

ORDINANCE NO. 2020-519

**AN ORDINANCE AMENDING CHAPTER 105 PERTAINING TO SOLID WASTE
DISPOSAL OF THE CODE OF ORDINANCES OF THE
CITY OF INDEPENDENCE, IOWA**

WHEREAS, the City Council of the City of Independence, Iowa, has determined it is necessary to amend Chapter 105 of the Code of Ordinances of the City of Independence, Iowa, to provide for rules and regulations applicable to the public's use of the City's brush dump and Buchanan County's recycling center, and to provide for the imposition of penalties for violations of those rules and regulations.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, IOWA:

SECTION 1. CHAPTER AMENDED. Chapter 105 of the Code of Ordinances is hereby amended to include the following new section:

105.12 CITY BRUSH DUMP AND COUNTY RECYCLING FACILITY.


1. *Facilities.* The provisions of this section apply to public use of the City's brush dump located on 6th Avenue SE and Buchanan County's recycling facility, managed by Waste Management, and located at Waste Management on 12th Street NE, each of which are situated within the corporate limits of the City of Independence, and each of which are made available to the public for the disposal of brush and landscape waste, and recyclable materials, respectively.
2. *Prohibition.* It shall be unlawful to utilize the City's brush dump for the disposal of any materials other than brush and biodegradable landscape waste; or to utilize Buchanan County's recycling facility for the disposal of any items not defined as acceptable for recycling per the County's posted rules and regulations. The disposal of any other materials, including but not limited to solid waste, at either facility is strictly prohibited, as is depositing brush and landscape waste, or recyclable materials, as the case may be, within any receptacles or upon any areas within the facilities not designated for the disposal of such materials.
3. *Rules and Regulations.* Public use of the City's brush dump and Buchanan County's recycling facility shall be further subject to rules and regulations posted at the facilities. Individuals or entities utilizing the City's brush dump or Buchanan County's recycling facility shall also comply with all directives of employees, representatives, agents, and/or contractors of the City or County with respect to the operation or management of the respective facilities.
4. *Violations; Penalties.* A Violation of this section shall constitute a municipal infraction punishable pursuant to the provisions of Chapter 4 of this Code of Ordinances. Notwithstanding any provisions of this Code of Ordinances to the contrary, a violation of this section shall be punishable by a minimum civil penalty of not less than \$100.00 for the first offense and not less than \$250.00 per offense for each subsequent offense. In addition to such civil penalty, the City may seek personal judgments against violators for the City's cost to dispose of materials unlawfully discarded at the City's brush dump and/or injunctive relief in the form of an order prohibiting violators from utilizing the City's brush dump. Further the imposition of civil penalties shall not preclude the County from seeking personal judgments against violators for the County's cost to dispose of materials unlawfully discarded at the County's recycling center and/or injunctive relief in the form of an order prohibiting violators from utilizing the County's recycling center.

SECTION 3. REPEALER. All other sections of this Code of Ordinance in conflict with these provisions shall be repealed.

SECTION 4. SEVERABILITY. If any section, provisions or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall have no effect on the validity of the Ordinance as a whole or any section, provision, or part hereof not adjudged invalid or unconstitutional.

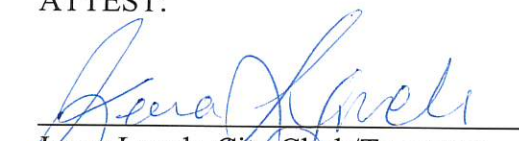
SECTION 5. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its adoption and publication as provided by law.

Passed by the Council on the 13th day of April, 2020.



Bonita Davis, Mayor

ATTEST:



Jeena Lynch, City Clerk/Treasurer