

TITLE III - PUBLIC SERVICES
SOLID WASTE CONTROL

CHAPTER 106
COLLECTION OF SOLID WASTE

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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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