

Public Notice

The Union County Board of Supervisors has set a Public Hearing for Ordinance #36 for the purpose of prohibiting Illegal Dumping within the County and providing for enforcement and penalties on Monday May 2nd, 2022 at 10:00am in the Union County Board of Supervisors Office.

ORDINANCE NUMBER #36

AN ORDINANCE CREATING CHAPTER _____, "ILLEGAL DUMPING," WITHIN THE CODE OF ORDINANCES OF UNION COUNTY, IOWA, FOR THE PURPOSE OF PROHIBITING ILLEGAL DUMPING WITHIN THE COUNTY AND PROVIDING FOR ENFORCEMENT AND PENALTIES

Be it Ordained by the Board of Supervisors of Union County, Iowa, that:

SECTION 1: Purpose. This ordinance is enacted to expressly prohibit the disposal of solid waste within the county in unauthorized locations other than permitted waste disposal sites, such as in public right-of-way and on public and private property. The unauthorized disposal of solid waste endangers the health, safety, and welfare of citizens of Union County, Iowa, and causes the County to expend limited resources to dispose of unauthorized waste.

SECTION 2. The Code of Ordinances of Union County, Iowa is hereby amended by creating Chapter _____, entitled "Illegal Dumping" with the following sections:

DEFINITIONS.

As used in this chapter, the following terms are defined:

1. "Discard" means to place, cause to be placed, throw, deposit, or drop.
2. "Garbage" means all solid and semisolid, putrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial byproducts, and shall include all such substances from all public and private establishments and from all residences.
3. "Litter" means any garbage, rubbish, trash, refuse, waste materials, or debris. Litter includes but is not limited to empty beverage containers, cigarette butts, food waste packaging, other food or candy wrappers, handbills, empty cartons, or boxes.
4. "Public place" means any county road, street, sidewalk, alley, or other thoroughfare, including any portion of the right-of-way, and any other public land, including ditches and streams, within the jurisdiction of the county.
5. "Refuse" means putrescible and nonputrescible wastes including but not limited to garbage, rubbish, ashes, incinerator ash, incinerator residues, street cleanings, market and industrial solid wastes and sewage treatment wastes in dry or semisolid form.
6. "Rubbish" means nonputrescible solid waste consisting of combustible and noncombustible wastes, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind.
7. "Solid Waste" means garbage, refuse, rubbish, litter, construction and demolition waste and other similar discarded solid or semisolid materials. Solid waste includes, but is not limited to the following items:
 - a. Tires
 - b. Household appliances
 - c. Furniture
 - d. Mechanical equipment
 - e. Construction and demolition debris
 - f. Brush or yard waste
 - g. Junk or inoperable vehicles or parts of vehicles.

ILLEGAL DUMPING PROHIBITED.

It shall be unlawful for any person or entity to discard solid waste, garbage, or litter in or upon public property within the County, except in authorized receptacles or landfill sites in accordance with established policies, permits, permission, and procedures. It shall be unlawful for any person or entity to discard solid waste, garbage, or litter in or upon private property, whether within or outside of an authorized receptacle, without the consent of the owner of such property.

ENFORCEMENT.

This Chapter shall be enforced by Union County Environmental Specialist or their designee as a county infraction, or by the Union County Sheriff or the Sheriff's designee as a simple misdemeanor.

VIOLATIONS, PENALTIES, AND ALTERNATIVE RELIEF.

Violation of this chapter shall be a county infraction as set forth in Iowa Code section 331.307. Fines may be assessed in accordance with the following schedule.

A. Schedule of Civil Penalties

1. First offense \$750.00
2. Second and each additional repeat offenses \$1000.00

B. Repeat Offenses. Each day that a violation occurs or is permitted to exist by the violator constitutes a separate offense.

C. Alternative Relief. Seeking a civil penalty as authorized in this chapter does not preclude a county from seeking alternative relief from the court in the same action. Such alternative relief may include, but is not limited to, an order for restitution for the cost of clean-up, an order for abatement, or injunctive relief.

A. Civil Citations. Any officer authorized by the County to enforce this Chapter may issue a civil citation to a person who violates this Chapter. The citation shall be served and filed in accordance with the provisions of Iowa Code§ 331.307 (2021).

CRIMINAL PENALTIES.

A. Penalties not exclusive. This chapter does not preclude a peace officer from issuing a criminal citation for a violation arising out of or in connection with a violation.

B. Criminal Penalties. Violation of any provision of this ordinance constitutes a simple misdemeanor which may include a fine or imprisonment not to exceed seven (7) days in the county jail, in accordance with the provisions of Iowa Code§ 331.302, 903.1 subsection 1, paragraph "a" (2021). Failure to pay court fines may subject the owner to nonrenewal of the registration of the motor vehicle involved in the offense if the fine remains unpaid at the time of renewal.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion hereof.

SECTION 4. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. Jurisdiction. This ordinance shall apply in any unincorporated area within Union County, Iowa and within any unincorporated town or city without any applicable ordinance covering the subject matter herein regulated.

SECTION 6. Effective Date. This ordinance shall be in full force and effect from and after the date of passage and publication as required by law.