

# **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 and Collection 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. "Discard" means to place, cause to be placed, throw, deposit, or drop.  
*(Code of Iowa, Sec. 455B.361[2])*
3. "Dwelling unit" means any room or group of rooms located within a structure and forming a single habitable unit with facilities that are used or are intended to be used for living, sleeping, cooking, and eating.
4. "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)*
5. "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])*
6. "Litter" means any garbage, rubbish, trash, refuse, waste materials, or debris.  
*(Code of Iowa, Sec. 455B.361[1])*
7. "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.
8. "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)*

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

10. "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])*

11. "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)*

12. "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)*

13. "Sanitary disposal project" means all facilities and appurtenances (including all real and personal property connected with such facilities) that 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 of the State Department of Natural Resources.

*(Code of Iowa, Sec. 455B.301)*

14. "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 Section 321.1 of the *Code of Iowa*. Solid waste does not include any of the following:

*(Code of Iowa, Sec. 455B.301)*

- A. Hazardous waste regulated under the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6921-6934.
- B. Hazardous waste as defined in Section 455B.411 of the *Code of Iowa*, except to the extent that rules allowing for the disposal of specific wastes have been adopted by the State Environmental Protection Commission.
- C. Source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.
- D. Petroleum contaminated soil that has been remediated to acceptable State or Federal standards.

**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, provided that the burning of any structures or demolished structures is conducted in accordance with 40 CFR Section 61.145.

*(IAC, 567-23.2[3a])*

2. **Trees and Tree Trimmings.** The open burning of trees and tree trimmings at a City-operated burning site, provided such burning is conducted in compliance with the rules established by the State Department of Natural Resources.

*(IAC, 567-23.2[3b])*

3. **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])*

4. **Landscape Waste.** The disposal by open burning of landscape waste originating on the premises. However, the burning of landscape waste produced in clearing, grubbing and construction operations shall be limited to areas located at least one-fourth (1/4) mile from any building inhabited by other than the landowner or tenant conducting the open burning. Rubber tires shall not be used to ignite landscape waste.

*(IAC, 567-23.2[3d])*

5. **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])*

6. **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.

*(IAC, 567-23.2[3g])*

7. **Pesticide Containers and Seed Corn Bags.** The disposal by open burning of paper or plastic pesticide containers (except those formerly containing organic forms of beryllium, selenium, mercury, lead, cadmium or arsenic) and seed corn bags resulting from farming activities occurring on the premises if burned in accordance with rules established by the State Department of Natural Resources.

*(IAC, 567-23.2[3h])*

8. **Agricultural Structures.** The open burning of agricultural structures if in accordance with rules and limitations established by the State Department of Natural Resources.

*(IAC, 567-23.2[3i])*

9. **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.

*(IAC, 567-23.2[3j])*

10. Variance. Any person wishing to conduct open burning of materials not permitted herein may make application for a variance to the Director of the State Department of Natural Resources.

*(IAC, 567-23.2[2])*

**105.06 BURN BARRELS PROHIBITED.** It is unlawful for any person to maintain on any premises any barrel or drum set vertically on an end and used for the burning of solid waste, rubbish, refuse, landscaping waste, or residential waste.

**105.07 BURNING DURING BURN BAN PROHIBITED.** It is unlawful for any person to allow or permit any open burning during a duly authorized burn ban. The minimum fine for a violation of this section is \$250.00.

**105.08 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 purchased from the City and set out for collection, or hauled to the City's yard waste disposal site. 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.

**105.09 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)*

**105.10 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 of the State Department of Natural Resources, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Director of the State Department of Natural Resources. However, this section does not prohibit the use of rubble at places other than a sanitary disposal project. "Rubble" means dirt, stone, brick, or similar inorganic materials used for beneficial fill, landscaping, excavation, or grading at places other than a sanitary disposal project. Rubble includes asphalt waste only as long as it is not used in contact with water or in a flood plain. For purposes of this section, rubble does not mean gypsum or gypsum wallboard, coal combustion residue, foundry sand, or industrial process wastes unless those wastes are approved by the State Department of Natural Resources.

*(Code of Iowa, Sec. 455B.301, Sec. 455B.307 and IAC, 567-100.2)*

**105.11 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 of the State 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 waste that requires

special handling and that must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

(LAC, 567-100.2)

(LAC, 567-102.13[2] and 400-27.14[2])

**105.12 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 are reusable, portable containers or heavy-duty disposable garbage bags, shall be leak-proof and waterproof. Disposable containers shall be kept securely fastened and shall be of sufficient strength to maintain integrity when lifted, and reusable containers shall be fitted with a fly-tight lid, which shall be kept in place except when depositing or removing the contents of the container. Collection may only be in approved bags or approved containers pursuant to Section 106.08. Galvanized metal containers, rubber or fiberglass containers, and plastic containers that do not become brittle in cold weather may be used for storage only.

