

# **GARBAGE AND SOLID WASTE**

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## CHAPTER 105

# GARBAGE COLLECTION, RATES, AND CONTRACT

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**105.01 PURPOSE.** The purpose of this chapter is to provide for the collection and disposal of solid waste from residential households in the City, to define and classify solid waste and the method of collection of classified solid waste in the City, to provide for the establishment of a method to set fees and charges and the collection thereof, to provide for the enforcement of the provisions of this chapter, and to provide penalties for the violation thereof.

**105.02 DEFINITIONS.** For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein:

1. "Appliances" means machines common to household use, including (but not limited to) refrigerators, stoves, microwave ovens, dishwashers, clothes washers and dryers, water heaters, furnaces, air conditioners, dehumidifiers, humidifiers, home audio and video equipment, lawn mowers, vacuum cleaners, and any other devices used in the home that contain either a gasoline engine or an electric motor.
2. "Approved landfill" means a site approved by the Department of Natural Resources of the State of Iowa as a landfill for the deposit and burying of solid waste.
3. "Building demolition materials" means waste material from the construction, destruction, or demolition of residential, commercial, industrial, or farm buildings or structures, except brick and foundation materials.
4. "Bulky rubbish" means non-putrescible refuse consisting of combustible or noncombustible waste materials which are either too large or too heavy to be safely and conveniently loaded into solid waste transportation vehicles by solid waste collectors.
5. "Can" means an airtight container usually made of tin, iron, or aluminum in which food, beverages, liquids, powders, and other materials are stored and preserved. The term may include, but is not limited to, cylindrical or square containers. Any object generally considered a can by the general population shall be included in this definition.
6. "City contractor" means the commercial solid waste person, firm, corporation, association, partnership, or other entity with whom the City contracts for the collection and transportation of solid waste.

7. "Commercial solid waste" means solid waste resulting from the operation of any commercial, industrial, agricultural, or other nonresidential establishment.
8. "Dwelling" means a building which is wholly or partially used or intended to be used for residential occupancy.
9. "Dwelling unit" means any habitable room or group of rooms located within a dwelling and forming a single unit possessing facilities which are used or are intended to be used for living, sleeping, cooking, or eating of meals.
10. "Garbage" means putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving, or the consumption of food.
11. "Glass" means any of the large class of materials, with highly variable mechanical and optical properties, which solidify from the molten state without crystallization, and which are typically based on silicon dioxide, boric oxide, aluminum oxide, or phosphorus pentoxide, are generally transparent or translucent, and which are formed into containers in which food, beverages, liquids, powders, and other materials are stored or preserved. Any object generally considered glass by the general population shall be included in this definition.
12. "Hazardous wastes" includes (but is not limited to) pathological wastes, explosive wastes, pesticides, toxic radioactive materials, those wastes included by definition in the *Code of Iowa* in Section 455B.411(4a), and any waste defined as such in the regulations of the Iowa 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.
13. "Litter" means paper, rubbish, plastic, cans, bottles, bags, food, beverages, or other miscellaneous solid waste materials discarded or otherwise deposited on the streets, parks, playgrounds, or other public places of the City, on the grounds of any other governmental premises or commercial premises, or on private property not owned by the person discarding or depositing the solid waste material.
14. "Occupant" means any person who alone or jointly with others is in actual possession of any dwelling unit or any other improved or unimproved real property, either as owner, landlord, tenant, resident, or operator. "Possession," in this definition, includes temporary possession in addition to long term possession.
15. "Operator" means any user, responsible party, occupant, entity, business, firm, corporation, governmental entity, association, partnership, venture, or any combination thereof, or any agent, fiduciary, or representative thereof, who occupies, possesses, uses, or owns real property within the City.
16. "Owner" means any person who possesses any title to any real property or personal property whether it be legal or equitable or by contract, sale, or deed.
17. "Paper" means thin sheet material made of cellulose pulp, derived mainly from wood, rags, and certain grasses, processed into flexible leaves or rolls by deposit from an aqueous suspension, and used chiefly for writing, printing, drawing, wrapping, and covering walls. Any object generally considered paper by the general population shall be included in this definition.
18. "Person" includes an individual, user, responsible party, entity, business, firm, corporation, association, partnership, venture, or any combination thereof, or any agent, fiduciary, or representative thereof.

