

CHAPTER 105

SOLID WASTE CONTROL

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105.01 PURPOSE. The purpose of the chapters in this Code of Ordinances pertaining to Solid Waste Control is to provide for the sanitary storage, collection and disposal of solid waste and, thereby, to protect the citizens of the City from such hazards to their health, safety and welfare as may result from the uncontrolled disposal of solid waste.

105.02 DEFINITIONS. For use in these chapters the following terms are defined:

1. “Collector” means any person authorized to gather solid waste from public and private places.
2. “Director” means the director of the State Department of Natural Resources or any designee.

(Code of Iowa, Sec. 455B.101[2b])

3. “Discard” means to place, cause to be placed, throw, deposit or drop.

(Code of Iowa, Sec. 455B.361[2])

4. “Dwelling unit” means any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.

5. “Garbage” means all solid and semisolid, putrescible animal and vegetable waste resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products, and includes all such substances from all public and private establishments and from all residences.

(IAC, 567-100.2)

6. “Landscape waste” means any vegetable or plant waste except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.

(IAC, 567-20.2[455B])

7. “Litter” means any garbage, rubbish, trash, refuse, waste materials or debris.

(Code of Iowa, Sec. 455B.361[1])

8. “Owner” means, in addition to the record titleholder, any person residing in, renting, leasing, occupying, operating or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.

9. “Refuse” means putrescible and non-putrescible waste, including but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings, market and industrial solid waste and sewage treatment waste in dry or semisolid form.

(IAC, 567-100.2)

10. “Residential premises” means a single-family dwelling and any multiple-family dwelling up to and including two (2) separate dwelling units.

11. “Residential waste” means any refuse generated on the premises as a result of residential activities. The term includes landscape waste grown on the premises or deposited thereon by the elements, but excludes garbage, tires, trade wastes and any locally recyclable goods or plastics.

(IAC, 567-20.2[455B])

12. “Rubbish” means non-putrescible solid waste consisting of combustible and non-combustible waste, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind.

(IAC, 567-100.2)

13. “Sanitary disposal” means a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.

(IAC, 567-100.2)

14. “Sanitary disposal project” means all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the Director.

(Code of Iowa, Sec. 455B.301)

15. “Solid waste” means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by subsection one of Section 321.1 of the Code of Iowa.

(Code of Iowa, Sec. 455B.301)

105.03 SANITARY DISPOSAL REQUIRED. It is the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner’s premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than thirty (30) days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Chapter 50 or by initiating proper action in district court.

(Code of Iowa, Ch. 657)

105.04 HEALTH AND FIRE HAZARD. It is unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste that constitute a health, sanitation or fire hazard.

105.05 OPEN BURNING RESTRICTED. No person shall allow, cause or permit open burning of combustible materials where the products of combustion are emitted into the open air; except that open burning is permitted in the following circumstances:

(IAC, 567-23.2[455B] and 567-100.2)

1. Disaster Rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists.

(IAC, 567-23.2[3a])

2. Recreational Fires. Indoor or outdoor fireplaces or barbecue grills used solely for entertainment purposes or the preparation of food for human consumption. Said fireplaces or barbecue grills shall burn only unprocessed wood products, charcoal, propane, and/or natural gas and have provisions for under-fire air for holding an outdoor fire off the ground.

3. Training Fires. Fires set for the purpose of bona fide training of public or industrial employees in fire fighting methods, provided that the training fires are conducted in compliance with rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3g])

4. Agricultural Structures. The open burning of agricultural structures if in accordance with rules and limitations established by the State Department of Natural Resources.

(IAC, 567-23.2[3i])

5. Variance. Any person wishing to conduct open burning of materials not permitted herein may make application for a variance to the Fire Chief.

(IAC, 567-23.2[2])

(Ordinance No. 04-214)

105.06 SEPARATION OF YARD WASTE REQUIRED. All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises and shall be composted on the premises, burned on the premises in accordance with Section 105.05 (2) of this chapter or placed in acceptable containers with a City yard waste sticker attached thereto and set out for collection. As used in this section, “yard waste” means any debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

105.07 LITTERING PROHIBITED. No person shall discard any litter onto or in any water or land, except that nothing in this section shall be construed to affect the authorized collection and discarding of such litter in or on areas or receptacles provided for such purpose. When litter is discarded from a motor vehicle, the driver of the motor vehicle shall be responsible for the act in any case where doubt exists as to which occupant of the motor vehicle actually discarded the litter.