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 and 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 outdoors at some easily accessible place by the owner or occupant of the premises served.

4. **Nonconforming Containers.** Solid waste placed in containers that are not in compliance with the provisions of this section will not be collected.

**105.13 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 that has been placed out for collection on any premises, unless such person is an authorized solid waste collector.

**105.14 SANITARY DISPOSAL PROJECT DESIGNATED.** The sanitary landfill facilities operated by Butler County are hereby designated as the official "Public Sanitary Disposal Project" for the disposal of solid waste produced or originating within the City.

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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  
106.10 Pay as You Throw (PAYT) Plan

**106.01 COLLECTION SERVICE.** The City shall provide by contract for the collection of all solid waste except bulky rubbish as provided in Section 106.05 within the City.

**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 leak-proof, 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 that 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 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, 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 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 for the same, in accordance with the following:

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

1. Rates.

A. Residential properties must participate in the "Pay As You Throw" (PAYT) pricing program pursuant to the Refuse Collection Contract with the Contractor for the Collection of Solid Waste for the City of Shell Rock. The monthly charge for solid waste collection from a residence is as follows for weekly collection:

35-gallon container.....	\$ 14.55
64-gallon container.....	\$ 20.05
96-gallon container.....	\$ 26.00

Solid waste shall be stored and collected only in approved containers. The charge for additional approved bags for solid waste collection shall be \$1.75 each. Residential pricing shall include twice monthly curbside recycling collection in approved containers. Lids of all solid waste containers must be completely closed for collection to occur.

B. The monthly charge for a 35-gallon container for a residence meeting the Low Income Elderly Price Guidelines as established by Council resolution shall be \$10.35.

C. The monthly charge for solid waste collection from a heavy commercial business is a base rate of \$5.00 plus \$1.00 per cubic yard based on actual usage.

D. The monthly charge for solid waste collection from a light commercial business is a base rate of \$5.00 plus \$1.00 per cubic yard based on actual usage with a dumpster; or with a base rate of \$5.00 and bags; or with an approved container or containers charged as in paragraph A of this subsection for each container, and bags.

E. The monthly charge for a single facility multi-family residential property that is charged as a commercial business (i.e., nursing homes, assisted living facilities, residential facilities) is a base rate of \$5.00 plus \$1.00 per cubic yard based on actual usage.

F. Multi-family federally subsidized low rent senior housing and other multi-family residential properties of more than 12 units, including apartments, shall elect as a facility as follows:

(1) If the facility elects to participate in the PAYT plan, then each unit shall use approved containers and participate and be billed according to the PAYT plan above.

(2) If the facility elects not to participate in the PAYT plan, and instead use common refuse containers, then the facility shall be charged \$10.35 per occupied unit. The cost of the common collection container shall be charged by the collection contractor.

G. Churches and fraternal organization property may elect either: (i) to participate in and be billed as a single residential unit according to the PAYT

plan; or (ii) to be charged as a commercial business property described in paragraphs C or D above.

2. **Property Classifications.** Property shall be designated or classified as follows for the purpose of this chapter. Each location, building, or premises shall be considered a separate and distinct customer or user of the solid waste collection service, whether owned or controlled by the same person or not.

A. "Residential property" means any dwelling, house, mobile home, trailer coach, or other building usually or normally occupied and used as a dwelling, home, or residence. For single unit residential properties, and multi-family residential properties of 12 or fewer units, each unit shall participate in and be charged as a separate residence according to the PAYT plan.

B. "Single facility multi-family residential property" means multi-family residential properties operated as a single facility providing common meals and laundry services, including nursing homes, assisted living facilities, and residential facilities.

C. "Commercial business property" includes businesses, school property owned and used by the school district, and property owned and used by the County.

D. "Churches and fraternal organization property" includes any structure owned by any religious organization and used as a church or place of worship and includes any structure owned by a fraternal organization and used as a meeting hall.

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, except that the late payment penalty for solid waste collection fees is \$2.00. 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.** 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 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)*

**106.10 PAY AS YOU THROW (PAYT) PLAN.** The City shall have, pursuant to *Code of Iowa* Section 455D.3 and Administrative Rule Section 101.5(8), a Unit Based Pricing Program in agreement with the contractor for the collection of solid waste for the City of Shell Rock. A monthly service charge for collection of residential solid waste from each residence shall be billed according to the size of container with charges increasing with each larger size of container. Service levels shall include:

1. One weekly pickup of not more than 35 gallons.
2. One weekly pickup of not more than 64 gallons.

3. One weekly pickup of not more than 96 gallons.

Any additional containers will be at an additional cost. Solid waste shall be stored in approved solid waste containers. The weight of any individual container and contents shall not exceed 35 pounds.

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