

## CHAPTER 105

# SOLID WASTE CONTROL

105.01 Purpose; Governing Statutes	105.08 Open Dumping Prohibited
105.02 Definitions	105.09 Toxic and Hazardous Waste
105.03 Sanitary Disposal Required	105.10 Waste Storage Containers
105.04 Health and Fire Hazard	105.11 Prohibited Practices
105.05 Open Burning Restricted	105.12 Sanitary Disposal Project Designated
105.06 Separation of Solid Wastes Required	105.13 Enforcement
105.07 Littering Prohibited	105.14 Withholding of Services

**105.01 PURPOSE; GOVERNING STATUTES.** 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. In the event that any provision of these chapters 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.

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

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 State Department of Natural Resources 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 non-combustible 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 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. "Discard" means to place, cause to be placed, throw, deposit or drop.  
(*Code of Iowa, Sec. 455B.361[2]*)
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 and eating of meals.
11. "Garbage" means all putrescible animal and vegetable wastes resulting from the handling, preparing, cooking, serving and consuming of food.  
(*IAC, 567-100.2*)
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, and 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 wastes, explosive wastes, pesticides, toxic radioactive materials and those wastes included by definition in the *Code of Iowa* in Section 455B.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. "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]*)
15. "Litter" means the discarding, depositing or throwing of paper, rubbish, plastic, cans, bottles, bags, food, beverages or other miscellaneous solid waste materials in the City on its streets, parks, playgrounds or other public places and on the grounds of any other governmental premises or commercial premises or on private property not owned by the person discarding or depositing or throwing the solid waste material.
16. "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.
17. "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 in the City.
18. "Owner" means any person who possesses any title to any real property or personal property whether it is legal or equitable or by contract or sale or deed.
19. "Paper" means thin sheet material made of cellulose pulp, derived mainly from wood, rags and 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.

20. "Plastic" means any of various complex organic compounds produced by polymerization, capable of being molded, extruded or cast 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.

21. "Premises" means any real property, including but not limited to buildings and improvements, whether intended for residential, commercial, or industrial use.

22. "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.

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. "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.

25. "Refuse" means solid waste not required to be recycled or re-used. "Refuse" includes garbage as defined herein.

26. "Residence" means any dwelling intended or used for a residential use, including multi-family dwellings.

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 which is furnished sewer or solid waste service who rents a residence or part thereof to any third party is a responsible party.

29. "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)*

30. "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 of the State Department of Natural Resources.

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

31. "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 wastes, and all residential,

commercial, and industrial wastes. 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.
32. "Solid waste disposal" means the process of discarding or getting rid of unwanted material, the final disposition of solid waste.
33. "Special waste" means solid waste that must be handled or processed in a special manner prior to disposal.
34. "Storage" means the keeping or maintaining of solid waste from the time of its production until the time of its collection and removal.
35. "Transportation" means the conveying of solid waste from the place of collection or processing to a landfill or disposal site.
36. "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.

**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 (¼) 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 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. 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])*

8. 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 SEPARATION OF SOLID WASTES REQUIRED.** All residential solid waste to be collected by the City contractor 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 wastes

8. Bulky wastes
9. Appliances
10. Waste oil and lead acid batteries
11. Tires

The Council shall designate by resolution what solid wastes shall be included in the above classifications. All residents of the City shall be deemed to be on notice of the designations of the Council and the provisions of these chapters regarding solid waste collection and disposal.

**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 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 in a floodplain. 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)*

**105.09 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 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 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. Disposal of hazardous wastes, lead acid batteries and waste oil shall be the responsibility of the owner, operator, or occupant of a residence and such person shall be required to comply with all governmental regulations regarding said disposal and shall be required to pay any costs thereof.

*(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. All residential refuse and garbage to be collected by the City contractor shall be stored for collection in disposable solid waste containers approved by the Council and upon which the name of the City contractor appears. Only residential refuse and garbage which is non-recyclable as defined in this chapter and the regulations of the Council shall be stored in these containers and picked up for collection by the City contractor. Residential refuse containers shall be purchased by the residential users from the City contractor 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. Metal bulk storage containers shall not be used at residences except for use in connection with an ongoing construction project and approved by the City Public Works Department.

*(Subparagraph A – Ord. 2019-04 – Mar. 20 Supp.)*

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 disposal containers as required above is impractical, shall maintain metal bulk storage containers approved by the City.

C. Recyclable Collection Containers. All recyclable waste to be collected by the City contractor shall be stored in a residential recycling kit approved by the City and provided by the City contractor for each residential unit. Any written agreement between the City contractor and the customer for the loan, use, and maintenance of the recycling kit shall be approved in advance by the Council. 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, the owner and resident 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 waste description printed thereon. Periodically, when residential recycling kits are no longer satisfactory for use, said kits will be replaced by the City contractor.

D. Yard Waste Collection Containers. All yard waste, except tree and brush limbs, to be collected by the City contractor shall be stored in disposable solid waste containers provided by the City contractor. Yard waste disposable solid waste containers shall be purchased from the City contractor at a cost to be determined by the Council. Yard waste disposable solid waste 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. 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.

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. No solid waste containers whether disposable or not shall be stored on real estate including streets and alleys which belongs to the City except for solid waste containers owned by the City and placed in parks or playgrounds owned by the City. 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. All residential solid waste containers including both refuse and garbage containers, yard waste containers and 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 regularly scheduled collection day. Containers may be placed at the curb or property line no earlier than 4:00 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. Solid waste which is not placed at the curb in compliance with this chapter shall not be collected. For solid waste to be in compliance with this chapter, it must be segregated as required in Section 105.06 into containers as specified in this section. 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.

**105.11 PROHIBITED PRACTICES.** It is unlawful for any person to:

1. Unlawful Use of Containers. Deposit solid waste in a 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 collector 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. Separation of Wastes. Deposit residential refuse or garbage or yard waste or other solid waste not designated as recyclable in the residential recycling kit provided by the City, or deposit recyclable solid waste as designated by the Council in refuse and garbage solid waste containers

3. 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.

4. 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.

5. 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.

6. Damaging Containers. Damage or destroy any solid waste containers of the City, any residential recycling kits, any residential, private or commercial solid waste containers not belonging to such person.

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

**105.13 ENFORCEMENT.** In order to insure compliance with the provisions of this chapter, together with all applicable State statutes, the regulations of the State 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 authorized to inspect all phases of the solid waste storage and collection in the City. The Mayor shall further enforce the provisions of this chapter by selection of any appropriate method allowed herein or by the provisions of any State law.

**105.14 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. Election to withhold services shall not prevent the City from taking additional action against the person or dwelling unit which is allowable hereunder or by Federal or State law. In the event services are withheld, the regular monthly fee shall continue to be assessed.

[The next page is 541]