

LOCAL ORDINANCE #42
MITCHELL COUNTY JUNK VEHICLE ORDINANCE

SECTION 1 - PURPOSE:

The purpose of this ordinance is to prevent the citizens of Mitchell County from storing junk vehicles in the following Districts:

RS; Residential, Single-Family District
RM; Residential, Multi-Family District
MH; Mobile Home District
AC; Arterial Commercial District
AG-D; Agricultural Development District

SECTION 2 - AUTHORITY:

This local ordinance is enacted pursuant to the provisions of Chapter 335 of the Code of Iowa and amendatory acts thereto.

SECTION 3 - TITLE:

The title of this ordinance shall be the "Mitchell County Junk Vehicle Ordinance."

SECTION 4 - RESTRICTIONS:

No person shall store a junk vehicle or vehicles on property in the RS, RM, MH, AC and AG-D Districts of Mitchell County. Junk vehicle or vehicles are a motor vehicle or vehicles which are currently in an unlicensed and/or inoperable condition or those not displaying current registration plates/stickers or tags.

SECTION 5 - ENFORCEMENT:

This local ordinance may be enforced by the Mitchell County Sheriff's Office or any law enforcement officer in Mitchell County when acting pursuant to his or her duties. When a complaint is received concerning this ordinance, said complaint shall be referred to the Mitchell County Attorney's Office. The Mitchell County Attorney's Office shall send a letter to the alleged violator giving them thirty (30) days in which to comply with the ordinance. If said vehicle or vehicles still remain on the property after the thirty (30) days, the person shall be charged as stated in this ordinance.

SECTION 6 - COMPLAINT:

Any person who observes a junk vehicle in violation of this ordinance may file a complaint with the Mitchell County Sheriff's Office or the Mitchell County Zoning Administrator of the Planning and Zoning Department specifying the nature of the violation, the date thereof, a description of the junk vehicle and the name and residence, if known, of the owner of the junk vehicle. Such complaint may serve as the basis for enforcing the provisions of this ordinance. Any individual filing a false complaint under this ordinance shall be deemed to have committed a violation of Iowa Code §718.6.

SECTION 7 - APPEARANCE CITATION:

The Mitchell County Sheriff's Office, the Mitchell County Zoning Administrator or any law enforcement officer in Mitchell County upon investigation of a violation of this ordinance may issue and serve an appearance citation for such violation.

SECTION 8 - PENALTIES:

A penalty in a minimum amount of \$50.00 and a maximum amount of \$500.00, and, if necessary, costs of abatement, will be assessed to the person in violation, including a tenant and landlord. Each day such violation continues shall be considered a separate offense.

SECTION 9 - SEPARABILITY:

Each separate provision of this ordinance shall be deemed independent of all other provisions herein; and if any provisions shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

SECTION 10 - REPEALER:

This ordinance shall supersede all prior local laws, ordinances, rules and regulations relative to the control of junk vehicles within Mitchell County in conflict with this ordinance. This provision shall be in addition to the restrictions set forth in Mitchell County Zoning Ordinance #17, section 1.08.38.

SECTION 11 - EFFECTIVE DATE:

This enactment shall be in full force and effect from and after its passage and adoption as provided by law.

Adopted by the Board of Supervisors on this 16 day of Feb, 2010.

MITCHELL COUNTY BOARD OF SUPERVISORS

By: Stanley R. Walk Chair
Stanley R. Walk, Chairperson, Board of Supervisors

ATTEST:

Lowell Tesch
Lowell Tesch, County Auditor