

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.

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.

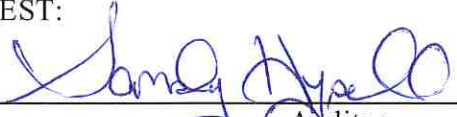
SECTION 6. Effective Date. This ordinance shall be in full force and effect from and after the date of passage and publication as required by law.

Passed and approved this ___ day of _____, 2022 following three readings (or due waiver thereof in the manner allowed by law).

Supervisor	Aye	Nay

First Reading Passed: May 2, 2022
Second Reading Passed: May 16, 2022
Third Reading Passed: Waived

Chairperson County
Board of Supervisors

ATTEST:


Auditor

RESOLUTION #31 FYR 21-22

NOW on this 16th day of May, 2022, the matter of the waiver/suspension of the requirement of multiple readings of the proposed Ordinance #36 which comes to the attention of the Union County Board of Supervisors.

WHEREAS, the Union County Board of Supervisors has determined that Ordinance #36 has been duly published in two (2) official newspapers of Union County on as required by Iowa Code Sections 349.3(1), 331.305, and 331.302; and

WHEREAS the Union County Board of supervisors has previously received and considered information regarding this ordinance, and

WHEREAS, the Union County Board of Supervisors has held 1 public hearing and no written or oral objections were received; oral comments were taken in consideration; and

WHEREAS, the Union County Board of Supervisors believes it is in the best interests of the citizens of Union County to adopt Ordinance #36 without further delay; and

BE AND IT IS HEREBY RESOLVED that Union County, by and through the Union County Board of Supervisors, pursuant to the provisions of section 331.302(5) formally waives/suspends the requirement of multiple readings (3rd Reading) of the proposed adoption of Ordinance #36.

MOTION by:

SECONDED by:

Approved by:

Name

Aye

Nay

Dennis J. Brown

X

Rick Friday

X

Ron Riley

Y



Chair, Dennis J Brown

Attested: Sandy Hysell

Union County Board of Supervisors

Union County Auditor, Secretary to BOS