

SUBCHAPTER 5D COLLECTION OF SOLID WASTE AND RECYCLABLE MATERIALS

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6-5D-1 NEW CHAPTER. The Code of Ordinances of the City of Maquoketa is amended by adding a new chapter, number 5D, to Title VI, Physical Environment that is entitled, "Collection of Solid Waste and Recyclable Materials."

6-5D-2. PURPOSE. The purpose of this chapter is to establish a uniform, consistent, and comprehensive solid waste, and recyclable materials collection service for the owners of single-family to four-family residential properties. The protection of the health, safety, and welfare of the citizens and the protection of the environment require the safe and sanitary disposal of solid wastes. An effective and efficient solid waste disposal program protects the environment and the public and provides the most practical and beneficial use of the material and energy values of solid waste. The Council finds that in obtaining solid waste collection service for the community at large, the residents will have reduced costs, avoid interruptions in service, and provide more consistent and accountable solid waste collection services.

6-5D-3. DEFINITIONS. For the purposes of this Chapter, the following definitions shall apply:

1. "Family Unit or Unity." One or more connected rooms having complete kitchen facilities and arranged, designed, or used as living quarters for one family only.
2. "Food Scraps." Solid, semisolid, and liquid animal and vegetable residuals resulting from the handling, preparing, cooking, storing, serving, and consuming of food.
3. "Garbage." All solid and semisolid, putrescible animal and vegetable wastes 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 byproducts, and shall include all such substances from all public and private establishments and from all residences.
4. "Hazardous Wastes." Waste materials, including, but not limited to, poisons, pesticides, herbicides, acids, caustics, biohazardous wastes, flammable or explosive materials and similar harmful wastes which require special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

5. “Other Compostable Materials.” Napkins, plates, cups, bowls, towels, tissues, and takeout containers made from paper as well as other materials as approved by the city manager.
6. “Recyclable Materials.” Materials, including, but not limited to, food container glass, aluminum, steel (tin) cans, no. 1 and no. 2 plastic bottles, uncontaminated newspapers, and glossy paper (magazines). Newspapers and glossy paper shall be considered uncontaminated if they have not been exposed to substances or conditions rendering them unusable for recycling.
7. “Refuse.” Putrescible and nonputrescible wastes including, but not limited to, garbage, rubbish, ashes, incinerator ash, incinerator residues, street cleanings, market and industrial solid wastes and sewage treatment wastes in dry or semisolid form.
8. “Rubbish.” Nonputrescible solid waste consisting of combustible and noncombustible wastes, such as furniture, appliances, tires, building materials or similar wastes.
9. “Solid Waste.” 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 includes vehicles. Solid waste does not include toxic and hazardous wastes as defined by the Iowa Department of Natural Resources
10. “Yard Waste.” Debris such as grass clippings, leaves, garden wastes, brush and trees as defined by the Iowa Department of Natural Resources. Yard waste does not include tree stumps

6-5D-4. **COLLECTION SERVICE.** The City shall provide for the collection of solid waste and recyclable materials from single-family to four-family residential properties only. The owners or operators of multifamily, commercial, industrial, or institutional premises shall provide for the collection of solid waste and recyclable materials produced upon such premises. However, the Council may, upon separate application and consideration therefor, include certain multi-family residential premises in the City collection service under the terms and conditions placed thereon. The City shall conduct a competitive bid process to contract with a waste hauling/recycling service provider for the collection of solid waste and recyclable materials.

6-5D-5. **CITY TO PROVIDE COLLECTION CONTAINERS.** The City through the waste hauling/recycling service provider shall supply each property with a container, vessel, or vehicle for the collection of solid waste per family unit and the collection of recycling per family unit. Each unit on the property will have the option of a small container or a large container for solid waste collection, and a container for recyclable materials. Such containers shall remain at all times the property of the waste hauling/recycling service provider.

6-5D-6. **COLLECTION CONTAINERS.** Containers, vessels, or vehicles used for the collection and transportation of garbage and similar putrescible waste or solid waste, or recyclable materials, 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. Each unit shall be provided an initial container, and additional recycling containers, at no individual cost.

However, any container that is lost, stolen, damaged, or otherwise does not meet the standards set forth above, will be replaced at the property owner's expense.

6-5D-7. **LOADING OF CONTAINERS.** Containers, vessels, or vehicles used for the collection and transportation of any solid waste or recyclable materials 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. Solid waste that does not fit within a container, or excess bagged solid waste, shall be treated as bulky rubbish as defined below.

6-5D-8. **ADMINISTRATION OF COLLECTION.** Each unit shall be assigned a day of the week for collection, to be determined by the City and the waste hauling service provider. Each unit shall be responsible for placing the container(s) out for collection at the start of the day and take in the container(s) at the end of the day. The container(s) shall be placed adjacent to the street or the same will not be collected. A property owner may temporarily halt collection for a unit during a period the unit is serviced is not used for human occupancy or during extended residential absence. Any customer desiring to temporarily halt collection for a unit must make a written request to the City, otherwise, the property owner shall remain liable for the service rendered until said notice is received by the City.

6-5D-9. **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 collector upon request in accordance with procedures therefor established by the service level agreement with the waste hauling/recycling service provider.

6-5D-10. **RIGHT OF ENTRY.** Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste or recyclable materials therefrom as required by this chapter: however, solid waste collectors shall not enter dwelling units or other residential buildings.

6-5D-11. **RATES.** The collection and disposal of solid waste and/or recyclable materials 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 therefor. Each unit shall pay for waste collection service provided by the City. The rates for the operation and maintenance of the same shall be collected by imposing a monthly rate on each applicable residential unit within the City. The service charges shall be billed as part of a combined service account which means a customer service account for the provision of two or more utility services. The Council may adopt rules, charges, rates, and fees for the use of the City's solid waste collection service, and for services provided by the City relating to the same. Such rules may include delinquency and interest charges and penalties. Such charges and fees shall be just and equitable based upon the actual costs of operation, maintenance, acquisition, extension, and replacement of the City's services. The rates for the foregoing functions, including but not limited to monthly fee, container rental, administrative fee, and/or other similar charges, shall be established and collected monthly after the acceptance of a waste/recycling service provider award has been granted after the completion of a competitive bid process, and the negotiation of a term and service period has been established.

6-5D-12. PAYMENT. All solid waste collection charges shall be due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 6-3-5, Section 6-4-24, and Section 6-22-6 of this Code of Ordinance. All City services may be discontinued in accordance with the provisions contained in Section 6-3-5A and 6-4-26 if the combined service account becomes delinquent, and the provisions contained in section 6-3-5 and 6-4-9 relating to lien exemptions and lien notices shall also apply in the event of a delinquent account.

6-5D-13. LIEN FOR NONPAYMENT. The Owner of the premises and any lessee or tenant thereof shall be jointly and severally liable for charges for the operation and maintenance of the solid waste collection. Any charges 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.

6-5D-14. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

6-5D-15. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

6-5D-16. EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

TITLE VI PHYSICAL ENVIRONMENT

