

CHAPTER 106

COLLECTION OF SOLID WASTE

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106.01 COLLECTION SERVICE. The collection of solid waste within the City shall be only by collectors licensed by the City. A single collector shall be licensed to collect solid waste from residential premises, and a single collector shall be licensed to collect yard waste from residential premises.

(Ord. 726 – Aug. 01 Supp.)

106.02 COLLECTION VEHICLES. Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste or solid waste containing such materials shall be leakproof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution or insect breeding and shall be maintained in good repair so as to prevent leaking or oil or hydraulic fluid onto the City streets.

(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, yard waste and recyclable materials shall be collected, on the same day, from residential premises at least once each week on a schedule approved by the Council and from commercial, industrial and institutional premises as frequently as may be necessary, but not less than once each week. Collection shall not begin before 7:00 a.m. or continue after 7:00 p.m. on the same day. Yard waste shall be collected between March 15 and November 30.

(Ord. 726 – Aug. 01 Supp.)

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 authorized single residential collector.

106.06 YARD WASTE COLLECTION. In addition to meeting the requirements under Section 106.08 relating to a collector's license, each licensed collector shall haul the yard waste to a compost site approved by the City and shall keep an accurate accounting of the amount of such yard waste. Each licensed collector shall submit an annual written report to the City detailing the amount of such yard waste that has been collected and delivered for composting during each month of the reporting year. Any collector licensed under the provisions of this chapter shall not mix yard waste and solid waste together. The license of any hauler who delivers for disposal yard waste and solid waste mixed together shall be subject to revocation as provided in Section 106.08 of this chapter.

106.07 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, the authorized single residential waste collector shall not enter dwelling units or other residential buildings.

106.08 COLLECTOR'S LICENSE. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste other than waste produced by that person within the City without first obtaining from the City an annual license in accordance with the following:

1. Application. Application for a solid waste collector's license shall be made to the Clerk and provide the following:
 - A. Name and Address. The full name and address of the applicant, and if a corporation, the names and addresses of the officers thereof.
 - B. Customers Serviced. A description of the types or classes of customers which the applicant proposes to serve.
 - C. Equipment. A complete and accurate listing of the number and type of collection and transportation equipment to be used.
 - D. Collection Program. A complete description of the frequency, routes and method of collection and transportation to be used. Only applicants who agree to provide collection of both solid waste and yard waste shall be eligible for a license.
 - E. Disposal. A statement as to the precise location and method of disposal or processing facilities to be used.
 - F. Yard Waste Collection. A detailed description of the manner in which the applicant intends to separately collect and haul away yard waste, as set forth in Section 106.06 of this chapter.
 - G. Rates. A complete description of all rates to be charged to customers within the City for each service that is offered. This schedule of rates shall be available for public inspection at the Clerk's office. Any subsequent amendment of such rates shall be filed with the Clerk not less than ten (10) days prior to the date such rates are to take effect.

2. Insurance. No collector's license shall be issued until and unless the applicant therefor, in addition to all other requirements set forth, shall file and maintain with the City evidence of satisfactory public liability insurance covering all operations of the applicant pertaining to such business and all equipment and vehicles to be operated in the conduct thereof in the following minimum amounts:

- Bodily Injury: – \$1,000,000 per person.
 – \$1,000,000 per occurrence.
- Property Damage: – \$1,000,000 per occurrence.

Each insurance policy required hereunder shall include as a part thereof provisions requiring the insurance carrier to notify the City of the expiration, cancellation or other termination of coverage not less than ten (10) days prior to the effective date of such action.

3. Fees to Customers. Fees charged by a commercial collector shall be based on the volume of solid waste and yard waste collected. Fees charged by the single collector authorized to collect solid waste from residential premises shall be established as set forth in Section 106.11. With respect to yard waste collection or bulky items, fees may be charged only for services requested and provided.

4. License Fee. A license fee shall accompany the application. The license fee to be paid by the applicant shall be that fee set forth in the license fee schedule approved by the Clive City Council, which license fee schedule may be modified from time to time with the approval of the Clive City Council. In the event the requested license is not granted, the fee paid shall be refunded to the applicant. *(Ord. 811 – Jul. 04 Supp.)*

5. License Issued. If the City Manager upon investigation finds the application to be in order and determines that the applicant will collect, transport, process or dispose of solid waste without hazard to the public health or damage to the environment and in conformity with law and ordinance, the requested license shall be issued.

6. Term of License. All licensed for collecting and hauling solid waste shall expire July 1 of each year.

7. License Renewal. An annual license may be renewed simply upon payment of the required fee, provided the applicant agrees to continue to operate in substantially the same manner as provided in the original application and provided the applicant furnishes the Clerk with a current listing of vehicles, equipment and facilities in use, and evidence of insurance as required herein.

