

Doc# 015772



Document 223507

Book 2022 Page 3507 Type 04 099 Pages 9
Date 8/10/2022 Time 12:48 PM
Rec Amt \$.00

CHRIS R DUNCAN, COUNTY RECORDER
BOONE IOWA

BOONE COUNTY ORDINANCE #148

AN ORDINANCE REPEALING AND REPLACING THE BOONE COUNTY Salvage Yard Ordinance # 5A BY revising the term of the permit from 1 year to two years and requiring that all DNR permits remain valid for the term of the permit.

SALVAGE YARD ORDINANCE OF BOONE COUNTY, IOWA

Prepared by: Boone Co. Planning & Development, 201 State St, Boone, IA 50036 515-433-0550

Return to: Boone Co. Auditor's Office, 201 State St, Boone, IA 50036 515-433-0502

Be it Enacted by the Board of Supervisors of Boone County, Iowa:

Section 1. Purpose.

The purpose of this ordinance is to regulate all salvage yard operations to promote the public health, safety, and welfare in Boone County, and to provide for the licensing of salvage yard operations and to promote recycling programs that will help keep Boone County clean.

Section 2. Definitions.

For use in this ordinance certain terms or words used herein shall be interpreted or defined as follows:

"Appliances" see "White Goods"

"Board" shall mean the Board of Supervisors of Boone County.

"Inoperable Motor Vehicle" shall mean any motor vehicle which lacks a current license or two or more wheels or other component parts, the absence of which renders the vehicle unfit for legal use on the highways.

"Enforcement Officer" shall mean the person designated by the Boone County Board of Supervisors who shall enforce the Salvage Yard Ordinance of Boone County.

"Salvage" shall mean all scrap, copper, brass, lead, or any other nonferrous metal; batteries, dismantled or inoperable vehicles, machinery and appliances or parts of such vehicles, machinery or appliances; iron, steel, or other scrap ferrous material; tin ware.

"Salvage Dealer" shall mean any person who buys, sells, transfers, delivers, or stores salvage, including all persons who operate such business at a salvage yard, and any person who by advertisement sign or otherwise holds himself out as salvage dealer in old or discarded metals, machinery, or vehicles.

"Salvage Yard" shall mean any place, used in whole or in part of the storage or deposit of salvage, in connection with a business. A place where more than one inoperable motor vehicle, discarded metal, or machinery, or used parts and materials thereof, are stored or deposited.

"Sheriff" shall mean the County Sheriff of Boone County.

"White Goods" shall mean but are not limited to refrigerators, freezers, air conditioners, dehumidifiers, clothes washers and dryers, conventional and microwave ovens, ranges and stoves, dishwashers, hot water heaters, residential furnaces, garbage disposals, trash compactors, heat pumps, humidifiers, and fluorescent light fixtures containing PCB ballasts and capacitors.

Section 3. **Permit Required.**

No person shall operate the business of salvage dealer in Boone County unless a permit is obtained according to Section 4.

Section 4. **Permit Procedure.**

Application for salvage dealer's permit shall be made on approved forms and submitted to the Planning and Development Department. The application and all other required information shall be submitted at least sixty (60) days prior to the date of issuance of such a permit. Upon such application the Enforcement Officer will inspect the premises for which the applicant seeks a permit and, if the premises comply with applicable statutes and ordinances, shall send a report of review to the Board. The Board will review all materials and make a determination as to the compliance of said Salvage Yard.

All permit renewals shall occur prior to July 1st of even numbered years.

Any person conducting several or separate places of business as a salvage dealer shall pay the permit fee and procure a permit for each such place.

All salvage yards in existence at the time of the adoption of this ordinance shall be granted an extension of four (4) months, from the date of the adoption of this ordinance, to comply with the provisions of this ordinance.

Section 5. **Application Fee.**

An application fee of one hundred dollars (\$100.00) shall be paid at the time of application. The application fee is non-refundable and is intended to cover the cost of inspection and review of said salvage yard.

Section 6. **Bond.**

All permit holders must furnish a three thousand-dollar (\$3,000.00) Surety Contract Bond to insure compliance with regulations.

