

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. "Brush" means brush, tree trimmings, branches, stumps, and shrubbery.
2. "Collector" means any person authorized to collect solid waste from public and private places. *(Ord. 2012-426 – Jul. 12 Supp.)*
3. "Construction materials" includes the following (but is not limited to the following): shingles, windows, doors, frames, drywall, and insulation.
4. "Discard" means to place, cause to be placed, throw, deposit or drop. *(Code of Iowa, Sec. 455B.361[2])*
5. "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.
6. "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)*
7. "Landscape waste" means any vegetable or plant waste except garbage. The term includes garden waste, weeds, leaves, grass, and yard trimmings.
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 premises" means a single-family dwelling and any multiple-family dwelling, building or complex of buildings up to and including twelve (12) separate dwelling units. Separate living units that are part of a commercial building shall be deemed residential premises. (Ord. 2012-426 – Jul. 12 Supp.)

12. "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])

13. "Rubbish" means non-putrescible solid waste consisting of combustible and non-combustible waste, such as ashes, paper, cardboard, tin cans, wood, glass, bedding, crockery or litter of any kind. (Ord. 2012-426 – Jul. 12 Supp.)

(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. 2014-456 – 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 unless conducting such burning in accordance with the *International Fire Code* and the following:

1. Definitions. For use in this section the following terms are defined:
 - A. "Backyard burning" means the burning of leaves, twigs, and landscape waste originating on the premises by individuals domiciled on the premises.
 - B. "Chimney or stack" means any flue, conduit, or duct permitting the discharge or passage of air contaminants into the open air, or constructed or arranged for such purpose.
 - C. "Garbage" means all solid and semi-solid animal and vegetable wastes resulting from the handling, preparing, cooking, storing, and serving of food or of material intended for use as food, but excluding recognized industrial byproducts.
 - D. "Open burning" means any burning of combustible materials wherein the products of combustion are emitted into the open air without passing through a chimney or stack.
 - E. "Refuse" means garbage, rubbish, and all other wastes, except sewage and water-carried trade wastes.
 - F. "Rubbish" means all waste materials not subject to becoming readily decayed, decomposed, or rotten.
 - G. "Salvage operation" means any business, industry, or trade engaged wholly or in part in salvaging or reclaiming any project or material, including (but not limited to) chemicals, drums, metals, motor vehicles, or shipping containers.
 - H. "Trade waste" means all solid or liquid material or rubbish resulting from building operations, construction, or the conduct of any business, industry, or trade, including (but not limited to) chemicals, cinders, grease, paint, plastic products and other forms of liquid or solid waste materials.
 - I. "Recreational Fire" means an outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.
2. Opening Burning. No person shall allow, cause, or permit open burning or refuse, including trade wastes, or conduct a salvage operation by open burning, except

where a variance has been granted by the air pollution control authority or the State and except that open burning is permitted in the following circumstances:

A. Cooking of Food. Open fires used only for the cooking of food for human consumption, or for recreational purposes except for the premises of permanent commercial establishments.

B. Backyard Burning. Backyard burning (not including garbage) at dwellings of four family units or less. Backyard burning shall only be done during two one-week periods in the fall and a ten-day period in the spring as designated by proclamation of the Mayor and shall only be done after sunrise and before sunset. No backyard burning shall be done on any public sidewalk, curb, or street.

C. Disaster Rubbish. The open burning of rubbish produced during community disasters in cases where an officially declared emergency condition exists.

D. Flare Stacks. Flare stacks for the combustion of waste gases.

E. Training Fires. Fires set for the purpose of bona fide instruction and training of public or industrial employees in the methods of fighting fires.

F. Clearing and Grubbing Rubbish. The open burning of combustible materials produced in clearing, grubbing, and construction operations, provided that such burning shall be limited to areas located at least one-fourth (1/4) mile from any inhabited building and further provided that a permit for such burning be first issued by the Fire Chief.

3. Incinerators. Equipment or facilities for enclosed burning of refuse shall have a stack adequate to maintain a draft sufficient for efficient combustion and the stack shall have a screen sufficiently fine to prevent ejection of particles of burning material. Such equipment and facilities shall not be installed until approved by the Fire Chief and Building Inspector. Such equipment and facilities shall be maintained and operated so that no objectionable smoke or odor shall result in accordance with State law and rules on particulates and smoke density.

4. Burning Impregnated Wood. Wood, such as that used for utility poles, railroad ties, and other purposes, without exclusion, which has been coated or impregnated with creosote, pentachlorophenol, or other chemical or paint, which when burned emits volatiles that create vapors which are a nuisance, likely to be unhealthful for humans and animals, or tend to deposit any film on objects such as furnishings, cloth, walls or other exposed surfaces or on plant life, shall not be burned in equipment used for heating or destruction of wastes or be burned in the open.

5. Penalty For Violation. Any person violating any provision of this section shall commit a municipal infraction. Each day upon which such violation occurs after notice constitutes a separate offense. Any condition which fails to comply with the health standards or the aforementioned rules may be declared a nuisance and an injunction may be sought as provided by law.

(Ord. 2015-467 – Aug. 15 Supp.)

105.06 SEPARATION OF LANDSCAPE WASTE REQUIRED. All landscape 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. NOTE: Landscape waste cannot be disposed of along with the regular garbage.

105.07 BRUSH DISPOSAL. All brush shall be disposed of properly on premises or deposited at the City's brush dump as provided. NOTE: Brush cannot be disposed of along with the regular garbage.

105.08 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)

105.09 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)

105.10 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, 567-102.13[2] and 400-27.14[2])

105.11 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 approved and provided by the residential waste hauler of the City. Container weight shall not exceed seventy-five (75) pounds. If use of individual containers is not feasible then the waste hauler may provide dumpsters.
 - 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.

(Ord. 2012-426 – Jul. 12 Supp.)

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.** 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. Containers shall be three (3) to four (4) feet apart and away from impediments. *(Ord. 2012-426 – Jul. 12 Supp.)*

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

105.12 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.