

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF FAYETTE COUNTY, IOWA – ORDINANCE #5

SECTION 1: 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 (of parts thereof), machinery (or parts thereof), household 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 sledges and liquids created by factories, processing plants, or other manufacturing enterprises.
3. "Litter" means any refuse improperly discarded upon any public place within Fayette County.
4. "Commercial Collection of Refuse" means a person or business who hauls refuse for compensation.
5. The "Board" shall mean the Fayette County Board of Supervisors.
6. "Yard Waste" shall mean debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include stumps.
7. "Degradable Bags", means any untreated paper bags.
8. "Compost" means organic material resulting from biological decomposition of waste which can be used as a soil conditioner or soil amendment.
9. "Composting" means the controlled, biological decomposition of selected solid organic waste materials under aerobic conditions resulting in an innocuous final product.
10. "Business" means any public or private corporation, partnership, company, firm or other similar entity.

SECTION 2. 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-way, stream, body of water, or upon any other public place within Fayette County unless permitted by law.
2. No person or business shall haul, transport, or otherwise convey any refuse or hazardous or industrial waste within Fayette 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 3. Separation of Yard Waste.

1. All yard waste shall be separated by the owner or occupant from all other refuse accumulated on the premises, and shall be composted on the premises or placed in containers, packages, or degradable bags and set out for collection by commercial collectors of refuse.
2. Yard waste generated, composted and disposed of on the same premises wherein it originated does not require a permit. This composting shall not create a nuisance unless deemed a nuisance under the Code of Iowa, Section 657.2, or any other applicable nuisance sections of the Code of Iowa, 1991.

SECTION 4. Violations.

1. Any person or business violating any provision or requirement of this Ordinance shall be guilty of a simple misdemeanor and shall be punished by a fine not to exceed \$100 or by imprisonment in the county jail for not more than 30 days.
2. Any person or business violating any provision or requirement of this Ordinance shall be held responsible for correcting the violation.

SECTION 5. Enforcement.

1. Enforcement of the Ordinance shall be by the Fayette County Board of Supervisors, the Fayette County Engineer, the Fayette County Sanitarian, or by any other representative authorized by the Fayette County Board of Supervisors.
2. Whenever the Board, or an authorized representative, finds that a violation of this Ordinance has occurred, in addition to filing the Complaint alleging that the person or business has committed a

simple misdemeanor, a written notice to correct the violation shall be sent by certified mail to the violator.

3. The notice shall specify that the violation be corrected within thirty (30) days or receipt of said notice.

4. If the person or business notified to correct a violation neglects or fails to correct it as directed within 30 days, the County Board may cause the violation to be remedied. The person or business shall be notified by certified mail of the total cost of the clean up, and the person or business shall pay said amount to the County, care of the Board of Supervisors within 20 days. If the person or business fails to pay the billing in full within the 20 days period, the Board or an authorized representative shall certify to the County Auditor the full amount due from the person or business in default, and the County Auditor shall enter the same upon the tax list and the amount shall be collected as other taxes.

SECTION 6. Severability

If some part of the Ordinance is found to be invalid or unconstitutional, such portion shall not invalidate the remainder of the Ordinance as a whole.

SECTION 7. When Effective.

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

May 13, 1991, Book 16, Page 437