

TITLE III - PUBLIC SERVICES
SOLID WASTE CONTROL

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. "Backyard burning" means the disposal of residential waste by open burning on the premises of the property where such waste is generated.

(Ord. 764 – Feb-99 Supp.)

(IAC, 567-20.2[455B])

2. "Chimney or stack" means any flue, conduit or duct permitting the discharge or passage of air contaminants into the open air, or constructed or arranged for this purpose.

(IAC, 567-20.2[455B])

3. "Collector" means any person authorized to gather solid waste from public and private places.

4. "Director" means the director of the State Department of Natural Resources or any designee.

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

5. "Discard" means to place, cause to be placed, throw, deposit or drop.

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

6. "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.

7. "Garbage" means all solid and semisolid, putrescible and nonputrescible animal and vegetable waste resulting from the handling, preparing, cooking, storing, and serving of food or of material intended for use as food, but excluding recognized industrial byproducts.

(IAC, 567-20.2[455B])

8. "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])

9. "Litter" means any garbage, rubbish, trash, refuse, waste materials or debris.
(Code of Iowa, Sec. 455B.361[1])

10. "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.

(IAC, 567-20.2[455B])

11. "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.

12. "Recyclable material" means solid waste material that can be recycled and reused consistent with the waste management hierarchy under Section 455B.301A of the Code of Iowa; and contained in the local recycling program plan to meet the State volume reduction goal pursuant to Section 455D.3 of Iowa Code. Materials include but are not limited to glass, plastic, paper and metal.

(Ord. 865 – May 03 Supp.)

13. "Refuse" means garbage, rubbish and all other putrescible and non-putrescible wastes, except sewage and water-carried trade wastes.

(Ord. 764 – Feb-99 Supp.)

(IAC, 567-20.2[455B])

14. "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])

15. "Rubbish" means all waste materials of non-putrescible nature.
(IAC, 567-20.2[455B])
16. "Rubble" means stone, bricks or similar inorganic material.
(IAC, 567-20.2[455B])
17. "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)
18. "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)
19. "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)
20. "Trade waste" means any refuse resulting from the prosecution of any trade, business, industry, commercial venture (including farming and ranching), or utility or service activity, and any governmental or institutional activity, whether or not for profit.
(Ord. 764 – Feb-99 Supp.)
(Ord. 828 – Jul. 01 Supp.)

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 ten (10) days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Chapter 55 or by initiating proper action in district court. (Ord. 861 – Jan. 03 Supp.)
(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. Burning of any structures or demolished structures shall be conducted in accordance with 40 CFR Section 61.145 as amended through January 16, 1991, which is the "Standard for Demolition and Renovation" of the asbestos National Emission Standard for Hazardous Air Pollutants. *(Ord. 901 – Jul. 04 Supp.)*

(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 is permitted only the first three (3) Saturdays in May and the last four (4) Saturdays in October from 6:00 a.m. to 6:00 p.m., on or adjacent to premises. Rubber tires shall not be used to ignite landscape waste. *(Ord. 911 – Aug. 05 Supp.)*

(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.

(IAC, 567-23.2[3e])

6. Residential Waste. (Repealed by Ordinance No. 867 – May 03 Supp.)

7. 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])

8. 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.

(IAC, 567-23.2[3h])

9. 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])

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

(IAC, 567-23.2[2])

105.06 SEPARATION OF YARD WASTE REQUIRED.

1. All yard waste shall be separated by the owner or occupant from all other 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. This section does not prohibit the use of yard waste as a land cover or as soil conditioning material.

(Code of Iowa, Sec. 455D.9)

2. Yard waste, including tree stumps, may be hauled to a burning/composting site operated by the City or to the County Landfill for disposal. No other wastes, except biodegradable bags, may be deposited at the burn site. Violation of this subsection is a municipal infraction and may be classified as an environmental violation.

(IAC, 567-23.2[455B])

(Ord. 765 – Feb-99 Supp.)

105.07 SEGREGATION OF RECYCLABLE MATERIALS REQUIRED.

Recyclable materials shall be segregated from other solid waste when set out for collection. It is illegal to include in any accumulation of solid waste set out for collection any recyclable materials. All recyclable materials set out for collection shall be contained in such containers as shall, from time to time, be prescribed or permitted by resolution of the Council.

