

TITLE I – POLICY AND ADMINISTRATION (Chapters 1-6)

CHAPTER 6

ILLEGAL DUMPING ON PUBLICLY OWNED PROPERTY

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6.01 PURPOSE.

The purpose of this chapter is to provide for the health, safety and welfare of Warren County citizens and to promote a clean environment on the County owned public property, including but not limited to County highways, roads, right-of-way, and parks.

6.02 DEFINITIONS.

For use in this chapter, the following terms are defined:

1. “Board of Supervisors” means the Warren County Board of Supervisors.
2. “County” means Warren County, Iowa.
3. “County Attorney” means the Warren County Attorney and the Warren County Attorney’s Office.
4. “County Conservation” means the Warren County Conservation Board.
5. “County Conservation Director” means the Warren County Conservation Director.
6. “County Roads” means all roads outside the boundaries of municipalities, including Level A, B and C roads.
7. “Department” means the Warren County Engineer’s Department and Secondary Roads.
8. “Engineer” means the Warren County Engineer.
9. “Illegal Dumping” means the discarding and abandonment of solid waste onto or in any water or land owned by the County, including on roads and in the County right-of-way, or in the parks and waterways. Solid waste includes but is not limited to, trash, garbage, branches, wood, grass, rock, stone, weeds, appliances,

furniture, construction materials, automobiles, automobile parts, litter or refuse of any kind with the County’s jurisdictional boundaries.

10. “Imminent hazard” means any obstruction within the right-of-way which presents an immediate danger to the safe passage of vehicles or which causes a condition in which physical injury or reduced visibility for travelers is likely to occur due to the presence of said hazard.
11. “Obstruction” means any material, trees, other vegetation, fencing, or other objects illegally dumped or discarded onto County-owned public property or right-of-way that creates a condition hazardous to safe travel on any roadway or within the right-of-way.
12. “Parks” means any of the more than 2,000 acres of land and water managed by the Warren County Conservation Board, including but not limited to the Annette Nature Center & Park, Bank Swallow Bend, Blue Flag Marsh, Grant Nature Land, Hickory Hills Park, Lundy Acres, Otter Creek Park, Rolling Thunder Prairie, Woodland Mounds Preserve, and Zo-El Annett Woods.
13. “Right-of-Way” or “Public Road Right-of-Way” means the area of land, the right to possession of which is secured or reserved by a governmental subdivision for roadway purposes. Iowa Code Section 306.3(9) (2020).
14. “Road” or “Street” shall mean the entire width between property lines through private property or designated width through public property of every way or place of whatever nature when any part of such way or place is open to the use of the public, as a matter of right, for purposes of vehicular traffic. Iowa Code Section 306.3(10) (2020).
15. “Secondary Roads or “Secondary Road System” means those roads outside the boundaries of municipalities, classified as trunk, trunk collector, and service area under Iowa Code Section 306.3(11) (2020).
16. “State” means the state of Iowa.

6.03 ILLEGAL DUMPING IS PROHIBITED.

1. A person or persons shall not discard solid waste onto or in any water or land owned or managed by the County, on roads or in the County right-of-way, or in the parks and waterways within the jurisdictional boundaries of Warren County.
2. Waterways include rivers, creeks, ponds, lakes, and other bodies of water within the jurisdictional boundaries of Warren County.

3. Solid waste includes but is not limited to trash, garbage, branches, wood, grass, rock, stone, weeds, appliances, furniture, construction materials, automobiles, automobile parts, litter or refuse of any kind.

6.04 PENALTY.

The first violation of this ordinance is subject to a civil penalty of seven hundred fifty dollars (\$750.00). If the violation of this ordinance is a repeat offense, the civil penalty is one thousand dollars (\$1,000.00) for each repeat offense. Iowa Code Section 331.307 County Infractions (2020).

6.05 ABATEMENT.

Any person responsible for illegal dumping or discarding solid waste on County-owned and managed property as defined in Section 6.02 or 6.03 of this ordinance shall be strictly liable and responsible for the abatement and the costs of the abatement (cleanup) of the discarded solid waste. The County's cost for abatement or correction of the violation may be entered as a personal judgment against the person responsible for illegal dumping or discarding solid waste.

Each twenty-four (24) hour period in which a person is in violation of this ordinance is a separate and distinct offense.

Action under this chapter does not prevent or preclude any other civil or criminal action or remedy that may be applicable.

In addition to the civil penalty for a violation of this chapter, any other remedies authorized under Iowa Code Section 331.307 (2020) may be used, including but not limited to abatement/correction and assessment of costs.

6.06 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, paragraph, provision or part thereof not adjudged invalid or unconstitutional.

6.07 WHEN EFFECTIVE.

The ordinance shall be in effect as of December 31, 2020.

