

CHAPTER 105

COLLECTION AND DISPOSAL OF SOLID WASTE, RECYCLABLES, AND YARD WASTE

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105.01 PURPOSE. The purpose of this chapter is to provide for the sanitary storage, collection and disposal of solid wastes and, thereby, to protect the citizens of the City from such hazards to their health, safety, and welfare as may result for the uncontrolled disposal of solid wastes.

105.02 DEFINITIONS.

1. “Building waste material” means waste material from the construction, destruction, or demolition of residential, commercial, industrial, or farm buildings or structures, except brick and foundation materials.
2. “Bulky waste” means large household appliances such as stoves, refrigerators, television sets, washing machines, dryers, furniture, logs, and other items of similar size and fixtures and materials too large to fit into an approved container. Bulky waste does not include tires, hazardous substances, dead animals, and batteries.
3. “Commercial solid waste” means solid waste resulting from the operation of any commercial, industrial, or agricultural business located upon any premises including premises used in whole or in part as a dwelling.
4. “Construction and demolition waste” means lumber, roofing material, sheathing, rubble, broken concrete, plaster and brick, conduit, pipe, wire insulation and similar material which results from a construction, demolition or remodeling process.
5. “Director” or “executive director” means the director of the State Department of Natural Resources or designee.
6. “Discard” means to place, cause to be placed, throw, deposit or drop.
7. “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 intended to be used for living, sleeping, cooking and eating, commonly referred to as an apartment.
8. “Garbage” means all solid and semisolid, putrescible animal and vegetable waste resulting from the handling, preparing, cooking, storing, serving and consuming of food.
9. “Glass containers” means clean glass bottles and jars made from clear, green or brown glass. Expressly excluded are window and other non-container glass, porcelain and ceramic products.

10. “Hauler” means the person, firm or corporation under contract with the City to collect, convey and dispose of and market recyclables and refuse for residential premises.

11. “Hazardous waste” means all pathological and explosive wastes, pesticides, toxic radioactive materials and those wastes included by definition in Chapter 455B.411(4a) of the *Code of Iowa*, the regulations of the Department of Natural Resources, and any federal law or regulation. Also included in this definition are any cans or containers of any kind which have been used to store or transport an item defined as a hazardous waste.

12. “Household” means persons who reside together in a dwelling unit.

13. “Litter” means any garbage, rubbish, trash, refuse, waste materials, or debris not exceeding 10 pounds in weight or 15 cubic feet in volume. Litter includes but is not limited to empty beverage containers, cigarette butts, food waste packaging, other food or candy wrappers, handbills, empty cartons, or boxes.

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

14. “Non-collectible waste” means paint in liquid form, poisons, acids, caustics, explosives and other hazardous substances that may cause damage or injury to collection equipment or personnel, human or animal excrement, and dead animals.

15. “Open burning” means any burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack.

16. “Owner” means any person possessing right, title and interest to any real or personal property, whether it is legal, equitable, by contract, by sale, or by deed.

17. “Recyclables” means designated consumer wastes which are collected and marketed for resource recovery. They include newspaper, tin and steel cans, aluminum beverage containers, container glass and plastic containers.

18. “Refuse” means all solid waste not required to be recycled, and includes garbage. Refuse excludes any household-generated hazardous waste.

19. “Residential premises” means a single-family dwelling, which may or may not include a separate dwelling unit (apartment).

20. “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 tires and building or trade waste.

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

22. “Sanitary disposal project” means all facilities and appurtenances (including all real and personal property connected with such facilities) that 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. “Sanitary disposal project” does not include a pyrolysis or gasification facility as defined in Section 455B.301 of the *Code of Iowa*.

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

23. “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 Section 321.1 of the *Code of Iowa*. Solid waste does not include any of the following:

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

- A. Hazardous waste regulated under the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6921-6934.
- B. Hazardous waste as defined in Section 455B.411 of the *Code of Iowa*, except to the extent that rules allowing for the disposal of specific wastes have been adopted by the State Environmental Protection Commission.
- C. Source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.
- D. Petroleum contaminated soil that has been remediated to acceptable State or federal standards.
- E. Steel slag which is a product resulting from the steel manufacturing process and is managed as an item of value in a controlled manner and not as a discarded material.
- F. Material that is legitimately recycled pursuant to Section 455D.4A of the *Code of Iowa*.
- G. Post-use polymers or recoverable feedstocks that are any of the following:
 - (1) Processed at a pyrolysis or gasification facility.
 - (2) Held at a pyrolysis or gasification facility prior to processing to ensure production is not interrupted.

24. “Yard waste” means organic debris, such as grass clippings, leaves, brush trimmings, bark, branches, or flowers, which are produced as part of yard and garden development and maintenance. Yard waste does not include tree stumps.