19. "Plastic" means any of various complex organic compounds produced by polymerization, capable of being molded, extruded, or cased into various shapes, films, or drawn into filaments used as textile fibers, lines, or ropes. Plastic includes such plastic materials formed into containers for the storage or preservation of food, beverages, liquids, powders, or other materials. Any object generally considered plastic by the general population shall be included in this definition.
20. "Premises" means any real property, including (but not limited to) buildings and improvements, whether intended for residential, commercial, or industrial use.
21. "Processing" means bailing, compacting, composting, incinerating, recycling, separating, and shredding, together with all other processes whereby solid waste is either modified or its quantity is reduced.
22. "Recycling" means any process by which solid waste is collected, separated, processed, or returned to use in the form of raw materials or products. Recycling includes the composting of yard waste, but does not include any form of energy recovery.
23. "Recyclable waste" means any solid waste that is capable of recycling as defined herein and which is designated for recycling by the City Council.
24. "Refuse" means solid waste not required to be recycled or re-used. Refuse shall include garbage, as defined herein.
25. "Residence" means any dwelling intended or used for a residential use.
26. "Resident" means any person who occupies a residence.
27. "Residential solid waste" means solid waste resulting from the maintenance and operation of a residence.
28. "Responsible party" means any person or entity who applies for, obtains, is issued an account for, or is furnished sewer or solid waste service in the City. "Responsible party" includes all persons of legal age residing in a residence that is furnished sewer or solid waste service and, if more than one person is listed on an account, shall include both persons listed. The owner of a residence furnished sewer or solid waste service who rents a residence or part thereof to any third party shall be a responsible party.
29. "Solid waste" means any unwanted or discarded waste material in a solid or semi-solid state, including (but not limited to) garbage, ashes, refuse, yard waste, appliances, special waste, demolition, and construction wastes and all residential, commercial, and industrial wastes.
30. "Solid waste disposal" means the process of discarding or getting rid of unwanted material, the final disposition of solid waste.
31. "Special waste" means solid waste that must be handled or processed in a special manner prior to disposal.
32. "Storage" means the keeping or maintaining of solid waste from the time of its production until the time of its collection and removal.
33. "Transportation" means the conveying of solid waste from the place of collection or processing to a landfill or disposal site.

34. "Yard waste" means grass, leaves, cuttings from trees or shrubs, the branches or trunks of trees or shrubs, weeds, flowers, garden plants, ground cover, or other plantings or debris from lawns or gardens that are discarded or unwanted.

**105.03 GOVERNING ORDINANCES AND STATUTES.** Provisions of this chapter shall 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 statute of the State of Iowa, regulation of the Iowa Department of Natural Resources, Johnson County Ordinance, or regulation of the Johnson County Board of Health, the provision that is the most restrictive shall be applied unless to do so would be contrary to State law.

**105.04 COMMERCIAL SOLID WASTE TRANSPORTERS.**

1. No person shall engage in the business of transportation of residential refuse, garbage, recyclable solid wastes, or other solid waste from residences in the City unless such person has been awarded a contract duly authorized by the City Council and executed by the Mayor and City Clerk. Such contract shall be awarded by the City Council in a manner deemed appropriate by the City Council giving due regard to reasonable bidding procedures, the Council's determination of the ability to perform, and the responsibility and dependability of the applicant.

2. No person shall engage in the business of transportation of nonresidential solid waste, building demolition materials, bulky rubbish, hazardous wastes, commercial solid waste, or special waste from the City, unless such person possesses a valid annual permit from an approved landfill which allows the permit holder to dispose of solid waste in the approved landfill.

3. Nothing contained in this section shall prohibit a resident of the City from transportation of his or her own solid waste to an approved landfill. Nor shall this section prohibit the owner of a commercial premise from hauling commercial solid waste from the premises to an approved landfill. Nothing contained in this section shall be deemed to allow any person to transport solid waste in violation of the provisions of the statutes of the State of Iowa, the regulations of the Iowa Department of Natural Resources, or the regulations of the Johnson County Board of Health, or to dump solid waste on any site other than an approved landfill.

