

BENTON COUNTY ORDINANCE #21

AN ORDINANCE REGULATING THE COLLECTION AND DISPOSAL OF SOLID WASTE MATTER TO BE CITED AND KNOWN AS THE "LITTER CONTROL ORDINANCE OF BENTON COUNTY".

BE IT ENACTED BY the Board of Supervisors of Benton County, Iowa:

SECTION I. Definitions. For use in this Ordinance, the following terms are defined:

- 1. "Refuse" shall mean any solid waste matter consisting of, but not limited to, garbage, junk vehicles (or parts thereof), machinery (or parts thereof), household trash, yard trash, commercial trash, building materials, trees, rocks, etc.
- 2. "Hazardous and industrial waste" means chemicals such as poison, acids and caustics, infected materials, explosives, sewage sludge, and sludges and liquids created by factories, processing plants, or other manufacturing enterprises.
- 3. "Litter" means any refuse improperly discarded upon any public place within Benton County.
- 4. "Commercial Collector of Refuse" means a person or firm who hauls refuse for compensation.
- 5. The "Board" shall mean the Benton County Board of Supervisors.

SECTION II. Littering Prohibited.

- 1. It shall be unlawful for any person to scatter, place, or burn any refuse, or hazardous and/or industrial wastes upon or along any public right-of-ways, stream, body of water, or upon any other public place within Benton County unless permitted by Law.
- 2. No person or firm shall haul, transport, or otherwise convey any refuse or hazardous or industrial waste within Benton County unless the same is contained in covered receptacles or is otherwise secured either to or within the vehicle so that the said waste matter does not fall or blow off or out of the vehicle hauling the same.

SECTION III. Collection and Disposal.

- 1. All commercial collectors of refuse who desire to haul over the roads of Benton County shall first obtain a collector's permit, and secondly, shall use a transfer vehicle that is equipped and operated in a manner that allows for compliance with Section II, 2.
- 2. The annual permit fee shall be fifty (50) dollars, and shall be payable to Benton Co. Permits will expire annually on June 30.
- 3. No collectors permit will be issued by Benton County until the transfer vehicle has been inspected, and passed said inspection by an authorized representative of the Benton Co. Board of Supervisors and the permit fee has been paid. Inspections must be made annually at time of permit renewal.
- 4. The collectors permit must be prominently displayed on the collection vehicle.

SECTION IV. Violations.

Any person or firm violating any provision or requirement of this ordinance shall be guilty of a county infraction, and shall also be held responsible for correcting the violation.

SECTION V. Investigation.

The Health Officer, or other authorized representative of the Board of Supervisors shall investigate complaints relative to the collection and disposal of solid waste matter in Benton County.

SECTION VI. Enforcement. It shall be the duty of the Benton County Board of Supervisors and/or its designee, the Health Officer, to enforce the provisions of this Ordinance.

SECTION VII. Penalty. A violation of any of the provisions of this Ordinance are subject to the following penalties:

1. A violation of any provision of this Ordinance shall constitute a County infraction. Any person committing a County infraction shall, upon conviction be subject to a civil penalty of not more than One Hundred Dollars (\$100) for each offense, not to exceed Two Hundred Dollars (\$200) for each repeat offense. Each day that a violation occurs or is permitted to exist by the violator shall constitute a separate offense. A person found guilty of a county infraction is liable for the court costs and fees.

2. The Health Officer may issue a civil citation to a person who commits a county infraction. The citation may be served by personal service or by certified mail return receipt requested. A copy of the citation shall be retained by the Benton County Health Department and one copy shall be sent to clerk of the district court. The citation shall serve as notification that a civil offense has been committed and shall contain the name and address of the respondent; the name or description of the infraction; the location and time of the infraction; the amount of civil penalty to be assessed or the alternate relief sought, or both; the manner, location and time in which the penalty may be paid; the time and place of court appearance; the penalty for failure to appear in court.

3. If the person named in the citation is served as provided in this section and fails without good cause to appear in response to the civil citation, judgment shall be entered against the person cited.

4. In addition to any civil penalty imposed for violation of this Ordinance, the court may grant appropriate relief to abate or halt the violation. The court shall have available to it all of the options set forth in 331.307 (9), CODE OF IOWA.

5. If a violator willfully fails to pay the civil penalty or violates the terms of any other order imposed by the court, such failure shall constitute contempt.

6. Nothing in this section precludes the prosecution of any violations of this Ordinance as a simple misdemeanor, pursuant to Chapter 331.307 (11), CODE OF IOWA.

SECTION VIII. Jurisdiction. The provisions of this Ordinance shall apply throughout Benton County, Iowa, including the cities therein.

SECTION IX. Validity. If any section, paragraph or clause of this Ordinance shall be held invalid, such invalidity shall not affect any of the remaining provisions of this Ordinance.

SECTION X. Effective Date. This Ordinance shall be in effect after its final passage, approval, and publication as provided by law.

Dated this 5th day of November, 1993.

BENTON COUNTY BOARD OF SUPERVISORS

Dell Hanson
Dell Hanson, Chairman

AYE: ALL
NAY: NONE
ABSTAIN: NONE

Norman Sackett
Norman Sackett

Edwin J. Brecht
Edwin J. Brecht

ATTEST:

Jill Marlow
Jill Marlow, Benton County Auditor &
Secretary to the Board of Supervisors

October 27, 1993	Published Summary of Ordinance # 21
November 2, 1993	1st Consideration
November 5, 1993	2nd Consideration and Adoption
	All other readings suspended.
November 10, 1993	Published Ordinance No. 21

I, Jill Marlow, do hereby certify the above to be a true and correct copy of Ordinance No. 21 and the dates of consideration and publication are correct.

Jill Marlow
Jill Marlow, Benton County Auditor



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Fee Paid \$ None

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