Section 7. **Right of Entry.**

As a condition to the issuance of every permit, the Enforcement Officer or members of the Board shall, without advance notice, have the right during the hours of 8:30am to 4:00pm Monday through Friday to enter upon, or through a salvage yard, or any premises which is to be maintained under this ordinance. When an inspection results from information provided to the

Board by any person, the Board may notify the permit holder that an inspection is proposed and the permit holder shall be allowed to accompany the inspector during the inspection.

Section 8. **Revocation of Permit.**

In the case where any salvage dealer has violated this ordinance or has otherwise conducted the business in an unlawful manner or if the permit holder has presented any false information to the County, the Board shall have the authority to revoke the Salvage Yard Permit. The salvage dealer shall be given written notice stating the specific violation(s) and a thirty (30) day period of which the salvage dealer may request a hearing before the Board. If after thirty (30) days the Board has not received written request for a hearing from the salvage dealer, the permit shall be revoked. The salvage dealer may choose to reapply for a permit after all violations have been resolved. The issuance of a new permit will include an additional permit fee.

Section 9. **Appeal.**

If the Board revokes or refuses to issue a permit, the Board shall endorse the reasons upon the appropriate forms. The applicant shall have a right to a hearing before the Board at its next regular meeting. The Board may reverse, modify, or affirm the decision by a majority vote.

Section 10. **Transfer to New Operator or New Owner.**

If control of a salvage yard is to be transferred, the previous permit shall immediately be null and void. The new operator or owner shall apply for a permit and follow all regulations as set forth in this ordinance.

Section 11. **Screening Requirement for Salvage yards.**

Except in those instances described in Section 13, a salvage yard as defined in this ordinance is required to have a solid opaque fence and/or landscaping that substantially screens the frontage area in which salvage is stored or deposited. The Board shall also establish what type of enclosure is needed for the remainder of the salvage area. The fence shall be closed and locked after business hours or when the salvage yard is unattended. A sign shall be posted at the entrance indicating operating hours, salvage material accepted, phone number, and NO dropping of material allowed after hours. The fence/landscaping shall be maintained satisfactorily to prevent damage or decay. No salvage shall be stored or deposited outside of the fence/landscaping, nor shall salvage be stacked higher than the fence/landscaping.

Section 12. **Variations from Screening Requirement.**

Variations from the requirement of Section 12 may be granted as follows:

- A- In the event the perimeter of the salvage yard is effectively blocked from public view by natural terrain features or is substantially lower in elevation than the surrounding terrain in a manner which thereby renders the requirements of Section 12 ineffective, the Board may upon application allow the substitution of a non-climbable wire fabric fence in place of the solid opaque fence required in Section 12.
- B- In the event two or more salvage yards which otherwise meet the standards of this ordinance abut each other and are located on lots adjoining each other, the Board may

allow the fencing requirement of Section 12 to be substituted with a non-climbable wire fabric fence.