(Ord. 865 – May 03 Supp.)

(Code of Iowa, Sec. 455D.21)

105.08 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)

105.09 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)

105.10 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])

105.11 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 not less than twenty (20) gallons or more than thirty-five (35) gallons in nominal capacity, and shall be leakproof and waterproof. The total weight of any container and contents shall not exceed seventy-five (75) pounds. Disposable containers shall be kept securely fastened and shall be of sufficient strength to maintain integrity when lifted, and reusable containers shall be in conformity with the following:

- (1) Be fitted with a fly-tight lid which shall be kept in place except when depositing or removing the contents of the container;
- (2) Have handles, bails or other suitable lifting devices or features;
- (3) Be of a type originally manufactured for the storage of residential waste with tapered sides for easy emptying;
- (4) Be of lightweight and sturdy construction.

Galvanized metal containers, rubber or fiberglass containers and plastic containers which do not become brittle in cold weather may be used.

B. Commercial. Every person owning, managing, operating, leasing or renting any commercial premise 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 outdoors at some easily accessible place by the owner or occupant of the premises served.

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.

105.12 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.

105.13 SANITARY DISPOSAL PROJECT DESIGNATED. The sanitary landfill facilities operated by Benton County are hereby designated as the official "Public Sanitary Disposal Project" for the disposal of solid waste produced or originating within the City.

TITLE III - PUBLIC SERVICES
SOLID WASTE CONTROL

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 Landfill Fee
106.10 Lien for Nonpayment

106.01 COLLECTION SERVICE.

1. The City shall provide by contract for the collection of solid waste, including semi-annual collection of bulky rubbish, from residential premises only. The owners or operators of commercial, industrial or institutional premises shall provide for the collection of solid waste produced upon the premises only by collectors licensed by the City.

2. 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.

(Ord. 864 – May 03 Supp.)

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 therefor 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 therefor, 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 set 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.

5. License Expiration. All licenses shall expire on December 31 of the year of issuance and shall not be automatically renewed.

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.

9. Bulky Rubbish and Yard Waste Collection Excepted. No license or permit is required for the removal, hauling or disposal of bulky rubbish which is too large or heavy to be collected by licensed collectors, or for the removal of yard waste, provided all such bulky rubbish and yard waste is conveyed so that none of such rubbish or yard waste is spilled upon the public rights-of-way.

10. Construction Work Excepted. No license or permit is required for the collection and transportation of construction debris by one or another of the contractors engaged by the person owning the real property under construction, maintenance, repair or demolition. The collection,

transportation and disposal of such construction debris shall be done in a manner consistent with this chapter and Chapter 105 and with the laws of the State and the regulations of the Iowa Department of Natural Resources.

(Ord. 864 – May 03 Supp.)

106.08 COLLECTION FEES. The collection and disposal of solid waste, including recyclable material, as provided by this chapter is declared to be beneficial to the property served or eligible to be served and there shall be levied and collected fees therefor in accordance with the following:

1. Collection Charges. 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 through 92.09 of the Code of Ordinances.

2. Rate Established. The solid waste collection and disposal, recycling and reduction and bulky waste disposal rate for each dwelling unit (household) is established per dwelling unit (household). Such rate shall be \$9.63 per month.

(Ord. 953 – Dec. 07 Supp.)

3. Temporary Vacancy. During a period when service is temporarily discontinued for an extended period of time as provided in Section 92.10 for water service, the property owner may also request collection services be temporarily discontinued. During such period of discontinuance there shall be no monthly service charge.

(Ord. 870 – May 03 Supp.)

106.09 LANDFILL FEE. The disposal of solid waste as provided by this chapter is declared to be a benefit to the users of the Benton County Landfill and the City burning site for trees and tree trimmings who reside in or operate a business within the City, and there shall be levied and collected a fee therefor in accordance with the following:

1. Collection Charges. The fee shall be 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, and the provisions contained in Section 92.06, .07 and .08 shall also apply in the event of a delinquent account. Two or more residential dwelling units at one location, building or property may be billed to the landlord or owner as may be provided by resolution of Council.

2. Rate Established. The landfill fee is established per deliverable address. The rate shall be \$5.89 per month.

(Code of Iowa, Sec. 384.84)

(Ord. 972 – Nov. 09 Supp.)

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 Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)

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