

GARBAGE AND SOLID WASTE

TABLE OF CONTENTS

CHAPTER 105 - SOLID WASTE CONTROL	531
CHAPTER 106 - COLLECTION OF SOLID WASTE.....	541
CHAPTER 107 - RECYCLING PROGRAM.....	551

CHAPTER 105

SOLID WASTE CONTROL

105.01 Purpose	105.08 Open Dumping Prohibited
105.02 Definitions	105.09 Toxic and Hazardous Waste
105.03 Sanitary Disposal Required	105.10 Waste Storage Containers
105.04 Health and Fire Hazard	105.11 Prohibited Practices
105.05 Open Burning Restricted	105.12 Sanitary Disposal Project Designated
105.06 Separation of Yard Waste Required	105.13 Municipal Compost Area and Yard Waste Disposal Site
105.07 Littering Prohibited	

105.01 PURPOSE. The purpose of the chapters in this Code of Ordinances pertaining to Solid Waste Control and Collection 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. “Discard” means to place, cause to be placed, throw, deposit or drop.
(Code of Iowa, Sec. 455B.361[2])
3. “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.
4. “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)
5. “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])
6. “Litter” means any garbage, rubbish, trash, refuse, waste materials or debris.
(Code of Iowa, Sec. 455B.361[1])
7. “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.
8. “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)

9. “Residential premises” means a single-family dwelling and any multiple-family dwelling not provided with a one-yard or larger solid waste container to serve all occupants thereof. Each multiple-family dwelling provided with a one-yard or larger container to serve all the occupants thereof is considered a commercial collection.

10. “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])

11. “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)

12. “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)

13. “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 of the State Department of Natural Resources.

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

14. “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 without passing through a chimney or stack, 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, provided that the burning of any structures or demolished structures is conducted in accordance with 40 CFR Section 61.145.

(IAC, 567-23.2[3a])

2. Trees and Tree Trimmings. The open burning of trees and tree trimmings at a City-operated burning site, provided such burning is conducted in compliance with the rules established by the State Department of Natural Resources.

(IAC, 567-23.2[3b])

3. Flare Stacks. The open burning or flaring of waste gases, provided such open burning or flaring is conducted in compliance with applicable rules of the State Department of Natural Resources.

(IAC, 567-23.2[3c])

4. Landscape Waste. The disposal by open burning of landscape waste originating on the premises. However, the burning of landscape waste produced in clearing, grubbing and construction operations shall be limited to areas located at least one-fourth (¼) mile from any building inhabited by other than the landowner or tenant conducting the open burning. Rubber tires shall not be used to ignite landscape waste.

(IAC, 567-23.2[3d])

5. Recreational Fires. Open fires for cooking, heating, recreation and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the State Department of Natural Resources. Rubber tires shall not be burned in a recreational fire.

(IAC, 567-23.2[3e])

6. Training Fires. Fires set for the purpose of conducting 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])

7. Controlled Burning of a Demolished Building. The controlled burning of a demolished building by the City, subject to approval of the Council, provided that the controlled burning is conducted in accordance with rules and limitations established by the State Department of Natural Resources.

(IAC, 567-23.2[3j])

8. Variance. Any person wishing to conduct open burning of materials not permitted herein may make application for a variance to the Director of the State Department of Natural Resources.

(IAC, 567-23.2[2])

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. 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 of the State Department of Natural Resources, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Director of the State Department of Natural Resources. 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 of the State Department of Natural Resources. 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, 567-102.13[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 leakproof and waterproof. 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 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 24 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 placed in containers which are not in compliance with the provisions of this section will not be collected.

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 the Delaware County Solid Waste Commission are hereby designated as the official "Public Sanitary Disposal Project" for the disposal of solid waste produced or originating within the City.

105.13 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 originating within the City, subject to the following:

1. General Rules of Operation.
 - A. It is unlawful to operate a motor vehicle within the Compost Area and Yard Waste Disposal Site at a speed in excess of 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 sun-up and ending at sun-down each day.
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 yard waste as defined in Section 105.06 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. Violations. Violation of this section shall constitute a misdemeanor in addition to subjecting the violator to civil penalties which shall include the cost of removing the material in violation of this section and the proper disposal thereof.

[The next page is 541]

CHAPTER 106

COLLECTION OF SOLID WASTE

106.01 Collection Service
106.02 Collection Vehicles
106.03 Loading
106.04 Frequency of Collection
106.05 Bulky Rubbish

106.06 Right of Entry
106.07 Collector's License
106.08 Collection Fees
106.09 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 leakproof, 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.

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 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 Clerk 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:
- | | |
|------------------|-----------------------------|
| 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 an amount 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 Council 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 Clerk 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.

106.08 COLLECTION FEES. The collection and disposal of solid waste, recyclables and Compost Area Maintenance 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. Collection Fees. The fee for solid waste and recyclables collection is \$10.85 per month for each dwelling unit. This fee shall cover three bags of solid waste and three containers of recyclables per week. Any solid waste or recyclables exceeding this limitation shall be billed separately by the hauler.
2. Disposal Fees. The fees for solid waste disposal are:
 - A. Each dwelling unit - \$0.30 per month.
 - B. Each commercial or institutional premises - \$1.30 per month.
 - C. Each industrial premises - \$2.80 per month.
3. Fee for Compost Area Maintenance. The fee for compost area maintenance, including the chipping of brush and trees that have been deposited in the compost area, is \$2.00 per month for each dwelling, commercial or institutional and industrial unit.
4. 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 92.10 of this Code of Ordinances, except the 5% late payment penalty shall not apply to solid waste collection and disposal fees.
5. Exemption From Payment of Solid Waste and Recyclable Collection/Disposal Fees and Compost Area Maintenance Fee. If a dwelling, business or industrial building is vacant and has the water meter sealed or removed from the premises, there will be no charge for solid waste and recyclable collection fees, disposal fees (landfill fees) and compost area maintenance fees.

