

## ORDINANCE #78

### **TITLE: An Ordinance Readopting the Existing Benton County Code of Ordinances and/or Repealing Certain Portions Therein.**

Be it Enacted by the Board of Supervisors of Benton County, Iowa:

**SECTION 1. Purpose.** Iowa Code Section 331.302, Subsection 9, requires that once every five years a County shall compile its Code of Ordinances. This Ordinance readopts ordinances already in effect in Benton County, Iowa, and/or repeals any ordinance deemed no longer necessary to the operation of Benton County, Iowa. This ordinance also reorganizes the Benton County Code of Ordinances into chapters by subject matter.

**SECTION 2. Readoption of Current Code.** The following ordinances have been previously adopted and enacted into law and were duly published as the law provides. The ordinances are stated herein by subject matter and number, and by the authority of the Benton County Board of Supervisors comprise the Benton County Code of Ordinances. The ordinances in the Benton County Code of Ordinances as set forth in Section 3 are re-adopted in their entirety.

### **SECTION 3. BENTON COUNTY CODE OF ORDINANCES:**

#### Chapter 1. Streets, Roads, Public Ways, and Transportation

##### 1.1 Secondary Roads Area Service Systems

No. 5. Ordinance Establishing Area Service System B Road Classification in Benton County

No. 47. An Ordinance Establishing the Area Service "C" Road Classification in Benton County, Iowa

##### 1.2 Snow Removal

No. 70. An Ordinance Establishing the Policy and Level of Service in Respect to Clearance of Snow or Ice and Maintenance of this County's Secondary Roads During the Winter Months

##### 1.3 ATV/UTV Regulations

No. 71. An Ordinance Regulating the Operation of All-Terrain vehicles and Off-Road Vehicles in Benton County, Iowa.

*\*\*Preempted by House File 2130: An Act Relating to Registered All-Terrain Vehicles and Off-Road Utility Vehicles, and Making Penalties Applicable.*

#### Chapter 2. Solidwaste and Hazardous Materials

No. 9. Ordinance Regarding Hazardous Substances & Waste

No. 16. Ordinance for Issuing Siting Permits

No. 21. Litter Control Ordinance of Benton County, as amended by Ordinance #39

#### Chapter 3. Business and Administration

##### 3.1 Elections, Districts, Precincts

No. 77. An Ordinance Establishing the County Supervisor Districts and Election Precincts

##### 3.2 Administration

No. 10. Ordinance Regarding Communication to all Personnel of the Hazardous Material Ordinance #9.

No. 67. An Ordinance Establishing a Cemetery Commission

### 3.3 Readoption of Code of Ordinances

No. 8. Ordinance Readopting Existing County Code: and amending and/or repealing certain portions

No. 22. An Ordinance Readopting the Existing Benton County Code of Ordinances and/or Repealing Certain Portions Therein.

No. 40. An Ordinance Readopting the Existing Benton County Code of Ordinances and/or Repealing Certain Portions Therein.

No. 54. An Ordinance Readopting the Existing Benton County Code of Ordinances and/or Repealing Certain Portions Therein.

No. 63. An Ordinance Readopting the Existing Benton County Code of Ordinances and/or Repealing Certain Portions Therein.

## Chapter 4. Land Use and Zoning Regulations

### 4.1 Land Use

No. 24. Benton County, Iowa, Agricultural Land Preservation and Use Ordinance.

No. 62. Amendment to Benton County Ordinance No. 24 Benton County, Iowa, Agricultural Land Preservation Ordinance

No. 53. Sexually Themed Businesses

No. 65. Amending Benton County Ordinance No. 24 to add to Article II, Section 2, Definitions, and to amend Article VI Section 2, Paragraph 2.1, Permission Procedures Required.

### 4.2 Subdivisions

No. 61. An Ordinance Regulating The Subdivision Of Land, Prescribing Standards For Subdivisions And For The Improvement Thereof, Prescribing Procedures For The Review Of Proposed Subdivision Plats And Establishing Fees Therefore And Prescribing Penalties For The Violation Of Such Ordinance. This Ordinance Is In Conformance With Chapter 354 Of The Code Of Iowa.