**105.05 SOLID WASTE COLLECTION.**

1. Residential Collection. The City will provide solid waste collection for all residential units within the City which are in compliance with the provisions and the regulations of this chapter. Such collection shall be provided on a regular basis, at least once per calendar week, weather and calamities allowing. Solid waste that is collected by the City as part of its regular residential collection shall include refuse, garbage, recyclable waste, and yard waste. Appliances and tires discarded from use at residential sites and bulky rubbish shall be collected by the City contractor but only upon prior request and arrangement and payment to the contractor of the reasonable costs thereof. The City will not collect any of the following solid waste from any dwelling or residence: hazardous waste, building demolition materials, commercial solid waste, special waste, lead or acid batteries, waste oil, waste gasoline, or any substance or material determined to be hazardous and unacceptable for collection.

2. Commercial Premises. The owner of commercial premises shall be responsible for the collection and transportation of all of the commercial solid waste resulting from any operation on its premises.

3. Construction Premises. The owner or contractor of any premises upon which construction or demolition is taking place shall be responsible for the collection and transportation of all of the building demolition materials on said premises.
4. Governmental Premises. Governmental entities that own or lease premises in the City shall be responsible for collection and transportation of all solid waste resulting from the operation on said premises.

**105.06 SOLID WASTE CONTAINERS REQUIRED.** Each resident, owner, operator, or occupant of every residence and each owner, operator, or occupant of every commercial, business, industrial, agricultural, institutional, or governmental establishment in the City shall provide solid waste containers of sufficient number and quality for the storage of all solid waste produced on such premises. Said containers shall have sufficient capacity to adequately serve such residence or establishment and shall be maintained in reasonable repair. Any solid waste container that does not conform to these provisions shall be promptly replaced by an approved solid waste container upon receipt of notice by the City or the City contractor. If not replaced, the City may elect to dispose of the container.

**105.07 SOLID WASTE DEPOSITED IN CONTAINERS.** The resident, owner, operator, or occupant of every residence and each owner, operator, or occupant of every commercial, business, industrial, agricultural, institutional, or governmental establishment in the City shall place all solid waste in proper containers, except as otherwise provided in this chapter, and shall maintain such solid waste container. This provision shall not apply to appliances, tires, tree and brush limbs, and bulky rubbish.

**105.08 SEPARATION OF SOLID WASTE REQUIRED.**

1. All residential solid wastes to be collected by the City contractor shall be separated by the owner, operator, or occupant into the following waste categories:
  - A. Refuse and garbage
  - B. Yard waste
  - C. Recyclable glass
  - D. Recyclable paper
  - E. Recyclable plastic
  - F. Recyclable cans
  - G. Hazardous wastes
  - H. Bulky wastes
  - I. Appliances
  - J. Waste oil and lead acid batteries
  - K. Tires
2. The City Council shall designate by resolution what solid wastes shall be included in the above classifications and notice of the designation shall be given to all residential units in the City, by a mailing to the address shown in the City's water account. All residents of the City shall be deemed to be on notice of the designations of the City Council and the provisions of this chapter regarding solid waste collection and disposal.

**105.09 RECYCLABLE COLLECTION CONTAINERS.**

1. All recyclable waste to be collected by the City contractor may be stored in a residential recycling kit provided by the City for each residential unit. Each residential recycling kit shall consist of two containers and, if available, a cart for transporting the containers. The owner and resident of the residence shall be responsible for the upkeep and maintenance of the residential recycling kit, and if a kit is damaged, normal wear and tear excluded, will be responsible for the cost of replacement. All recyclable waste shall be sorted by type and deposited in the appropriate container for that type.
2. The resident, owner, operator, or occupant of each residential unit provided with a residential recycling kit that has been damaged and who is provided with a new residential recycling kit shall be required to make a deposit at the time the new residential recycling kit is provided. This deposit shall be refunded when service is discontinued to said person if the replacement recycling kit is not damaged, normal wear and tear excluded.
3. Periodically, when residential recycling kits are no longer satisfactory for use, said kits will be replaced by the City.

**105.10 YARD WASTE COLLECTION CONTAINERS.** 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 or placed in tagged yard waste bags and set out for collection. Yard waste bags shall not exceed 39 gallons in capacity or 40 pounds in weight.

**105.11 APPLIANCES, TIRES AND BULKY RUBBISH.** Appliances, tires, and bulky rubbish, and tree limbs and large branches that are discarded from use at residential premises shall be collected directly by the City on the first Monday of the month, weather permitting. The City may require payment of landfill fees for such items prior to or after disposal.

