

## 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. "Commercial establishment" means any premises upon which a structure is located and used for other than residential purposes. Separate commercial enterprises housed and actually conducting business and generating solid waste within the same structure shall be considered separate commercial establishments.
3. "Discard" means to place, cause to be placed, throw, deposit or drop.  
(Code of Iowa, Sec. 455B.361[2])
4. "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.
5. "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)
6. "Hotel, motel or rooming house" means a structure containing one or more sleeping rooms offered to the public for hire on a daily basis. Hotels, motels and rooming houses are considered as commercial establishments for the purposes of this chapter and Chapter 106.
7. "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])
8. "Litter" means any garbage, rubbish, trash, refuse, waste materials or debris.  
(Code of Iowa, Sec. 455B.361[1])

9. "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.

10. "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)

11. "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 and trade waste.

(IAC, 567-20.2[455B])

12. "Residential dwelling" means a structure other than a hotel or motel, designed and constructed principally for permanent daily human habitation by one or more persons.

A. "Single-family residential dwelling" means one residential dwelling structure containing one living unit principally designed for housing one or more persons.

B. "Multi-family residential dwelling" means each residential structure containing two or more separate living units, each of which is designed for housing one or more persons.

13. "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)

14. "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)

15. "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)

16. "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.
- E. Steel slag which is a product resulting from the steel manufacturing process and is managed as an item of value in a controlled manner and not as a discarded material.

*(Ord. 1054 – Oct. 14 Supp.)*

**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, provided that such open burning or recreational fire is done at a minimum distance of 25 feet from any buildings. In addition, such open burning and fires must be constantly supervised by a competent person equipped with a satisfactory means of control such as a garden hose connected to the water supply. Burning on public streets, alleys or property of another is prohibited. The Fire Chief of the City may prohibit any or all open burning when atmospheric conditions or local circumstances make such fires hazardous.

*(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 rubbish consisting only of organic yard and garden waste originating on the premises of any dwelling of two family units or less or deposited thereon by the elements, provided that such burning is done between the hours of 7:00 a.m. and 7:00 p.m. and that atmospheric conditions or

local circumstances do not make such fires hazardous or a nuisance to neighbors. Rubber tires shall not be used to ignite landscape waste.

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

5. Barbecues. The burning of charcoal or bottled propane gas in an apparatus designed for the purpose of cooking or grilling. A barbecue shall be permitted at any time or place provided atmospheric conditions or local circumstances do not make such fires hazardous or a nuisance to neighbors. In addition, no barbecue grill or other device which produces ashes or embers shall be used or operated within twenty (20) feet of or on any wooden deck or within 20 feet of a multi-family dwelling.

6. Recreational Fires. The burning of firewood for cooking or as a campfire in a public park, campground or private yard. Recreational fires (including both the fuel and flames) cannot exceed three (3) feet in width or three (3) feet in height and are permitted until 10:30 p.m. weekdays and until 12:00 a.m. on weekends by individuals domiciled on the property of any dwelling of two family units or less or in any public park or campground, provided such fire areas are designated, and provided atmospheric conditions or local circumstances do not make such fires hazardous or a nuisance to neighbors.

*(Ord. 1014 – Aug. 12 Supp.)*

7. 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])*

8. 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])*

9. 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])*

10. 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])*

11. 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])*

It is unlawful for any person to do open burning of any other rubbish or material not otherwise enumerated except upon written permission of the Fire Chief.

**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 and shall be composted or burned on the premises in compliance with Section 105.05 of this chapter

or placed in acceptable containers and set out for collection. 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.

**105.07 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 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 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.

*(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. All receptacles for disposal of solid waste by residential customers shall have a capacity of 15 gallons to 35 gallons and shall be rust-proof, watertight and shall be composed of metal or plastic and further shall be equipped with tight-fitting covers or lids and handles. The total combined weight of a residential receptacle and contents shall not exceed 75 pounds in weight.

B. Plastic bags shall be approved provided the same shall not exceed 40 pounds in weight and shall have a minimum of 1½ mil thickness if not placed in an approved metal or plastic container.

C. Receptacles and containers must be maintained in good condition with no ragged or sharp edges or other defects which would impede or injure persons collecting solid waste. Defective receptacles and containers may be tagged for replacement by solid waste collectors. If the same are not replaced within fifteen (15) days following the second tag, the defective receptacle and container shall be collected as solid waste.

D. If a receptacle disintegrates when lifted due to discarded liquids or rain, the patron will be responsible for placing the waste in a suitable container.

E. Paper products not disposed of in an approved receptacle or an approved plastic bag must be bundled and tied. Such bundles shall not exceed 40 pounds in weight.

F. Tree trimmings, hedge cuttings, brush, wood and any other yard waste shall be securely tied in bundles not exceeding 60 pounds in weight and having dimensions no more than 4 feet in length and 15 inches in diameter. In addition, all such waste must be placed separately from all other waste so that persons collecting such waste can keep it separate and distinct from all other solid waste.

G. 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.

H. Commercial customers shall remove snow and ice from the area surrounding containers which would restrict the pickup of solid waste.

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; 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. Customers shall place solid waste in approved containers at the curb location of the street upon which collection shall occur or at the edge of alleys of the City. Solid waste not so placed shall not be collected unless the customer is disabled due to age or other infirmity and is physically unable to place solid waste at the curb site or alley site for collection.

**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.

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