Section 13. **Other Requirements.**

- A- Segregation of specific items: Each salvage dealer shall segregate specific items or categories of items and store such items until transferred, traded, or disposed of in a legal manner.
- B- Concealing articles to prevent identification: No salvage dealer shall conceal, secrete, or destroy any article purchased or received by him to prevent identification thereof by law enforcement officers or any person claiming ownership.
- C- Disposing of stolen goods or goods for which there is adverse claim: No salvage dealers shall sell, melt, break up, or otherwise dispose of any article which he has reason to believe has been stolen, or has been adversely claimed by a person, or which he has been notified not to sell or otherwise dispose of by any law enforcement officer, without first obtaining a permit in writing from the Board.
- D- Clerks, agents, and employees are subject to governing ordinance: Every clerk, agent, or employee of the salvage dealer shall be subject to and bound by all the provisions of this ordinance, and liable to the same penalties and to the same extent as his employer or principal, for any violation thereof.
- E- Conditions subject to abatement. If any salvage yard is kept or operated in a way detrimental to the health and welfare of the public to the extent that a public or private nuisance exists as established by Boone County Health and Sanitation Regulations, or is kept or operated contrary to the provisions of this ordinance, the County Board shall notify in writing the owner of the land upon which such salvage yard is kept or operated. The operator of the detrimental conditions, shall have, not less than thirty (30) days, and not more than one hundred eighty (180) days to correct said violations. In the event the owner or operator fails to correct such conditions or to comply with the provisions of this ordinance within such time, the county may seek abatement of the nuisance or bring an action enjoining the violations. All nuisances shall be abated in accordance with state and local laws, which may include enforcement action by the DNR. The remedies provided in this section shall be in addition to the penalties provided in Section 15 of this ordinance.
- F- Operating a White Goods salvage yard. Any persons requesting a salvage permit to include the buying, transferring, or storing of appliances must comply with all regulations as set forth by the Department of Natural Resources (DNR). A signed and dated inspection report from the DNR must accompany the request to include appliance salvage on the county permit.
- G- Obtaining required permits from the DNR or the Iowa Department of Transportation (IDOT). Permits as required by the State of Iowa must be applied for within thirty (30) days from the date of issuance of the Boone County Salvage yard permit and remain valid for the term of the permit These permits include the Auto Recycler Permit from the IDOT, and the Storm Water permit from the DNR and the appliance demanufacturing license, if applicable.

Section 14. Hearing.

Any salvage dealer whose yard was closed down under the provisions of Section 8 shall have a right to a hearing before the Board of its next regular meeting. The Board may reverse, modify, or affirm the decision by a majority vote. In case whereby the Board affirms its decision, a salvage yard dealer shall be given thirty (30) days to reverse so as to allow that salvage yard to reopen.

Section 15. Penalty.

Any person found in violation of this ordinance shall be guilty of a county infraction as defined in Iowa Code Section 331.307 (1993). Violations may also result in revocation of permit as provided in Section 9 of this ordinance.

Section 16. Repealer.

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

Section 17. 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 18. When Effective.

This ordinance shall be effective upon its adoption when published according to applicable law.

Passed and adopted by the Board of Supervisors this 13 day of July, 2022.

ACTION UPON FIRST READING

DATE: 7-16-2022

Moved by: Kretzinger

Seconded by: Zinnel

Discussion:

AYES (A), NAYES (N), ABSENT (X):

Steve Duffy A

Bill Zinnel A

Erich Kretzinger A

ACTION UPON SECOND READING

DATE: 7-13-2022

Moved by: Kretzinger

Seconded by: Zinnel

Discussion:

AYES (A), NAYES (N), ABSENT (X):

Steve Duffy

Bill Zinnel

Erich Kretzinger

ACTION UPON FINAL READING

Moved by: Kretzinger *waived*

Seconded by: Zinnel

Discussion:

AYES (A), NAYES (N), ABSENT (X):

Steve Duffy

Bill Zinnel

Erich Kretzinger

Chairman

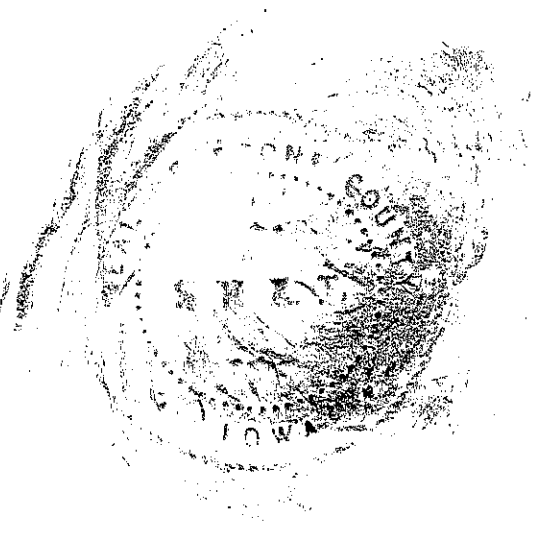
Boone County Board of Supervisors

ATTEST:

Diane Patrick, County Auditor

7-13-22
Date

7-13-2022
Date



ORDINANCE

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

A Public Hearing before the Board of Supervisors of Boone County (in accordance with Code of Iowa Chapter 331.302 and 331.305) will be held on July 6th, 2022 at 10:30 a.m. at the Boone County Courthouse, second floor, Board Room located at 201 State Street, Boone, Iowa 50036 to consider an amendment to the Boone County Salvage Yard Ordinance #5A. The proposed Ordinance #148 modifies Salvage Yard Permits to be valid for a period of two years instead of the yearly permit and also requires that any other required associated permits be kept valid for the term of the permit. A Second Hearing is scheduled for July 13, 2022 at 10:30 a.m. unless suspended at the July 6th, 2022 hearing. A Third Hearing is scheduled for July 20th, 2022 at 10:30 a.m. unless suspended at the July 6th, 2022 or the July 20th, 2022 hearing. This meeting will also be available electronically on Zoom.

Petitioner: Boone County
Location of Property Affected: Boone County Salvage Yards in

unincorporated areas.

The above proposal is open for inspection at the Planning and Development Department, Boone County Courthouse. Persons wishing to appear at such hearing may do so in person, or by attorney, or other representative. Communication in writing in relation thereto may be filed with the Board of Supervisors at or before such hearing. Individuals with disabilities who plan to attend the hearing and who require certain accommodations in order to allow them to observe and participate, or who have questions regarding the accessibility of the meeting or facilities, are requested to contact The Boone County Courthouse (515) 433-0550.

BOONE COUNTY
 Michael J. Salati, Sr.
 Director of Planning and Development

Published by the **Boone News Republican, Ogdan Reporter and the Madrid Register** on or before **June 30, 2022**. Proof of Publication requested and required.

Published in The Madrid Register-News on Thursday, July 6, 2022.

PROOF OF PUBLICATION

STATE OF IOWA }
Boone County } ss.

I, the undersigned, being duly sworn, depose and say, that I am Matthew Grohe, CEO of the Madrid Register News, a weekly newspaper printed in the English language, published at Madrid in Boone County, State of Iowa, and that the annexed Notice of Public Hearing Boone County Board of Supervisors

Salvage Yard Ordinance # 51A
Proposed Ordinance # 148

notice was published in said paper once each week for 1 consecutive weeks, the first publication thereof was on the 6 day of July, 2022, the second on the ___ day of ___, 20___, the third on the ___ day of ___, 20___, the fourth on the ___ day of ___, 20___.

Matthew Grohe

Matthew Grohe, CEO

Subscribed and sworn to before me and in my presence the 8 day of July, 2022,

[Signature]

Notary Public; In and for the State of Iowa



Hannah Murray
 Commission Number 839305
 My Commission Exp. May 10th, 2025

Printer's Fees, \$ 30.20

ORDINANCE

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

A Public Hearing before the Board of Supervisors of Boone County (in accordance with Code of Iowa Chapter 331.302 and 331.305) will be held on July 6th, 2022 at 10:30 a.m. at the Boone County Courthouse, second floor Board Room located at 201 State Street, Boone, Iowa 50036 to consider an amendment to the Boone County Salvage Yard Ordinance #5A. The proposed Ordinance #148 modifies Salvage Yard Permits to be valid for a period of two years instead of the yearly permit and also requires that any other required associated permits be kept valid for the term of the permit. A Second Hearing is scheduled for July 13, 2022 at 10:30 a.m. unless suspended at the July 6th, 2022 hearing. A Third Hearing is scheduled for July 20th, 2022 at 10:30 a.m. unless suspended at the July 6th, 2022 or the July 20th, 2022 hearing. This meeting will also be available electronically on Zoom.

Petitioner: Boone County
Location of Property Affected: Boone County Salvage Yards in

unincorporated areas.

The above proposal is open for inspection at the Planning and Development Department, Boone County Courthouse. Persons wishing to appear at such hearing may do so in person, or by attorney, or other representative. Communication in writing in relation thereto may be filed with the Board of Supervisors at or before such hearing. Individuals with disabilities who plan to attend the hearing and who require certain accommodations in order to allow them to observe and participate, or who have questions regarding the accessibility of the meeting or facilities, are requested to contact The Boone County Courthouse (515) 433-0550.