**105.12 LOCATION OF SOLID WASTE CONTAINERS.** Residential solid waste containers, including disposable containers and City recyclable containers, shall be stored on the private property of the owner, operator, or occupant prior to the day collection is to take place. Commercial solid waste containers shall also be stored on private property. No solid waste containers, whether disposable or not, shall be stored on real estate, including streets and alleys that belong to the City, except for solid waste containers owned and employed by the City.

**105.13 COLLECTION LOCATIONS.**

1. All residential solid waste containers, including both refuse and garbage containers, yard waste containers, bundled tree limbs, brush, and recyclable waste containers shall be placed for collection at the curb or property line adjacent to the City street. Placement of the containers at the curb or property line shall occur prior to 7:00 a.m. on the morning of the regularly scheduled collection day. Containers may be placed at the curb or property line no earlier than 5:00 p.m. on the day preceding the regularly scheduled collection day. All solid waste containers shall be removed from the curb or property line on the same day that the collection is completed.
2. No solid waste which is not placed at the curb in compliance with this chapter shall be collected. For solid waste to be in compliance with this chapter, it must be segregated as required in Section 105.08 into containers or bundles as specified in



Sections 105.09 and 105.10. Failure by the City contractor to collect solid waste not in compliance with the provisions of this chapter shall not relieve the resident, owner, operator, or occupant of liability for violations of this chapter.

**105.14 DISPOSAL OF HAZARDOUS WASTES.** 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 Iowa 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 wastes which require special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

**105.15 ENFORCEMENT.** In order to insure compliance with the provisions of this chapter, together with all applicable State statutes, the regulations of the Iowa Department of Natural Resources, the regulations of the Johnson County Board of Health, and the rules and regulations of the Iowa City Landfill, the Mayor or the Mayor's authorized representative (which may include the City contractor) is hereby authorized to inspect all phases of the solid waste storage and collection in the City. The Mayor or the Mayor's authorized representative shall further enforce the provisions of this chapter by selection of any appropriate method allowed by this chapter or the provisions of State law.

**105.16 WITHHOLDING OF SERVICES.** In the event an inspection reveals that any resident, owner, operator, or occupant of any residence in the City is in violation of the provisions of this chapter, the City may elect, in addition to any other remedies, to withhold solid waste management services from that person, dwelling, dwelling unit, or in the case of a multiple dwelling unit from that multiple dwelling complex. Election to withhold services shall not prevent the City from taking additional action against the person or dwelling unit allowable under this chapter or federal or State law.

**105.17 FEDERAL, STATE, COUNTY VIOLATIONS.** Any violation of the provisions of federal law or regulations, State law, the regulations of the Iowa Department of Natural Resources, Johnson County ordinances, or the regulations of the Johnson County Board of Health relating to the subject matter of this chapter shall subject the person, firm, or corporation committing said violation to the provisions of Chapter 3 of this Code of Ordinances as a municipal infraction.

**105.18 LITTER CONTAINERS.** Litter shall be deposited in litter containers provided for public use by the City on land owned by the City or provided by commercial enterprises or governmental institutions on their property.

**105.19 FEES AND CHARGES FOR SOLID WASTE MANAGEMENT.**

1. Fee Schedule. The charge for the collection of solid waste from each dwelling unit in the City shall be as follows:

- A. \$4.75 per month recycling fee.
- B. \$1.25 for each solid waste sticker.
- C. \$1.25 for each yard waste sticker.

Any change in the charges shall be determined by the City Council by ordinance of the Council, and notice of said change shall be posted at those places within the City

designated by the Council by ordinance. Said change may not take effect until thirty (30) days after the posting of said notice.

2. Bills Payable. All solid waste management charges 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.

3. Service Discontinued. Following written notice and an opportunity for a hearing, water, sewer and/or solid waste collection service may be discontinued in accordance with Section 92.05 if the combined service account becomes delinquent.

4. Lien for Nonpayment. Except as provided for in Section 92.07 of this Code of Ordinances, the owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for solid waste management charges to the premises. Solid waste management charges 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.

