

GARBAGE AND SOLID WASTE

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

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

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

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

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

4. "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.

5. "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)

6. "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])

7. "Litter" means any garbage, rubbish, trash, refuse, waste materials or debris.

(Code of Iowa, Sec. 455B.361[1])

8. "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.

9. "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)

10. "Residential premises" means a single-family dwelling and any multiple-family dwelling.

11. "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])

12. "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)

13. "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)

14. "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)

15. "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.

1. Open Burning Restricted. No person, corporation, other entity or association shall allow, cause or permit open burning of any combustible material.

2. Burning Refuse. It shall be unlawful to burn refuse.

3. Exceptions. Notwithstanding subsections 1 and 2 above, the following shall be exceptions provided that the City Council, Jasper County Emergency Management, the State Fire Marshal or any other regulatory agency have not declared a burn ban due to climatic conditions or a potential health hazard alert:

A. Cooking Fuels. The burning of common cooking fuels such as natural and/or LP gas, charcoal or wood being used for the cooking of food for human consumption.

B. Commercial Incinerators (IDNR permit required).

C. School bonfires, or bonfires conducted by nonprofit organizations; that such exception shall only apply after the applicant has obtained a permit from the City authorizing said bonfire.

D. Any open burning used solely for training purposes; provided that such burning shall only occur after a permit has been obtained from the Chief of the fire department specifying the following:

- (1) The date and time of the proposed training.
- (2) The location of the training.
- (3) The name and address of a responsible party conducting the training.
- (4) A brief description of the safety procedures to be implemented by the responsible party conducting the training session.
- (5) A statement signed by the applicant specifically agreeing to hold the City harmless from any damages arising out of said burning and further agreement to indemnify the City therefrom.

E. Recreational Burning. A recreational fire is one that is six feet (6') or less in diameter and flames that do not exceed eight feet (8') in height. The burning of seasoned wood, branches or twigs shall be allowed for campfires and other fires used solely for recreational purposes which shall be contained in a fire ring or suitable fire pit. No burning shall be allowed on any street, sidewalk, alley or public property. *(Ord. 546 – Dec. 09 Supp.)*

F. The burning of common yard waste, generated solely from the property it is being burned on, between the dates of March 15 – May 15 and October 15 – December 15 during daylight hours. *(Ord. 546 – Dec. 09 Supp.)*

G. The City Council may at its discretion, by resolution, alter the above dates in the event circumstances dictate the need to do so.

H. The Mayor may at his discretion remove the burn ban for the purpose of disaster cleanup for a period of time necessary to complete the cleanup. *(Ord. 529 – Oct. 08 Supp.)*

4. Penalties. A violation of this chapter shall be a municipal infraction, penalties as shown in STANDARD PENALTY – MUNICIPAL INFRACTION Schedule of Penalties.

(Ord. 493 – Jan. 05 Supp.)

5. In the event the Fire Department is called to put out a fire, the homeowner may be charged a minimum of two hundred fifty dollars (\$250.00). *(Ord. 546 – Dec. 09 Supp.)*

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 and shall be composted or burned on the premises

or placed in acceptable containers and set out for collection. 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, 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)

105.09 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. 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])

105.10 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 not more than thirty-five (35) gallons in nominal capacity, and shall be leakproof and waterproof. (The forty-five (45) gallon containers made possible by action in 2000 can continue to be used until phased out but are subject to the weight restriction.) The total weight of any container and contents shall not exceed sixty-five (65) pounds. Any other container must be approved by the hauler.

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:

(Ord. 439 – Sep. 01 Supp.)

- (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 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 or near the curb or other designated place 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 twelve (12) hours in advance of the regularly scheduled collection day and shall be removed from the curb line within twelve (12) hours following collection.

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.

105.11 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 City of Newton in Jasper County are hereby designated as the official "Public Sanitary Disposal Project" for the disposal of solid waste produced or originating within the City. *(Ord. 538 - May 09 Supp.)*

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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 Contract Requirements
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 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 CONTRACT REQUIREMENTS. 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. Furthermore, a contract is not required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities, provided that all such materials are conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported is spilled upon any public right-of-way.

106.08 COLLECTION FEES. The collection and disposal of solid waste as provided by this chapter are 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:

(Goreham vs. Des Moines, 1970, 179 NW 2nd, 449)

1. Schedule of Fees. The fees for solid waste collection and disposal service, used or available, are:

A. Residential. Each occupied single-family residence or occupied dwelling unit of a multiple-family dwelling not serviced by a dumpster shall be charged \$7.25 per month for solid waste collection, \$2.50 per month for recycling and \$5.50 per month for operation and maintenance of the sanitary landfill. There is a limit of two solid waste containers, as described in Section 105.10. Each additional bag or container of solid waste must have a sticker attached. Stickers may be purchased at City Hall or the grocery store in Colfax. Each \$1.00 sticker is good for one use.

(Ord. 596 – Jan. 13 Supp.)

B. Commercial. Each non-dwelling use of any City utility or multiple-family dwelling which generates minimal solid waste may choose to follow the requirements of paragraph A. Those serviced by a dumpster shall be charged a rate per agreement with the contract hauler and billed by same for solid waste collection and recycling. Each occupied dwelling unit of a multiple family dwelling shall be charged \$5.50 per month for operation and

maintenance of the sanitary landfill. The fee for each non-dwelling use of any City utility for operation and maintenance of the sanitary landfill is as follows:

1.5 yd. dumpster is \$11.00/month if dumped once/week, \$22.00/month if dumped twice/week, \$33.00/month if dumped three times/week, \$44.00/month if dumped 4 or more times/week (\$5.50 each user if hauler approves shared usage of dumpster);

4 yd. dumpster is \$21.00/month if dumped once/week, \$42.00/month if dumped twice/week, \$63.00/month if dumped three times/week, \$84.00/month if dumped 4 or more times/week.

6 yd. dumpster is \$41.00/month if dumped once/week, \$62.00/month if dumped twice/week, \$83.00/month if dumped three times/week, \$111.00/month if dumped 4 or more times/week.

Larger dumpsters/roll-offs/drop-offs will be billed directly by the hauler.

(Ord. 544 – Aug. 09 Supp.)

2. Special Fees. In lieu of the regularly scheduled fee, a special fee of \$5.00 per month for solid waste collection and recycling plus \$3.00 per month for operation and maintenance of the sanitary landfill shall be charged by the City and collection from each family unit which:

A. Has filed claim for tax reimbursement and has established eligibility as such a claimant under the provisions of Chapter 251, Tax Relief for Elderly and Disabled, enacted by the 1973 Session of the Sixty-fifth General Assembly of Iowa, with reference to such residential premises, and whose combined income of the family unit does not exceed \$6,000.00, or has established eligibility under Title 19 for State Medical Assistance and is classified as "A" - Aged, "B" - Blind, or "D" - Disabled, and the combined income of the family unit does not exceed \$6,000.00;

B. Has waived any right to confidentiality relating to all income tax information obtainable through the State Department of Revenue;

C. Has filed an application with the City reciting such facts and asking for the benefits of this provision subject to verification by the State Department of Revenue; and

D. Has received notification by the City that such application has been approved by the City.

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 92.04 of this Code of Ordinances. Solid waste collection service may be discontinued in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.

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)

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