

CHAPTER 106

COLLECTION, DISPOSAL AND RECYCLING

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

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

1. “Appliances” means machines common to household use, and includes refrigerators, stoves, microwave ovens, dishwashers, clothes washers and dryers, water heaters, furnaces, air conditioners, dehumidifiers, humidifiers, television sets, stereo systems, lawn mowers, vacuum cleaners, video cassette recorders, radios, 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 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. “Can” includes but is not limited to cylindrical or square containers. Any object generally considered a can by the general population is included in this definition.
6. “City contractor” means the commercial solid waste person 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. “Disposable solid waste container” means disposable plastic or paper sacks, approved by the Council, specifically designed for the storage of solid waste and to be used for the disposal of residential solid waste.

9. “Dwelling” means a building which is wholly or partially used or intended to be used for residential occupancy.
10. “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.
11. “Garbage” means putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving, or the consumption of food.
12. “Glass” means any of the large class of materials with highly variable mechanical and optical properties that solidify from the molten state without crystallization, that are typically based on silicon dioxide, boric oxide, aluminum oxide, or phosphorus pentoxide, that are generally transparent or translucent 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 is included in this definition.
13. “Hazardous waste” includes but is not limited to pathological waste, explosive waste, pesticides, toxic radioactive materials, and those wastes included by definition in the *Code of Iowa* in Section 4558.411(4a) and any waste defined as such in 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.
14. “Litter” means the discarding, depositing or dumping of paper, rubbish, plastic, cans, bottles, bags, food, beverages, or other solid waste materials in the City in any manner or location other than as designated herein for collection.
15. “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.
16. “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.
17. “Owner” means any person who possesses any title to any real property or personal property whether it be legal or equitable or by contract or sale or deed.
18. “Paper” means thin sheet material made of cellulose pulp, derived mainly from wood, rags, 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 is included in this definition.
19. “Plastic” means any of various complex organic compounds produced by polymerization, capable of being molded, extruded or cased into various shapes and films or drawn into filaments used as textile fibers and lines and ropes and includes such 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 is 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 Council.
24. "Refuse" means solid waste not required to be recycled or reused. Refuse includes garbage as defined herein.
25. "Residence" means any dwelling intended or used for a residential use.
26. "Resident" means any person or persons who occupy a residence.
27. "Residential solid waste" means solid waste resulting from the maintenance and operation of a residence.
28. "Responsible party" means any person who applies for or obtains or is issued an account for or is furnished sewer or solid waste service in the City. This includes all persons of legal age residing in a residence which is furnished sewer or solid waste service and if more than one person is listed on an account, includes both persons listed. The owner of a residence also is 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 waste and all residential, commercial, and industrial waste.
30. "Solid waste disposal" means the process of discarding or removing 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.

106.03 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 or regulation of the Department of Natural Resources or County ordinance or regulation of the County Board of Health, the provision that is the most restrictive shall be applied unless to do so would be contrary to State law.

106.04 COMMERCIAL SOLID WASTE TRANSPORTERS. No person shall engage in the business of transportation of residential refuse or garbage or recyclable solid waste or other solid waste from residences in the City unless such person has been awarded a contract duly authorized by the Council and executed by the Mayor and Clerk. No person shall engage in the business of transportation of nonresidential solid waste, 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. Nothing contained in this section shall prohibit a resident of the City from transporting his or her own solid waste to an approved landfill, nor shall this section prohibit the owner of a commercial premises 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, the regulations of the Department of Natural Resources, or the regulations of the County Board of Health.

106.05 SOLID WASTE COLLECTION.

1. Residential Collection. The City will provide solid waste collection for all residential units within the City that are in compliance with the provisions and regulations of this chapter. Such collection shall be provided on a regular basis at least once a week, weather and calamities allowing. Solid waste which is collected by the City as a 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 construction, or demolition materials, commercial solid waste, special waste, lead 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 said commercial premises.
3. Construction Premises. The owner or contractor of any premises upon which construction or demolition takes place shall be responsible for the collection and transportation of all of the building demolition materials on said premises.
4. Governmental Premises. Governmental entities which own or lease premises in the City shall be responsible for the collection and transportation of all solid waste resulting from the operation on said premises.

106.06 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. 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.

106.07 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 containers. This provision does not apply to appliances, tires, tree and brush limbs, and bulky rubbish.

106.08 SEPARATION OF SOLID WASTE REQUIRED. All residential solid waste to be collected by the City contractor after the effective date of the ordinance codified in this chapter shall be separated by the owner, operator, or occupant into the following waste categories:

1. Refuse and garbage;

2. Yard waste;
3. Recyclable glass;
4. Recyclable paper;
5. Recyclable plastic;
6. Recyclable cans;
7. Hazardous waste;
8. Bulky waste;
9. Appliances;
10. Waste oil and lead acid batteries;
11. Tires.