No. 72. An Ordinance Amending Benton County Ordinance No. 61, Benton County, Iowa Sub Division Ordinance, Benton County Code of Ordinances, Chapter 4, Section 4.2 (Amending Article VII, 7.02)

### 4.3 Airports

No. 15. Ordinance for Airport Tall Structure Zoning

No. 20. Belle Plaine Airport Tall Structure Zoning

No. 35. Airport Zoning Regulations

#### 4.4 Floodplain

No. 75 Floodplain Management Ordinance

### Chapter 5. Public Health

#### 5.1 Environmental

No. 17. Ordinances Prohibiting Creation or Maintenance of a Nuisance within Benton County, as amended by Ordinance #39

No. 34. Water Wells, as amended by Ordinance #39

No. 55. Watkins Sewer Service Systems

No. 73. Private Sewage Disposal Systems

#### 5.2 Health

No. 48. Quarantine and Isolation

No. 51. An Ordinance for the Control of Lead-Base Paint

### Chapter 6. Taxation

#### 6.1 Tax Exemption and Abatements

No. 18. Industrial property Tax Exemption Ordinance, as amended by Ordinance #28

No. 25. Ordinance Providing for Division of Taxes, as amended by Ordinance #27

No. 27. Ordinance Amending Ordinance #25 (Urban Renewal) (adding the BECCA Industrial Park)

No. 28. Ordinance Amending Ordinance #18 (Industrial Tax Exemption to Exclude Area Located in Urban Renewal)

No. 52. An Ordinance Providing for the Division of Taxes Levied on Taxable Property in the Benton County Frontier Urban Renewal Area, Pursuant to Section 403.19 of the Code of Iowa

No. 68. Public Nuisance Tax Sales

No. 69. Allowing the County and Cities to Bid for and Purchase Tax Sales Certificates on Abandoned Property

#### 6.2 Local Option Sales and Services

No. 45. An Ordinance Imposing a Local Option Sales and Services Tax Applicable to Transactions Within and For Use by the City of Belle Plaine, City of Garrison, City of Keystone, City of Luzerne, City of Mt Auburn, City of Newhall, and City of Van Home in Benton County, Iowa

No. 56. A Local Option Sales And Services Tax Applicable To Transactions Within And For Use By The City Of Atkins, City Of Blairstown, City Of Norway, City Of Urbana, City Of Shellsburg, City Of Vinton, And The Unincorporated Area Of Benton County, All Situated In Benton County, Iowa

No. 57. A Local Option Sales And Services Tax Applicable To Transactions Within And For Use By The City Of Belle Plaine, City Of Garrison, City Of Keystone, City Of Luzerne, City Of Mt Auburn, City Of Newhall, And City Of Van Home, In Benton County, Iowa

#### Chapter 7. Safety

No. 33. Uniform Rural Address System

No. 37. Vicious Animal Ordinance, as amended by Ordinance #39

No. 66. An Ordinance Amending the Code of Ordinances of Benton County, Iowa by adding a "Social Host" Ordinance

#### Chapter 8. Penalty

No. 39. Ordinance Establishing the Penalty for County Infractions

#### **SECTION 4. Ordinances in effect and not listed in CODE OF ORDINANCES**

Ordinances effectuating the repeal of another ordinance remain in full force and effect and are readopted in their entirety, but will not be listed in the current CODE OF ORDINANCES.

No. 50. An Ordinance Repealing the Benton County General Relief Ordinance and amendments thereto.

No. 74. Benton County Ordinance Establishing a program for the separation of recyclable materials in order to facilitate Collection and encourage recycling.

#### **SECTION 5. Repeal of County Law(s).**

The following ordinances have been previously repealed or are deemed by the Board of Supervisors to be of no further value to the operation of Benton County or to the health, safety and welfare of its citizens, and are hereby repealed.

No. 26. Subdivision Ordinance, as amended and as further amended by Ordinance #39, in its entirety.

No. 32. Benton Commerce Village Water & Sewer Service Systems & Well Field Protection, in its entirety.

No. 38. On-Site Waste Water Treatment and Disposal Systems, as amended by Ordinance #39, as amended by Ordinance No. 60 in its entirety.

No. 41. An Ordinance Establishing the County Supervisor Districts and Election Precincts

No. 42. An Ordinance Establishing a Cemetery Commission

No. 43. An Ordinance, Replacing Ordinance #29, An Ordinance establishing the policy and level of service in respect to clearance of snow or ice and maintenance of this county's secondary roads during the winter months.

No. 44. Benton County Ordinance Establishing a Program for the Separation of Recyclable Materials in Order to Facilitate Collection and Encourage Recycling

No. 46. An Ordinance Imposing a Local Option Sales Services Tax for School Infrastructure Applicable to Transactions within Benton County, Iowa

No. 58. Floodplain Management Ordinance

No. 59. An Ordinance Amending Benton County Ordinance# 26, Amended And Revised Subdivision Ordinance,  
And Benton County Ordinance# 38 On-Site Wastewater Treatment Ordinance

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

**SECTION 6. When Effective.** This Ordinance shall be effective after its final passage, approval, and  
publication as provided by law.

Passed and adopted by the Benton County of Supervisors this 27th day of September, 2022.

BENTON COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
Tracy Seeman, Chairman

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Gary Bierschenk

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Rick Primmer

ATTEST: \_\_\_\_\_  
Hayley Rippel  
Benton County Auditor