(Code of Iowa, Sec. 455B.363)

105.08 OPEN DUMPING PROHIBITED. No person shall dump or deposit or permit the dumping or depositing of any solid waste on the surface of the ground or into a body or stream of water at any place other than a sanitary disposal project approved by the Director, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Director. However, this section does not prohibit the use of dirt, stone, brick or similar inorganic material for fill, landscaping, excavation, or grading at places other than a sanitary disposal project.

(Code of Iowa, Sec. 455B.307 and IAC, 567-100.2)

105.09 TOXIC AND HAZARDOUS WASTE. No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous waste. Such materials shall be transported and disposed of as prescribed by the Director. As used in this section, “toxic and hazardous waste” means waste materials, including but not limited to, poisons, pesticides, herbicides, acids, caustics, pathological waste, flammable or explosive materials and similar harmful waste which requires special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

(IAC, 567-100.2)

(IAC, 567-102.14[2] and 400-27.14[2])

105.10 WASTE STORAGE CONTAINERS. Every person owning, managing, operating, leasing or renting any premises, dwelling unit or any place where refuse accumulates shall provide and at all times maintain in good order and repair portable containers for refuse in accordance with the following:

1. Container Specifications. Waste storage containers shall comply with the following specifications:

A. Residential. Residential waste containers, whether they be reusable, portable containers or heavy-duty disposable garbage bags, shall be of sufficient capacity, and leak proof and waterproof. The total weight of any container and contents shall not exceed fifty (50) pounds. Disposable containers shall be securely fastened, and reusable containers shall be fitted with a fly-tight lid which shall be kept in place except when depositing or removing the contents of the container. Reusable containers shall also be lightweight and of sturdy construction and shall have suitable lifting devices.

B. Commercial. Every person owning, managing, operating, leasing or renting any commercial premises where an excessive amount of refuse accumulates and where its storage in portable containers as required above is impractical, shall maintain metal bulk storage containers approved by the City.

2. Storage of Containers. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner has been granted written permission from the City to use public property for such purposes. The storage site shall be well drained; fully accessible to collection equipment, public health personnel and fire inspection personnel. All owners of residential and commercial premises shall be responsible for proper storage of all garbage and yard waste to prevent materials from being blown or scattered around neighboring yards and streets.

3. Location of Containers for Collection. Containers for the storage of solid waste awaiting collection shall be placed at the curb or alley line by the owner or occupant of the premises served. Containers or other solid waste placed at the curb line shall not be so placed more than twelve (12) hours in advance of the regularly scheduled collection day and shall be promptly removed from the curb line following collection.

4. Nonconforming Containers. Solid waste containers which are not adequate will be collected together with their contents and disposed of after due notice to the owner.

105.11 PROHIBITED PRACTICES. It is unlawful for any person to:

1. Unlawful Use of Containers. Deposit refuse in any solid waste containers not owned by such person without the written consent of the owner of such containers.

2. Interfere with Collectors. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors be those of the City, or those of any other authorized waste collection service.

3. Incinerators. Burn rubbish or garbage except in incinerators designed for high temperature operation, in which solid, semisolid, liquid or gaseous combustible refuse is ignited and burned efficiently, and from which the solid residues contain little or no combustible material, as acceptable to the Environmental Protection Commission.

4. Scavenging. Take or collect any solid waste which has been placed out for collection on any premises, unless such person is an authorized solid waste collector.

105.12 SANITARY DISPOSAL PROJECT DESIGNATED. The sanitary landfill facilities operated by Metro Waste Authority are hereby designated as the official “Public Sanitary Disposal Project” for the disposal of solid waste produced or originating within the City.

105.13 RECYCLING PROGRAM. The collection of recyclable materials from residential premises shall be provided in accordance with an agreement entered into with the Metro Waste Authority and in accordance with the rules and regulations of the recycling program as established by the Metro Waste Authority. Recyclables shall be separated by the owner or occupant from all other solid waste, shall be prepared in accordance with said rules and regulations and placed in recycling containers supplied by the Metro Waste Authority and set out for collection.

105.14 MUNICIPAL COMPOST AREA AND YARD WASTE DISPOSAL SITE. The Compost Area and Yard Waste Disposal Site operated by the City shall be designated as the official site for the disposal of yard waste produced or originated within the City, subject to the following:

1. Disposal of Brush Collection and Chipping. The disposal of brush collection chipping shall be subject to the following rules, regulations, and restrictions:

A. It is unlawful to operate a motor vehicle within the Compost Area and Yard Waste Disposal Site at a speed in excess of fifteen (15) miles per hour.

B. It is unlawful to operate any all-terrain vehicles, snowmobiles or motorcycles within the Compost Area and Yard Waste Disposal Site.

C. All vehicles shall be operated on established roadways within the facility.

D. Yard waste disposed of within the facility shall be placed only at areas within the Compost Area and Yard Waste Disposal Site designated to accept yard waste.

