

ORDINANCE CERTIFICATE

STATE OF IOWA )  
 )SS  
COUNTY OF POWESHIEK)

I certify that Ordinance Number 16, of which a true copy is attached, was duly adopted by the Board of Supervisors of the County of Poweshiek, signed by the Chairperson and published as required by law and is in effect starting immediately. I further certify that the consideration(s) and votes taken for the enactment of said Ordinance were as follows:

1. First consideration - Date: December 28, 2006  
Vote: In favor 2, Opposed -0-  
Absent or Abstain 1.

2. Second consideration - Date: \_\_\_\_\_  
Vote: In favor \_\_\_\_\_, Opposed \_\_\_\_\_  
Absent or Abstain \_\_\_\_\_.

File No. 5170 Fee N/C  
Recorded this 28th day of Dec 20 06  
at 12:32 o'clock P. M. Book 797 Page 89  
*Quincy M. Kelley*  
Recorder, Poweshiek County, Iowa

3. Final consideration - Date: \_\_\_\_\_  
Vote: In favor \_\_\_\_\_, Opposed \_\_\_\_\_  
Absent or Abstain \_\_\_\_\_.

4. Publication Date: Grinnell Herald Register 12/18/06  
Montezuma republican & Brooklyn Chronicle 12/20/06  
The Ordinance was not considered on any date after its first consideration as shown above when it did not receive an affirmative vote for passage.

On the date of 12/28/06, the Board of Supervisors adopted a motion for the suspension of the rule requiring consideration at three meetings and voted the final adoption of the Ordinance. The vote for suspension of the rules was by a majority of the full Board of Supervisors, voting 2 in favor -0- opposed and 1 absent, vacant or abstaining and was duly recorded.

I further certify that each meeting for the consideration of the Ordinance was duly and publicly held, with a notice of the meeting and tentative agenda naming the consideration of the Ordinance timely posted and upon reasonable advance notice to the media as required by Chapter 21 of the Code of Iowa and rules of the Council then governing.

I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective County Offices as indicated therein, that no Council vacancy existed except as may be stated in said proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the County or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and seal of the said Municipality hereto affixed this 28th day of December 2006.

*[Signature]*  
Jo Wray, Poweshiek County Auditor

## ORDINANCE #16- JUNK ORDINANCE

### Section 1. Purpose.

The purposes and objectives for which this ordinance is adopted are to:

1. Promote the safety, health and welfare of the public.
2. Keep the County attractive, and promote the prosperity, economic well-being and general welfare of the County.
3. Preserve and enhance the natural scenic beauty of the County.
4. Protect property values and preserve the character and integrity of the community.

### Section 2. Storage of Junk or Solid Waste on Public or Private Property.

No person shall:

- (a) Place, keep or store, or permit the keeping or storing of junk, on any public or private property unless it shall be in a completely enclosed building;
- (b) Operate or permit the operation on his or her property of a disposal site for the disposal or storage of solid waste; or
- (c) Abandon, or cause to be abandoned, any junk on any public or private property.

This section shall not apply to businesses, such as service stations, garages, vehicle recyclers and recycling centers, which have obtained the necessary licenses and permits to operate such facilities, pursuant to the Code of Iowa and local ordinances; provided, that all outside areas are screened from public view.

### Section 3. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the following meanings:

*Abandon* means (i) to leave junk for longer than 24 hours on property owned or operated by the County, (ii) to leave junk for longer than 24 hours on private property without the consent of the owner, occupant, or lessee of the property, or (iii) to leave junk for longer than seven days on public property other than County property.

*Junk* means all scrap metals and their alloys, bones, rags, cloth, rubber, rope, tin foil, used bottles, old cotton, salvaged mechanical and garden tools, used plumbing fixtures, appliances, fittings, pipes and supplies, salvaged or used clothing, used or salvaged electrical fixtures, fittings, appliances and supplies, used or salvaged gas fixtures, fittings, pipes, appliances and supplies, used or salvaged water heaters, fixtures, fittings, pipes, and supplies, used or salvaged lawn hose or harness, used or salvaged doors, window sash or glass, mantels or parts thereof,

trailers or motor homes purchased for the purpose of being dismantled or rebuilt, all automobile, trailer or motor home parts, and any worn out and discarded material of any kind.

*Notice* means any notice, request, instruction or other written document given by the County to the owner of any lot or parcel of land and shall be deemed to have been given (i) when received if given in person or by overnight carrier or (ii) ten days after being posted by certified mail.

*Nuisance* means the accumulation of junk on public or private property in violation of Section 657.1 of the Code of Iowa.

*Recycling Center* means a temporary or permanent site at which glass, aluminum cans, paper, plastic, clothes or similar materials commonly collected for recycling are collected and moved offsite or kept onsite in buildings, storage bins, solid waste containers or truck trailers.

*Salvaged* means any item which is wrecked or damaged, for which the cost of repair exceeds fifty percent of the fair market value of the item before it became damaged.

*Screen* means vegetation or other materials designed to create a visual barrier.

*Solid Waste* means garbage, refuse, rubbish and other similar discarded solid or semisolid materials resulting from industrial, commercial, agricultural, and domestic activities.

**Section 4. Removal by County of Junk Declared A Nuisance.**

If the owner of any lot or parcel of land shall, after 30 day written notice from the County, neglect or refuse to remove solid waste including junk stored or abandoned on the property within the time specified, the material is hereby declared a nuisance and the County may cause the removal of said material, and the costs thereof, including attorneys' fees, shall be charged against the property owner.

**Section 5. Request for Hearing.**

Any person ordered to remove junk from property may request a hearing with the Board of Supervisors. A request for a hearing must be in writing and delivered to the County Auditor within 30 days of receipt of the notice from the County. Failure to request a hearing within the time limit shall result in a conclusive presumption that a nuisance exists. If a hearing is requested, the Board shall set a time and place for the hearing, and after all interested persons are given opportunity to be heard, the Board shall render a decision. If a nuisance is found to exist, the Board shall set a date for its removal. The decision of the Board may be appealed to the Iowa District Court.

**Section 6. Supervision of Work by County.**

Whenever the County shall cause any material to be removed from a lot or parcel of land because of the refusal of the owner, within the time specified, to comply with the order of the County requiring the material to be removed, the work, whether executed by contract or otherwise, shall be performed under the supervision of the County Health Department.

**Section 7. Collection of Costs.**

Upon the completion of the junk removal from any lot or parcel of land by the Public Health Department, the department shall ascertain the costs thereof, including the cost of notices. It shall then mail a statement of these costs to the property owner who shall have 30 days to pay said costs in full. If the amount shown on the statement has not been paid within the 30 day time period, the amount owing shall be certified by the Public Health Department and forwarded to the Treasurer who shall then collect the amount in the same manner as general property tax.

**Section 8. Repealer.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Section 9. 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 10. When Effective.** This ordinance shall be in effect after its final passage, approval and publication as provided by law.

Passed and adopted by the Board of Supervisors this 28th day of December, 2006.

5170

POWESHIEK COUNTY BOARD OF SUPERVISORS

ABSENT

\_\_\_\_\_  
Thomas E. Law, Chairman

\_\_\_\_\_  
Doug Shurts, Vice-Chairman

\_\_\_\_\_  
A.S. (Sandy) Moffett, Member

Attest:

\_\_\_\_\_  
Lo Wray, Poweshiek County Auditor