8. License Not Transferable. No license authorized by this chapter may be transferred to another person.

9. Revocation of License. Failure of a licensee hereunder to comply with the provisions of this Code of Ordinances or the regulations of the Polk County Board of Health or of the Department of Health of the State of Iowa or of any other appropriate governmental agency shall be deemed sufficient cause for the suspension or revocation by the City Manager of such license for collecting and hauling solid waste. Such revocation by the City Manager shall only be after notice to the licensee and hearing. No new license shall be issued to any such licensee whose license is revoked for a period of twelve (12) months after revocation except upon the direction of the Council.

10. Owner May Transport. Nothing herein is to be construed so as to prevent the owner from transporting solid waste or yard waste accumulating upon premises owned, occupied or used by such owner, provided such refuse is disposed of properly in an approved sanitary disposal project and provided that such yard waste is disposed of at City-approved composting stations or neighborhood collection sites in accordance with policies established by the composting station.

11. Grading or Excavation Excepted. No license or permit is required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities; however, all such materials shall be conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported spills upon any public right-of-way.

106.09 UNIFORM COLLECTION FROM RESIDENTIAL PREMISES. The collection of solid waste from residential premises and the maintenance of the availability of such service, whether or not the service is used regularly or at all by the occupant of the residential premises, are hereby declared a benefit to such premises at least equal to the monthly charge specified for the service. Such charge shall be paid whether the occupant uses the residential premises solid waste collection service or not.

106.10 CONTAINER SIZES AND CHARGES FOR RESIDENTIAL PREMISES. Container size and charges for solid waste collection and disposal from residential premises shall be fixed and determined by the Council. Such container size and charges may from time to time be amended by the Council by resolution. A copy of the resolution setting forth the currently effective size and charges shall be kept on file in the office of the City Clerk and be open to inspection during regular business hours.

106.11 BILLING FOR SERVICE TO RESIDENTIAL PREMISES. Billing and payment for the collection of residential solid waste and recyclables shall be in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. Fee Charged. A fee shall be charged to each dwelling unit each month for the collection of residential solid waste and recyclables, which fee shall include both the fee paid to the collector authorized to collect solid waste from

residential premises and the costs of the City for performing the billing service. The fee to be charged to each dwelling unit shall be established by the City Council of the City of Clive from time to time. Each dwelling unit shall receive one 96-gallon waste container. If a resident requests a second waste container, a second monthly fee will be charged to the resident.

2. Bills Issued. The Clerk shall prepare and issue bills for the collection of residential solid waste and recyclables each month. The fee for the collection of residential solid waste and recyclables shall be included on the bill sent by the Clerk to each dwelling unit for water and sewer service, as a combined service account.

3. Bills Payable. Bills for the collection of solid waste and recyclables shall be due and payable at the office of the Clerk by the fifteenth (15th) of the month following the end of the month in which service was provided. If a bill for the combined service account is not paid in full, the amount paid shall be applied pro rata to the amount billed for water service, for sewer service and for the collection of residential solid waste and recyclables.

4. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A one-time late payment penalty of ten percent (10%) of the amount due shall be added to each delinquent bill. The City Manager is authorized to waive the penalty in instances where circumstances seem to justify such waiver.

5. Returned Checks. A fee, as set forth in the fee schedule established by the City Council of the City of Clive, shall be charged for all checks not honored by the bank on which the checks are written.

(Ord. 812 – Nov. 04 Supp.)

106.12 SERVICE DISCONTINUED. Collection of residential solid waste and recyclables shall be discontinued in accordance with the following:

(Code of Iowa, Sec. 384.84)

1. Notice. Within five (5) days following the date that bills for water service and the collection of residential solid waste and recyclables are due and payable (i.e. the fifteenth day of the month), the Clerk shall send a written notice to each delinquent customer that water service, sewer service and the collection of residential solid waste and recyclables may be discontinued if payment, including late payment charges, is not received within ten (10) days from the date the notice is mailed. The notice shall afford the customer the opportunity to request a hearing before the City Clerk prior to the discontinuance of service. Such written notice shall be sent by first class mail. If the customer is a tenant and if the owner or landlord of the property has made written request for notice, the written notice sent to the customer shall also be given to the owner or landlord.

2. Service Discontinued. If payment for all of the services billed by the City on the combined service account is not received within ten (10) days

following the date the written notice is sent to the customer and payment arrangements have not been made pursuant to a hearing before the City Clerk, the supply of water to the customer may be shut off and collection of solid waste and recyclables may be discontinued for nonpayment.

(Ord. 812 – Nov. 04 Supp.)

106.13 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof shall be jointly and severally liable for fees for the collection of residential solid waste and recyclable from the premises. Fees for the collection of residential solid waste and recyclables, if not paid as provided by this chapter, shall constitute a lien upon the premises served and may be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Ord. 812 – Nov. 04 Supp.)

(Code of Iowa, Sec. 384.84)

106.14 LIEN NOTICE. A lien for delinquent fees for the collection of residential solid waste and recyclables shall not be certified to the County Treasurer unless prior written notice of intent to certify a lien is given to the customer. If the customer is a tenant and if the owner or landlord of the property 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.

(Ord. 812 – Nov. 04 Supp.)

(Code of Iowa, Sec. 384.84)

106.15 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.)

(Renumbered by Ord. 812 – Nov. 04 Supp.)

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