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 more than a garbage collection cycle or recyclable collection cycle 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 GOVERNING ORDINANCES AND STATUTES. Provisions of this chapter govern the management of solid waste collection and disposal within the City. In the event that any provision of this chapter is in conflict with any federal, State or County statute or regulation, the provision that is the most restrictive shall be applied unless to do so would be contrary to State law.

105.05 COLLECTION SERVICE. The City shall provide by contract with a hauler for the collection of all refuse and recyclables from residential premises within the City. The City may contract for removal of yard waste. Owners of commercial, industrial or agricultural businesses shall be responsible for the collection and transportation of all commercial solid waste resulting from any operation on such property.

1. The official “Sanitary Disposal Project” for the disposal of solid waste produced or originating within the City is designated to be the Benton County Iowa Landfill. No person may establish and operate a private sanitary disposal project within the City.

2. All persons residing in residential premises with the City shall dispose of solid waste, recyclables and yard waste in compliance with provisions of this chapter. The contracted hauler may refuse to collect improperly prepared material.

3. The City will not be responsible for the collection of the following waste from any residential premises: Hazardous waste, building waste, bulky waste, commercial solid waste, lead acid batteries, waste oil, waste gasoline, or any substance or material determined to be hazardous or otherwise unacceptable for collection.

4. The collection of solid waste and recyclables from commercial, industrial or agricultural businesses shall be conducted only by an entity which has been awarded a valid annual permit from the Benton County Iowa Landfill and shall be as frequently as may be necessary, but not less than once each week.

5. Nothing herein is to be construed so as to prevent the owner from transporting solid waste generated on the premises owned or used by such owner, provided said waste is disposed of properly in the designated sanitary disposal project. However, the basic charge for the collection service at residential premises will regularly be added to the utility billing whether or not the owner chooses to take advantage of the service provided.

6. Nothing in this section shall be deemed to allow any person to transport solid waste in violation of any federal, State, County or other statute or regulation.

105.06 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.

105.07 COLLECTION VEHICLES AND CONTAINERS. 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 order. Containers shall be of sufficient size, number and quality for the adequate storage of waste.

105.08 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.

105.09 COLLECTION SCHEDULE FOR RESIDENTIAL PREMISES

1. Refuse shall be prepared as set forth in Section 105.10 and collected weekly at the curbside. The City shall determine the weekday and hours of collection and may substitute for holidays.

2. Recyclables shall be prepared as set forth in Section 105.11 and will be collected every other week on the same day as refuse.

3. Yard waste shall be prepared as set forth in 105.12 and will be collected every other week on the same day as refuse. Yard waste will only be collected during the summer months as defined by the hauler's contract.

4. Bulky waste shall be collected by arrangement with the hauler.

105.10 REFUSE.

1. Each residential premise shall be provided with a refuse container. This refuse container is to remain with the property if the property is sold. Owners are responsible for the security of the containers and lost or stolen containers may be replaced at the expense of the owner.

2. Refuse shall be drained of liquid and placed within the approved container.

3. Recyclables shall be diverted from refuse and disposed of in compliance with Section 105.11.

4. Approved containers shall be placed on the curbside for collection no sooner than 12 hours before the next scheduled collection date. Emptied containers should be removed from the curbside the day of collection.

105.11 RECYCLABLES.

1. Each residential premise shall be provided with a recycling container. This recycling container is to remain with the property if the property is sold. Owners are responsible for the security of the containers and lost or stolen containers may be replaced at the expense of the owner.

2. Recyclables shall be commingled and must be placed in the recycling container and the lid shall be closed. Only items designated as recyclables shall be included within the container.

3. Approved containers shall be placed on the curbside for collection no sooner than 12 hours before the next scheduled collection date. Emptied containers should be removed from the curbside the day of collection.

105.12 YARD WASTE.

1. Each residential premise shall be provided with a yard waste container. This yard waste container from the City is to remain with the property, if the property is sold. Owners are responsible for the security of the containers and lost or stolen containers may be replaced at the expense of the owner.

2. All yard waste shall be separated from all other solid waste accumulated on the premises.

3. Approved containers shall be placed on the curbside for collection no sooner than 12 hours before the next scheduled collection date. Emptied containers should be removed from the curbside the day of collection.

4. Only material designated as yard waste shall be included within the container.

5. Citizens living in the City may also deliver yard waste to the City operated bins designed for that purpose. Only residential yard waste may be deposited at this site. There is to be no paper or plastic or containers of any kind left at the site. Limbs cannot be more than 10 feet in length and no stumps can be deposited. Real Christmas trees can be dropped off until January 15, but they must be clean. Flocked or artificial Christmas trees may not be deposited.