E. The Compost Area and Yard Waste Disposal Site shall be available for disposal of yard waste commencing at eight o'clock a.m. and ending at twelve o'clock p.m. on the first Saturday of the month from April to November.

2. Yard Waste from Outside City Prohibited. It is unlawful for any person to dispose of yard waste or brush in the Compost Area and Yard Waste Disposal Site which did not originate or was not produced within the City limits.

3. Permitted Material for Disposal. Only landscape waste as defined in Section 105.02 of this chapter and produced or originating within the City may be disposed of in the facility.

4. Prohibited Material. It is unlawful to dispose of any garbage, paper, construction materials of any kind, stumps, rocks, plastic, metal or iron of any kind, appliances, furniture, tires, rims, oil filters, car or truck parts of any kind, animal feces, animal carcass, cans, bottles, buckets, containers, any material from household, office, business, or garages, or any other material or substance which does not fall within the definition of yard waste as set forth herein.

5. Violation. Property owners who violate any of these rules will be subject to a Municipal Infraction citation in addition to subjecting the cost of removing the material in violation of this section and the proper disposal thereof.

(Ordinance No. 14-203)

(Ordinance No. 17-202)

CHAPTER 106

COLLECTION OF SOLID WASTE

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| 106.01 Collection Service | 106.06 Right of Entry |
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| 106.03 Loading | 106.08 Collector's License |
| 106.04 Frequency of Collection | 106.09 Collection Fees |
| 106.05 Bulky Rubbish | 106.10 Lien for Nonpayment |

106.01 COLLECTION SERVICE. The City shall provide by contract for the collection of solid waste, except bulky rubbish as provided in Section 106.05, from residential premises only. The owners or operators of commercial, industrial or institutional premises shall provide for the collection of solid waste produced upon such premises.

106.02 COLLECTION VEHICLES. Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste or solid waste containing such materials shall be leak proof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution or insect breeding and shall be maintained in good repair.

(IAC, 567-104.9[455B])

106.03 LOADING. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be covered to prevent blowing or loss of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

106.04 FREQUENCY OF COLLECTION. All solid waste shall be collected from residential premises at least once each week and from commercial, industrial and institutional premises as frequently as may be necessary, but not less than once each week.

106.05 BULKY RUBBISH. Bulky rubbish which is too large or heavy to be collected in the normal manner of other solid waste may be collected by the collector upon request in accordance with procedures therefore established by the Council and hauler.

106.06 RIGHT OF ENTRY. Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this chapter; however, solid waste collectors shall not enter dwelling units or other residential buildings.

106.07 CONTRACT REQUIREMENTS. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste from residential premises for the City without first entering into a contract with the City. This section does not prohibit an owner from

transporting solid waste accumulating upon premises owned, occupied or used by such owner, provided such refuse is disposed of properly in an approved sanitary disposal project. Furthermore, a contract is not required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities, provided that all such materials are conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported is spilled upon any public right-of-way.

106.08 COLLECTOR'S LICENSE. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste other than waste produced by that person within the City without first obtaining from the City an annual license in accordance with the following:

1. Application. Application for a solid waste collector's license shall be made to the City Administrator and provide the following:

A. Name and Address. The full name and address of the applicant, and if a corporation, the names and addresses of the officers thereof.

B. Equipment. A complete and accurate listing of the number and type of collection and transportation equipment to be used.

C. Collection Program. A complete description of the frequency, routes and method of collection and transportation to be used.

D. Disposal. A statement as to the precise location and method of disposal or processing facilities to be used.

2. Insurance. No collector's license shall be issued until and unless the applicant therefore, in addition to all other requirements set forth, shall file and maintain with the City evidence of satisfactory public liability insurance covering all operations of the applicant pertaining to such business and all equipment and vehicles to be operated in the conduct thereof in the following minimum amounts:

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| Bodily Injury: | – \$100,000 per person |
| | – \$300,000 per occurrence |
| Property Damage: | – \$ 50,000 |

Each insurance policy required hereunder shall include as a part thereof provisions requiring the insurance carrier to notify the City of the expiration, cancellation or other termination of coverage not less than ten (10) days prior to the effective date of such action.

3. License Fee. A license fee, in accordance with the fee schedule established by resolution of the Council, shall accompany the application. In the event the requested license is not granted, the fee paid shall be refunded to the applicant.

4. License Issued. If the City Administrator upon investigation finds the application to be in order and determines that the applicant will collect, transport, process or dispose of solid waste without hazard to the public health or damage to the environment and in conformity with law and ordinance, the requested license shall be issued to be effective for a period of one year from the date approved.