All residents of the City shall be deemed to be on notice of the designations of the Council and the provisions of this chapter regarding solid waste collection and disposal.

106.09 REFUSE COLLECTION CONTAINERS. All residential refuse and garbage to be collected by the City contractor after the effective date of the ordinance codified in this chapter shall be stored for collection in a disposable solid waste container approved by the Council upon which the City logo appears. Only residential refuse and garbage which is non-recyclable as defined by this chapter and the regulations of the Council shall be stored in this container and picked up for collection by the City contractor. Residential refuse containers shall be purchased by the residential users at a cost to be determined by the Council. Residential refuse containers shall be available for purchase at such locations as the Council shall select and the Clerk will give appropriate notice of the cost and the locations. Residential refuse and garbage shall include solid waste such as paper, cans, and plastic that is not recyclable as established by resolution of the Council.

106.10 RECYCLABLE COLLECTION CONTAINERS. All recyclable waste to be collected by the City contractor after the effective date of the ordinance codified in this chapter shall be stored in a residential recycling kit provided by the City for each residential unit. Each residential recycling kit shall consist of four containers and 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 deposited in the containers in the residential recycling kit, each recyclable waste to be deposited in the container containing the logo of the City and waste description painted thereon. 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. Periodically when residential recycling kits are no longer satisfactory for use, said kits will be replaced by the City.

106.11 YARD WASTE COLLECTION CONTAINERS. All yard waste, except tree and brush limbs, to be collected by the City contractor after the effective date of the ordinance codified in this chapter shall be stored in disposable solid waste containers provided by the City contractor. Yard waste disposable solid waste containers shall be available for purchase from the City contractor or shall be available for purchase at such locations as the Council shall select and the Clerk will give appropriate notice of the cost and the locations. Tree and brush limbs shall be collected as bulky rubbish. Tree and brush limbs created by commercial tree service operations or by the clearing of real estate for construction

shall not be collected by the City contractor as part of the service provided by the City. Trees and brush limbs in order to be collected as bulky rubbish shall measure less than four inches in diameter and shall be securely tied in bundles not larger than 48 inches long and 18 inches in diameter when being stored in other than storage containers. The weight of an individual bundle shall not exceed 60 pounds.

106.12 APPLIANCES, TIRES, BULKY RUBBISH, HAZARDOUS WASTE, LEAD ACID BATTERIES, WASTE OIL, AND WASTE GASOLINE. Appliances, tires, bulky rubbish, hazardous waste, lead acid batteries, waste oil, and waste gasoline which are discarded from use at residential premises shall be collected only upon prior arrangement with the contractor. The resident, owner, operator, or occupant shall be responsible for payment for the collection and disposal of such appliances, tires, bulky rubbish, hazardous waste, lead acid batteries, waste oil, and gasoline.

106.13 LOCATION OF SOLID WASTE CONTAINERS. Residential solid waste containers including disposable containers and recyclable kits 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 which belong to the City except for solid waste containers owned by the City and placed in parks or playgrounds owned by the City.

106.14 COLLECTION LOCATIONS. All residential solid waste containers including both refuse and garbage containers, yard waste containers, and bundled tree limbs and 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. 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 106.08 into containers or bundles as specified in Section 106.09, 106.10, and 106.11. 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.

106.15 ENFORCEMENT. In order to insure compliance with the provisions of this chapter, together with all applicable State statutes and the regulations of the Department of Natural Resources, and the regulations of the County Board of Health, 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 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.

106.16 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 or 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 which is allowable under this chapter or Federal or State law.

106.17 NUISANCE. In the event any person is in violation of this chapter or Federal law or regulations, State law, or the regulations of the Department of Natural Resources, County ordinances, or the regulations of the County Board of Health, such violation shall constitute a nuisance and the City may abate such nuisance pursuant to Chapter 657 of the *Code of Iowa*.

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

1. Depositing solid waste in any other 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 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 the provisions of this chapter.
2. Depositing residential refuse or garbage or 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 Council in refuse and garbage solid waste containers.
4. Littering on the streets, alleys, parks, playgrounds and other public places of the City or upon any real estate of any commercial establishment or governmental institutions 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 of litter by a driver or passenger in a private passenger motor vehicle.
6. Operating a truck of any kind within the City 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, 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 said person.
10. Failing in any manner to follow the requirements of this chapter regarding any mandatory provision regarding solid waste management.