5. Lien Notice. A lien for delinquent solid waste management charges shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer in whose name the delinquent charges were incurred. If the customer is a tenant and if the owner or landlord of the property or premises has made a written request for notice, the notice shall also be given to the owner or landlord. The notice shall be sent to the appropriate persons by ordinary mail not less than thirty (30) days prior to certification of the lien to the County Treasurer.

**105.20 PROHIBITED ACTS.** The following acts are hereby prohibited and the performance of any such acts by any person is a violation of this chapter and may be punished as provided herein:

1. Depositing solid waste in any solid waste container other than a solid waste container owned or leased by the depositor or in a recyclable container kit provided by the City for the depositor. This section shall not prohibit any person from depositing litter in a container provided by the City, commercial enterprises, or other governmental institutions. This exception does not permit a resident to deposit regular residential solid waste in such a container provided for the public in order to avoid normal trash collection as set out in this chapter.

2. Depositing residential refuse, garbage, yard waste, or other solid waste not designated as recyclable in the residential recycling kit provided by the City.

3. Depositing recyclable solid waste as designated by the City Council in refuse and garbage solid waste containers.

4. Depositing litter on the streets, alleys, parks, playgrounds, and other public places of the City, or upon any real estate of any commercial establishment or other governmental institution in the City, or upon any private property in the City, whether residential or commercial, including the private property of the person doing the littering.

5. Depositing litter as prohibited in subsection 4 hereof while a driver or passenger in a private passenger motor vehicle.

6. Operating within the City a truck of any kind carrying a load of materials so constructed or loaded so as to permit part of its load—whether litter or other solid waste, including sand or gravel—to drop, sift, leak, or otherwise fall therefrom.

7. Depositing or attempting to deposit for collection any solid waste in residential collection containers when such solid waste is declared by this chapter not subject to regular residential collection by the City contractor.
8. Interfering in any manner with the collection, storage, or transportation of solid waste as established by the provisions of this chapter.
9. Damaging or destroying any solid waste containers of the City, any residential recycling kits, or any residential, private, or commercial solid waste containers not belonging to the person so damaging or destroying.
10. Failing in any manner to follow the requirements of this chapter regarding any mandatory provision for solid waste management.

#### **105.21 OPEN BURNING RESTRICTED.**

1. 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. No person shall allow, cause or permit the open burning of refuse, garbage, or yard waste in containers or burn barrels.
2. Exceptions. Open burning of the following types shall be permitted subject to the restrictions hereinafter set forth and in compliance with the Fire Department guidelines.
  - 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.
  - B. Recreational Fires. Open fires for cooking, heating, recreation and ceremonies are permitted only in accordance with the following:
    - (1) All recreational fires must use only charcoal; clean, dry, seasoned firewood; natural gas; or propane.
    - (2) All recreational fires shall be conducted within a non-combustible container, device, structure, or fire ring designed for the purpose of containing a fire.
    - (3) Recreational fires shall be located at least fifteen (15) feet from the nearest building or structure on an adjacent parcel.
    - (4) Recreational fires must be constantly supervised by a competent person who shall have available fire control materials (water or fire extinguisher) until the fire is extinguished.
    - (5) Recreational fires must comply with the limits for emission of visible air contaminants established by the State Department of Natural Resources.
  - C. Yard Waste. Open burning of residential yard waste shall be permitted within the rear portion of a residential lot in accordance with the following:
    - (1) The Fire Chief of the Hills Volunteer Fire Department shall declare a period during the months of April, May, October and November each year for the open burning of yard waste. Yard waste

burning shall only be permitted during those times declared by the Fire Chief.

(2) Yard waste shall not be burned within twenty-five (25) feet of any building or structure on an adjacent parcel.

(3) Yard waste shall not be burned when the average wind velocity exceeds twenty (20) miles per hour.

(4) All yard waste burning shall be constantly supervised by a competent person who shall have available fire control materials (water or fire extinguisher) until the fire is extinguished.

(5) Yard waste burning shall only occur between the hours of 10:00 a.m. until 7:00 p.m. or the onset of darkness, whichever occurs first.

D. Training Fires. Fires set for the purpose of conducting 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.

E. 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.

**105.22 PENALTIES.** Any violation of the provisions of this chapter shall subject the person committing said violation to the provisions of Chapter 3 of this Code of Ordinances as a municipal infraction.

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