5. License Renewal. An annual license may be renewed simply upon payment of the required fee, provided the applicant agrees to continue to operate in substantially the same manner as provided in the original application and provided the applicant furnishes the City Administrator with a current listing of vehicles, equipment and facilities in use.

6. License Not Transferable. No license authorized by this chapter may be transferred to another person.

7. Owner May Transport. Nothing herein is to be construed so as to prevent the owner from transporting solid waste accumulating upon premises owned, occupied or used by such owner, provided such refuse is disposed of properly in an approved sanitary disposal project.

8. Grading or Excavation Excepted. No license or permit is required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities; however, all such materials shall be conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported spills upon any public right-of-way.

106.09 COLLECTION FEES. The collection and disposal of solid waste as provided by this chapter are declared to be beneficial to the property served or eligible to be served and there shall be levied and collected fees therefore in accordance with the following:

(Goreham vs. Des Moines, 1970, 179 NW 2nd, 449)

1. Schedule of Fees. The fees for solid waste collection and disposal service, used or available, are:

A. For each residential premises and for each dwelling unit of a multiple-family dwelling for either a 96 gallon toter - \$8.90 per month, per toter

B. For each residential premises and for each dwelling of a multi-family dwelling for a 48 gallon toter - \$8.20 per month, per toter

C. Recycling Fee - \$3.60 per month

(Ordinance No. 03-214)

(Ordinance No. 05-200)

(Ordinance No. 05-208)

(Ordinance No. 06-209)

(Ordinance No. 09-200)

(Ordinance No. 09-217)
(Ordinance No. 12-207)
(Ordinance No. 13-201)
(Ordinance No. 15-201)
(Ordinance No. 16-213)
(Ordinance No. 16-216)
(Ordinance No. 18-216)
(Ordinance No. 190304-204)

2. Payment of Bills. All fees are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.04 of this Code of Ordinances. Solid waste collection service may be discontinued in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent and the provisions contained in Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.

106.10 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof are jointly and severally liable for fees for solid waste collection and disposal. Fees remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the City Administrator to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

106.11 NONWATER ACCOUNTS. Commencing January 1, 2016, all owners of real property and/or residents whom hold Nonwater Accounts (as defined in Section 90.01(3) of this Code) shall be obligated as follows:

1. Customer Deposit. There shall be required from every Nonwater account a one hundred dollar (\$100) deposit. Said deposit is intended to guarantee the payment of bills for service. Said deposit shall be used to pay the final bill with any remaining credit returned to the customer.

2. Billing for Garbage Service. Garbage service shall be payable as follows:

A. Invoices Issued. The City Administrator shall prepare and issue bills for combined service accounts on or before the first day of each month.

B. Bills Payable. Bills for garbage accounts shall be due and payable at City Hall by the fifteenth (15th) day of each month.

C. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A one-time late payment penalty of ten (10%) of the amount due shall be added to each delinquent bill.

106.12 SERVICE DISCONTINUED. Garbage service to delinquent customers shall be discontinued in compliance with Iowa Code 476.20 and the following:

1. Notice. The City Administrator shall notify, in the form of a Service Discontinued Notice, each delinquent customer that service will be discontinued if payment of the combined service account, including late payment charges, is not received by the date specified in the notice of delinquency. Such notice shall be sent by ordinary mail to the account holder in whose name the delinquent rates or charges were incurred and shall inform the customer of the nature of the delinquency and afford the customer the opportunity for a hearing prior to the discontinuance.

2. Hearing. In the event a resident receiving a delinquency notice desires to request a hearing regarding discontinuance of their service, said hearing must be requested no later than 12:00 p.m. on the day preceding the due date set out in the delinquency notice. Any request for such a hearing must be done in writing and timely delivered in person to City Hall. Said hearing, if timely requested, shall be set for the next regularly scheduled City Council Meeting. The City Council, after hearing from the appellant, shall then make a determination as to whether the delinquency notice fee shall stand, whether service shall be discontinued, and/or if there is good cause found, the delinquency fee may be waived. If the City Council finds by a majority vote of the Members present that there is no good cause to waive the fee, the delinquent fee shall be assessed against the property.

3. Fee. A fee of \$50 shall be charged before service is restored to a delinquent customer. Said fee shall be effective and assessed at 8:30 a.m., on the morning following the termination date on the above-referenced Service Discontinued Notice, except in the event that full payment is received prior to 8:30 a.m., on said date.

4. Lien for Nonpayment. The owner of the premises served and any lessee or tenant thereof are jointly and severally liable for fees for solid waste collection and disposal. Fees remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes. (Code of Iowa, Sec. 384.84)

(Ordinance No. 15-216)