105.13 BULKY WASTE.

1. The owner of the premises shall contact the contracted City hauler or another commercial hauler who holds a valid annual permit from the Benton County Iowa Landfill to make arrangements for collection of any object too large to fit into an approved container.

2. Fees for hauling of bulky waste shall be paid by the owner directly to the hauler.

105.14 LOCATION OF SOLID WASTE 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.

105.15 OPEN BURNING RESTRICTED.

1. General Prohibition. 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.

2. Exceptions. Notwithstanding the commands of this section, open burning is permitted in the following circumstances:

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

A. 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.

(567 IAC 23.2[3a])

B. 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.

C. 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 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.

(567 IAC 23.2[3d])

D. 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.

(567 IAC 23.2[3e])

E. Back Yard Burning. Back yard burning of residential waste at dwellings of four-family units or less.

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

G. Pesticide Containers and Seed Corn Bags. Paper or plastic pesticide containers and seed corn bags resulting from farming activities occurring on the premises if burned in accordance with rules established by the State Department of Natural Resources.

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

I. 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.

3. Order to Extinguish. The Fire Chief or Mayor is authorized to require that open fires be immediately discontinued if it is determined that smoke emissions are

offensive to occupants of surrounding properties or if the open burning is determined to constitute a hazardous condition.

105.16 PROHIBITED PRACTICES. The following acts are prohibited and the performance of any such acts by any person is a violation of this chapter and shall constitute a municipal infraction which, upon conviction, shall subject violators to all penalties set forth in Chapter 3 of this Code of Ordinances, and which may be sought in addition to any criminal or civil penalties that may be imposed under applicable provisions of the *Code of Iowa* or Iowa Administrative Code.

1. To deposit or attempt to deposit solid waste in any other solid waste container other than a solid waste container assigned to or owned by the depositor or designed for public use.
2. 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. Dispose of refuse at a facility or location which is not an approved sanitary disposal project.
4. To discard litter on any public or private property whatsoever within the City. (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.)
5. To take or collect solid waste or recycling which has been placed out for collection on any premises, unless such person is an authorized solid waste collector.
6. To deposit or attempt to deposit for collection solid waste in solid waste collection containers when such solid waste is declared by this chapter not subject to regular residential collection by the City contractor. This includes hazardous waste and non-collectable waste.
7. To damage or destroy any solid waste, recycling or yard waste containers not belonging to said person.
8. To fail in any manner to follow the requirements of this chapter regarding any mandatory provision regarding solid waste management.
9. To conduct an otherwise lawful open burning under Section 105.15 in such a fashion as to create a nuisance as defined in *Code of Iowa* Chapter 455B or in such a way that will be offensive or objectionably due to smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. No fire shall be kindled when wind speed exceeds 15 miles per hour
10. To refuse to comply with an order of the City or authorized firefighting personnel or law enforcement to extinguish a fire issued pursuant to Section 105.15 of this chapter.

105.17 TOXIC AND HAZARDOUS WASTE. The collection, storage and disposal of toxic and hazardous wastes shall be subject to the following:

1. Labeling. All containers used for the storage, collection or transportation of toxic or hazardous wastes shall be plainly marked so as to provide adequate notice of the contents thereof.
2. Vehicles and Containers. All vehicles and containers used for the storage, collection and transportation of toxic and hazardous wastes shall be so constructed that they can be loaded, moved and unloaded in a manner that does not create a danger

to public health or safety and in compliance with federal and State laws, rules and regulations.

3. Disposal. No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous wastes. Such materials shall be transported by the owner, responsible person or agent to a place of safe deposit or disposal as prescribed by the Director of the State Department of Natural Resources.

4. Materials that are radioactive shall not be disposed of in a sanitary disposal project. Luminous timepieces are exempt.

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

105.19 FEES AND BILLING PROCEDURES. The collection and disposal of solid waste, recyclables and yard waste provided by this chapter are declared to be beneficial to the property served and there shall be a fee levied and collected monthly in accordance with the following:

1. Landfill Fees. All residential, commercial, and apartments shall pay a landfill fee of \$7.00 per month.

2. Recycling, Garbage, and Yard Waste Fees. All residential premises shall be furnished one container for solid waste, recyclables, and yard waste. The fee per each residential premises for collection of solid waste, recyclables, and yard waste is \$20.50 per month.

3. 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 92.05 of this Code of Ordinances. Solid waste and recyclable collection service may be discontinued in accordance with the provisions contained in Section 92.06 if the combined service account becomes delinquent. Provisions contained in Section 92.07 and 92.08 relating to liens and lien exemptions shall also apply in the event of a delinquent account.

105.20 LIEN FOR NONPAYMENT. Except as provided for in Section 92.08 of this Code of Ordinances, 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)