

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 yard 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 or yard waste.

105.02 DEFINITIONS. For use in these chapters the following terms are defined:

1. “Bags” means any untreated paper bags or biodegradable plastic bags acceptable to the composting station used by the licensed yard waste collection hauler.
2. “Bundle” means a stack of brush and/or tree branches bound together.
3. “Collector” means any person authorized to gather solid waste from public and private places.
4. “Composting” means a controlled microbial degradation of organic waste to produce a relatively nuisance-free product of potential value as a soil conditioner.
5. “Container” means a reusable receptacle constructed of plastic or metal materials.
6. “Director” means the director of the State Department of Natural Resources or any designee.
(Code of Iowa, Sec. 455B.101[2b])
7. “Discard” means to place, cause to be placed, throw, deposit or drop.
(Code of Iowa, Sec. 455B.361[2])
8. “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.
9. “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)

10. “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])

11. “Litter” means any garbage, rubbish, trash, refuse, waste materials or debris.

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

12. “Multiple-family dwelling” means a structure containing more than one dwelling unit.

13. “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.

14. “Property served” means any property which is being used or occupied and is eligible to receive solid waste collection and disposal service as provided herein.

15. “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)

16. “Residential premises” means a single-family dwelling, duplex, townhouse and townhouse-style condominium used for residential purposes. Garden type apartments and row type housing units are considered residential premises regardless of the total number of such apartments or units which may be included in a given housing development. A multiple-family dwelling containing more than two separate dwelling units (e.g. apartment complexes), other than those defined herein as residential premises, shall be deemed commercial premises.

17. “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])

18. “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)

19. “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)

20. “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)

21. “Single-family dwelling” means a structure containing one dwelling unit only.

22. “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 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.

(IAC, 567-23.2[3a])

2. 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])

3. 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. Rubber tires shall not be burned in a recreational fire.

(IAC, 567-23.2[3e])

4. 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])

5. 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. All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises. The owner or occupant may either compost such yard waste on the premises or contain it in authorized paper bags, containers or bundles.

1. Collection. Persons choosing not to manage yard waste on their own property may place yard waste in specially marked authorized bags or containers for collection. Authorized bags shall be any untreated paper bags or biodegradable plastic bags acceptable to the composting station used by the licensed yard waste collection hauler. The number of authorized bags

containing yard waste which residents may place out for collection is unlimited. Yard waste not placed in authorized bags may be placed in reusable containers or tied in bundles. Charges for collection of yard waste from residential premises shall be fixed and determined by the Council. Such charges may be amended from time to time by resolution of the Council.

2. Composting. Back yard composting of yard waste is encouraged. Information on this process is available at City Hall. Owners and occupants are encouraged to accumulate upon property under their respective control such quantities of leaves and/or yard debris as can be properly composted without creating offensive odors, litter, fire or vector problems. Such composting so carried out shall be deemed to be an alternative disposition of the disposal of yard waste in satisfaction of any requirement in this section.

3. Violations. It is prohibited and will be deemed a violation hereof for any owner, lessee or occupant of any residential, commercial or institutional property in the City to put into or cause to be put into the solid waste collection system of the City any yard waste.

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 shall be of sufficient capacity; shall be leak proof, water proof and fitted with a fly tight lid which shall be kept in place except when depositing or removing the contents thereof. They shall be light weight and of sturdy construction and have suitable lifting devices.

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.

C. Yard Waste. All yard waste shall be stored in containers so constructed and maintained as to prevent the dispersal of waste placed therein upon the premises served, upon adjacent premises, or upon adjacent public rights-of-way. Tree limbs less than four (4) inches in diameter and brush shall be securely tied in bundles not larger than forty-eight (48) inches long and eighteen (18) inches in diameter when not placed in storage containers. The weight of any individual bundle or container shall not exceed seventy-five (75) pounds.

2. 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.

3. 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.

4. Location of Containers for Collection. The owner or occupant of each single- or two-family dwelling using collection service at the curb shall place the containers storing solid waste and containers and bags storing yard waste at the curb, as defined herein, not earlier than 5:00 p.m. on the day preceding the regularly scheduled collection day. For purposes of this section, placing a container "at the curb" means placing a container such that the nearest edge of the container is twenty-four (24) inches or less from the curb or from the edge

of the road, if there is no curb. Trash shall be bagged before it is placed in the containers in order to minimize blowing or loss of material when the containers are emptied.

5. **Restriction on Picking up Solid Waste.** No person who collects, hauls or transports solid waste, trash, rubbish, refuse, garbage, offal or any other filthy or offensive substance shall pick up or collect same from the front yard of any single- or two-family dwelling within the City unless the same is located at the curb of such dwelling, except (a) if the resident has elected to pay an additional fee for house-side collection service for solid waste and recyclable materials and has obtained a sticker or placard authorizing house-side collection from the single collector or (b) as provided under subsection 7 of this section. For residents electing house-side collection service, containers for solid waste and recyclable materials shall be placed outdoors for collection at some easily accessible place not more than ten (10) feet from the front of a single or two-family dwelling, or a garage serving such building, on the regularly scheduled collection day. The collector shall return all containers at the curb of the single or two-family dwelling, whether the resident elects collection at the curb or house-side. The collector shall place all empty containers at the curb in a location that does not block ingress or egress to any driveways.

6. **Removal of Containers From Curb or Edge of Roadway.** After collection, the owner or occupant of each single- or two-family dwelling shall remove all empty containers from the curb or from the edge of the road, as applicable, on the same day as the scheduled collection day.

7. **Assistance for Physically Impaired.** In the event all occupants of a single- or two-family dwelling are physically impaired to the extent that no occupant can place the containers storing solid waste at the curb, the City may, upon application by the occupant, authorize house-side collection service.

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.
5. Unlawful Disposal. Dispose of refuse at any facility or location which is not an approved sanitary disposal project.
6. Unlawful collection. Engage in the business of collecting, transporting, processing or disposing of refuse within the City without a valid permit therefor.

105.12 SOLID WASTE AGENCY DISPOSAL FEES. The City will fix, establish and maintain and revise the same from time to time whenever necessary such rates, fees, rentals or other charges for the use and services of the disposal facilities operated by the Des Moines Metropolitan Area Solid Waste Agency (hereinafter referred to as the "Agency"), as more fully described in the Solid Waste Disposal Service Contract entered into with the Agency, as will always provide in each year, revenues sufficient to pay the proportionate share of the City for (1) operation and maintenance expenses for said disposal facilities, (2) the principal of and interest on the Solid Waste Disposal Revenue Bonds issued by the Agency, and (3) all reserves, renewal and replacement funds and issuance of such Solid Waste Disposal Revenue Bonds. An initial schedule of such rates, fees, tolls and other charges to be levied and collected from the residents of the City for the use and services of said disposal facilities shall be established and put into effect whenever necessary in order for the City to comply with the provisions of its Solid Waste Disposal Service Contract; provided, however, the City may in its discretion apply such other lawfully available moneys it has on hand for such purpose.

105.13 PENALTY. Unless another penalty is expressly provided by this chapter for any particular provision or section, any person violating any provision of this chapter or any rule or regulation adopted herein by reference shall, upon conviction, be subject to a fine of not more than five hundred dollars (\$500.00) or imprisonment not to exceed thirty (30) days.

(Ord. 718 – Nov. 00 Supp.)

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