BOONE COUNTY

Michael J. Salati, Sr.
 Director of Planning and Development

Published by the Boone News Republican, Ogden Reporter and the Madrid Register on or before June 30, 2022. Proof of Publication requested and required.

Published in The Ogden Reporter on Wednesday, July 6, 2022

PROOF OF PUBLICATION

STATE OF IOWA }
Boone County } ss.

I, the undersigned, being duly sworn, depose and say, that I am Matthew Grohe, CEO of The Ogden Reporter, a weekly newspaper printed in the English language, published at Ogden in Boone County, State of Iowa, and that the annexed Notice of Public Hearing Board of Supervisors July 6, 2022 Meeting Salvage Yard ordinance #5A Proposed Ordinance #148

notice was published in said paper once each week for 1 consecutive weeks, the first publication thereof was on the 6 day of July, 2022, the second on the ___ day of ___, 20___, the third on the ___ day of ___, 20___, the fourth on the ___ day of ___, 20___,

Matthew Grohe

Matthew Grohe, CEO

Subscribed and sworn to before me and in my presence the 8 day of July, 2022,

[Signature]

Notary Public; In and for the State of Iowa



Hannah Murray
 Commission Number 839305
 My Commission Exp. May 10th, 2025

Printer's Fees, \$ 22.63

ORDINANCE

LEGAL NOTICE

NOTICE OF PUBLIC HEARING

A Public Hearing before the Board of Supervisors of Boone County (in accordance with Code of Iowa Chapter 331.302 and 331.305) will be held on July 6th, 2022 at 10:30 a.m. at the Boone County Courthouse, second floor Board Room located at 201 State Street, Boone, Iowa 50036 to consider an amendment to the Boone County Salvage Yard Ordinance #5A. The proposed Ordinance #148 modifies Salvage Yard Permits to be valid for a period of two years instead of the yearly permit and also requires that any other required associated permits be kept valid for the term of the permit. A Second Hearing is scheduled for July 13, 2022 at 10:30 a.m. unless suspended at the July 6th, 2022 hearing. A Third Hearing is scheduled for July 20th, 2022 at 10:30 a.m. unless suspended at the July 6th, 2022 or the July 20th, 2022 hearing. This meeting will also be available electronically on Zoom.

Petitioner: Boone County
Location of Property Affected: Boone County Salvage Yards in

unincorporated areas.

The above proposal is open for inspection at the Planning and Development Department, Boone County Courthouse. Persons wishing to appear at such hearing may do so in person, or by attorney, or other representative. Communication in writing in relation thereto may be filed with the Board of Supervisors at or before such hearing. Individuals with disabilities who plan to attend the hearing and who require certain accommodations in order to allow them to observe and participate, or who have questions regarding the accessibility of the meeting or facilities, are requested to contact The Boone County Courthouse (515) 433-0550.

BOONE COUNTY
 Michael J. Salati, Sr.
 Director of Planning and Development

Published by the **Boone News Republican, Ogdon Reporter and the Madrid Register** on or before **June 30, 2022**. Proof of Publication requested and required.

Published in The Madrid Register-News on Thursday, July 6, 2022

PROOF OF PUBLICATION

STATE OF IOWA } **SS.**
Boone County }

I, the undersigned, being duly sworn, depose and say, that I am Matthew Grohe, CEO of the Madrid Register News, a weekly newspaper printed in the English language, published at Madrid in Boone County, State of Iowa, and that the annexed

Notice of Public Hearing Boone County Board of Supervisors Salvage Yard Ordinance #5A Proposed Ordinance #148

notice was published in said paper once each week for 1 consecutive weeks, the first publication thereof was on the 6 day of July, 2022

the second on the _____ day of _____, 20____,
 the third on the _____ day of _____, 20____,
 the fourth on the _____ day of _____, 20____.

Matthew Grohe

Matthew Grohe, CEO

Subscribed and sworn to before me and in my presence the 7 day of July, 2022,

Kalena

Notary Public; In and for the State of Iowa



Rebekah H Mahan
 Commission Number 837544
 My Commission Exp. February 18, 2025

Printer's Fees, \$ 28.43