 4, “Accepting and Reporting Gifts,” repealed and replaced with “Prohibition Against the Acceptance of Gifts by County Officials, County

- Employees, and Their Dependent Family Members,” by Resolution 21-262, September 7, 2021.
4. Chapter 5, “Industrial Tax Exemptions,” revised and approved by Resolution 21-303, October 5, 2021
 5. Chapter 6, “Illegal Dumping on Publicly Owned Property,” adopted by Resolution 20-304 on December 1, 2020, effective December 31, 2020.
 6. Chapter 9, “Registration and Operation of All-Terrain Vehicles (ATVs), Utility Task Vehicles, and Off-Road Vehicles (UTVs),” adopted by Resolution 20-312 on December 15, 2020, effective December 31, 2020. On November 2, 2021, the Board repealed Section 9.17, “Sunset Clause,” and approved the revised ordinance, by Resolution 21-430.
 7. Chapter 10, “Road Classification/Area Service Systems,” revised and approved by Resolution 21-332 first reading on October 19, 2021, and by Resolution 21-283, during second reading on November 2, 2021.
 8. Chapter 11, “Polices and Level of Service in Clearance of Snow,” revised and approved by Resolution 21-335, first reading on October 19, 2021, and by Resolution 21-386, during second reading on November 2, 2021.
 9. Chapter 12, “Snow Routes/Parking Prohibited,” revised and approved by Resolution 21-338, October 19, 2021.
 10. Chapter 13, “Uniform and Rural Address System,” revised and approved by Resolution 21-341, October 19, 2021.
 11. Chapter 14, “Sidewalk Construction,” revised and approved by Resolution 21-344, October 19, 2021.
 12. Chapter 15, “Area Service C Road Classification,” revised and approved by Resolution 21-347, October 19, 2021.
 13. Chapter 16, “Procedure for Utility Installation Permits,” revised and approved by Resolution 21-350, October 19, 2021.
 14. Chapter 17, “Unauthorized Use of Secondary Road Right-of-Way,” revised and approved by Resolution 21-353, October 19, 2021.
 15. Chapter 18, “Speed Restriction Ordinance,” revised and approved by Resolution 21-356, October 19, 2021.
 16. Chapter 19, “Driveway Entrances,” adopted by Resolution 18-74, April 17, 2018. Chapter 19, “Driveway Entrances,” revised and approved by Resolution 21-359, October 19, 2021.
 17. Chapter 20, “Hazardous Waste,” revised and approved by Resolution 21-311, October 5, 2021.

18. Chapter 21, “Animal Control,” repealed and replaced with “Animal Control and Dangerous Dogs,” approved on October 19, 2021, by Resolution 21-362.
19. Chapter 22, 2021, “Dangerous Buildings,” repealed and replaced with “Dangerous Buildings,” by Resolution 21-397 November 2, 2021.
20. Chapter 23, “Restrictions for Display and Sale of Products Containing Pseudoephedrine,” repealed by Resolution 21-260, September 7, 2021.
21. Chapter 30, “General Environmental Health Regulations,” revised and approved by Resolution 21-400, November 2, 2021.
22. Chapter 31, “On-Site Wastewater Treatment and Disposal Systems,” revised and approved by Resolution 21-314, October 5, 2021.
23. Chapter 32, “Sewage Sludge,” repealed and replaced with “Standards for the Land Application of Sewage Sludge,” by Resolution 20-169 on June 16, 2020, effective June 16, 2020.
24. Chapter 33, “Nonpublic Water Wells,” revised and approved by Resolution 21-317, October 5, 2021.
25. Chapter 34, “Regulation of Industrial Wastewater and Commercial Wastewater,” approved by Resolution 19-78, March 19, 2019.
26. Chapter 35, “County Owned Public Sanitary Sewer Systems,” revised and approved by Resolution 21-403, November 2, 2021.
27. Chapter 36, “Control of Lead-Based Paint Hazards”, repealed and replaced with “Control of Lead-Based Paint Hazards,” adopting Section 641-68 of the Iowa Administrative Code (2021) in its entirety, and future amendments and revisions, by Resolution 21-365, October 19, 2021.
28. Chapter 37, “Notification and Surveillance of Reportable, Communicable, and Infectious Diseases, Poisoning and Conditions,” repealed and replaced with “Communicable and Infectious Diseases and Poisonings,” adopting Chapter 139A of the Iowa Code (2021) in its entirety, and future amendments and revisions, by Resolution 21-368, October 19, 2021.’
29. Chapter 40, “Zoning – General Provisions and Regulations,” revised and approved by Resolution 21-406, November 2, 2021.
30. Chapter 41, “Zoning – Districts and Boundaries,” revised and approved by Resolution 21-409, November 2, 2021.
31. Chapter 42, “Zoning – Supplementary and Qualifying Regulations,” revised and approved by Resolution 21-412, November 2, 2021.
32. Chapter 43, “Zoning – Enforcement and Administration,” revised and approved by Resolution 21-415, November 2, 2021.

33. Chapter 44, “Zoning – Airport Height and Hazard Regulations,” revised and approved by Resolution 21-418, November 2, 2021.
34. Chapter 45, “Flood Plain Management Ordinance,” adopted by Resolution 18-201, October 2, 2018, and approved by Resolution 21-421, November 2, 2021.
35. Chapter 46, “Subdivision Regulations,” revised and approved by Resolution 21-424, November 2, 2021.
36. Chapter 47, “Historic Preservation,” revised and approved by Resolution 20-116 on May 5, 2020, and by Resolution 21-427, November 2, 2021.

1.10 RESERVED CHAPTERS.

The following Chapters are reserved: Chapters 7, 8, 23-29, 38, and 39.

1.11 PENALTIES.

See Chapter 2, Section 2.02 County Infractions, or a specific chapter of the Warren County Code of Ordinances, for penalties.