

ORDINANCE NO. 8B

AN ORDINANCE PROHIBITING DISCARDING OF SOLID WASTE ON COUNTY RIGHT-OF-WAY

Be It Enacted by the Board of Supervisors:

SECTION 1. PURPOSE

The purpose of this ordinance is to place a duty on each resident, to properly dispose of solid wastes by legitimate means rather than discarding such solid wastes in the county rights-of-way.

SECTION 2. DISPOSAL OF WASTES ON RIGHT-OF-WAY

Discarding, placing, dumping, or disposing of any solid wastes, garbage, or debris, within the rights-of-way of a County Highway or road is prohibited.

SECTION 3. IMMEDIATE REMOVAL

Any solid waste, garbage or other debris which constitutes an immediately and dangerous hazard shall, without notice or liability, be removed by the County. The removal costs shall be assessed against the owner of said solid waste, garbage or other debris and/or the person responsible for the illegal discarding, placing, dumping or disposing of said items in the county right-of-way.

SECTION 4. FINE

Any person found to be in violation of any part of this Ordinance shall be guilty of a simple misdemeanor, subject to a fine of five hundred (\$500.00) per violation

SECTION 5. PUBLIC NUISANCE

Any person who discards, places, dumps or disposes of any solid waste, garbage or other debris in the County right-of-way as prohibited herein shall be deemed to have created a public nuisance punishable as provided in Iowa Code Chapter 657. If a person is found guilty of discarding, placing, dumping or disposing any solid waste, garbage or other debris in the County right-of-way, the court may, in addition to any fine imposed or judgment for damages or costs, order that the nuisance be abated or removed at the expense of said person. The costs for abatement and/or removal of said nuisance may be entered as a personal judgment against said person and/or assessed against the property where the obstruction occurred.

SECTION 6. REPEALER

All Ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 7. SEVERABILITY CLAUSE

If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 8. WHEN EFFECTIVE

This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Adair County Board of Supervisors the ____ day of _____, 2006 and approved this ____ day of _____, 2006.

Chairperson

ATTEST:

County Auditor

I certify that the foregoing was published as Ordinance No. 8B on the ____ day of _____, 2006.

County Auditor