106.09 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)

[The next page is 551]

CHAPTER 107

RECYCLING PROGRAM

107.01 Definitions

107.02 Establishment of Recycling Program

107.03 Containers

107.04 Items Not Allowed in Solid Waste

107.05 Recyclable Materials to be Separated

107.06 Preparation and Placement of Recyclables

107.07 Scavenging Prohibited

107.08 Fees

107.01 DEFINITIONS. For use in this chapter the following terms are defined:

1. “Aluminum cans” means empty all-aluminum beverage and food containers, except those aluminum beverage cans returned by the resident for redemption at a can and bottle redemption center.
2. “Bimetal containers” means empty beverage or food containers consisting of sides and bottom and an aluminum top.
3. “Corrugated paper” means paperboard or cardboard boxes constructed in a fluted manner.
4. “Glass containers” means bottles and jars made of clear, green or brown glass, except those glass jars returned by the resident for redemption at a can and bottle redemption center.
5. “Magazines” means slick coated periodicals and advertising circulars.
6. “Newspaper” means paper of the type commonly referred to as newsprint and distributed at fixed intervals. All slick inserts should be separated from newsprint and placed with magazines. Expressly excluded are newspapers which are wet or soiled.
7. “Office paper” means white letterheads, plain paper copies, white computer printout paper and various white forms, typing paper, note paper and call slips.
8. “Plastics” means container plastics which carry recycling codes and are numbered 1 through 6.
9. “Recyclable materials” means any used material having an economic value in the secondary materials market and includes aluminum cans and articles, bimetal cans, glass containers, corrugated paper, computer printout paper, computer tab cards, office paper, food cans, newspaper, paper products not chemically coated, plastics, and other materials designated by ordinance by the City as having value.
10. “Textiles” means clothing and material for clothing, window drapes, and furniture. For the purposes of this definition, “textiles” includes belts, shoes and women’s handbags.

107.02 ESTABLISHMENT OF RECYCLING PROGRAM. A program for the separation of recyclable materials from municipal waste is established for curbside recycling. Residents shall be responsible for the separation and preparation of recyclable materials from solid waste and their placement at curbside or at sites established by this chapter. Recyclable materials shall be collected weekly by the City’s designated collector.

107.03 CONTAINERS. Recyclable materials shall be placed for collection in containers designated and labeled as recycling containers as designated by the City. Said containers shall be approved by the City.

1. All persons shall maintain the recycling containers in a sanitary condition and shall replace lost or damaged containers at their own expense within ten (10) days of receiving written notice to do so from the collector of recyclable materials.
2. No person shall place yard waste or any other nonrecyclable materials in a recycling container.

107.04 ITEMS NOT ALLOWED IN SOLID WASTE.

1. Lead Acid Batteries. No person shall place a lead acid battery in mixed municipal solid waste, discard or otherwise dispose of a lead acid battery except by delivery to an automotive battery retailer or wholesaler, to a secondary lead smelter licensed by the Environmental Protection Agency or to a collection or recycling facility authorized under the laws of the State.
2. Tires. No person shall place a tire in mixed municipal solid waste, discard or otherwise dispose of such tire except to a waste tire collection site authorized under the laws of the State.
3. Waste Oil and Waste Oil Filters. No person shall place any oil or untreated waste oil filters in mixed municipal solid waste, discard or otherwise dispose of oil and untreated filters except to a collection or recycling facility authorized under the laws of the State.

107.05 RECYCLABLE MATERIALS TO BE SEPARATED. Occupants served by curbside recycling collection are required to separate from their municipal waste the following materials:

1. Clear, brown and green glass bottles and jars;
2. Aluminum beverage cans;
3. Bimetal and steel food and beverage containers;
4. Plastic containers which carry recycling codes numbered 1 through 6;
5. Newspaper and cardboard;
6. Magazines and slick coated inserts or advertising circulars;
7. White office paper.

107.06 PREPARATION AND PLACEMENT OF RECYCLABLES.

1. Materials will be prepared in the following manner:
 - A. Glass bottles and jars will be rinsed of all food or beverage residue and lids will be removed. Labels and neck rings may remain. Glass shall be kept separate from other recyclables.
 - B. Aluminum, bimetal and steel cans, and plastic containers shall be rinsed of all food or beverage residue and placed loosely in recycling bins. Labels may remain.

- C. Newspapers, magazines, slick coated papers, coupons and cardboard should be placed loosely in recycling bins. Discard any wet or soiled paper products.
2. Materials will be placed for collection in the following manner:
 - A. The occupant will place properly prepared recyclables (except for glass) in a recycling container approved by the City.
 - B. Recyclables will be placed at curbside no sooner than 24 hours prior to the next scheduled pickup.

107.07 SCAVENGING PROHIBITED. Ownership of recyclable materials placed for collection shall be vested in the collector designated by the City. No person other than the collector shall take or collect any recyclable materials placed for collection. Nothing in this section shall preclude a person from disposing of recyclable materials with commercial recyclers or salvage yards. This section does not preclude all persons other than the collector designated by the City from conducting drives for the collection of recyclable materials.

107.08 FEES. The collection recyclables is declared to be a benefit to the property served or eligible to be served and there shall be levied and collected a fee therefore in accordance with Section 106.08 of this Code of Ordinances.

[The next page is 575]