

CHAPTER 5A SOLID WASTE CONTROL

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ARTICLE A

GENERAL PROVISIONS AND OPEN BURNING

6-5A-1 PURPOSE. The purpose of this Chapter is to provide for the sanitary storage, collection and disposal of solid wastes and regulate the burning of solid wastes within the city limits; and thereby, to protect its citizens from such hazards to their health, safety and general welfare as may arise from the uncontrolled disposal of solid wastes or the uncontrolled burning of such solid wastes.

6-5A-2 DEFINITIONS. For the purpose of this Chapter, the following terms shall have the meanings indicated below:

1. "Backyard Burning" means the disposal of residential waste by open burning on the premises of the property where such waste is generated.
2. "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 this purpose.
3. "Garbage" means all solid and semisolid putrescible and nonputrescible 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 by-products.
4. "Incinerator" means a combustion apparatus designed for high temperature operation in which solids, semisolid, liquid or gaseous combustible refuse is ignited and burned efficiently, and from which the solid residues contain little or no combustible material.
5. "Landscape Waste" means any vegetable or plant wastes except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.

6. "Odor" means that which produces a response of the human sense of smell to an odorous substance.

7. "Open Burning" means any burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack.

8. "Particulate Matter" means any material, except uncombined water, that exists in a finely divided form as a liquid or solid at standard conditions.

9. "Refuse" means garbage, rubbish and all other putrescible and nonputrescible wastes, except sewage and water-carried trade wastes.

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.

11. "Rubbish" means all waste materials of nonputrescible nature.

12. "Smoke" means gas-borne particles resulting from incomplete combustion, consisting predominantly, but not exclusively, of carbon, and other combustible material, or ash, that form a visible plume in the air.

13. "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 Iowa Code section 321.1(90). However, this chapter 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. Solid waste does not include hazardous waste as defined in the Iowa Code or petroleum contaminated soils which has been remediated to acceptable state or federal standards.

14. "Standard Conditions" means a gas temperature of 70° F and a gas pressure of 29.92 inches of mercury absolute.

15. "Trade Waste" means any refuse resulting from the prosecution of any trade, business, industry, commercial venture (including farming and ranching), or utility or service activity, and any governmental or institutional activity, whether or not for profit.

6-5A-3 HEALTH HAZARD. It shall be unlawful for any person to permit to accumulate on any premises, whether improved or vacant, or on any public place, such quantities of solid waste, either in containers or not, that shall constitute a health or sanitation hazard.

6-5A-4 FIRE HAZARD. It shall be unlawful for any person to permit to accumulate quantities of solid waste within or close to any building, unless the same is stored in containers in such a manner as not to create a fire hazard.

6-5A-5 OPEN BURNING. No person shall allow, cause or permit open burning of combustible materials, except as provided herein:

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. Burning of any structures or demolished structures shall be conducted in accordance with the Code of Iowa and the Iowa Administrative Code.

2. Trees and tree trimmings. The open burning of trees and tree trimmings not originated on the premises provided that the burning site is operated by a local governmental entity, the burning site is fenced and access is controlled, burning is conducted on a regularly scheduled basis and is supervised at all times, burning is conducted only when weather conditions are favorable with respect to surrounding property, and the burning site is limited to areas at least one-quarter mile from any inhabited building unless a written waiver in the form of an affidavit is submitted by the owner of the building to the city prior to the first instance of open burning at the site.

3. Recreational fires. Open fires for cooking, heating, recreation and ceremonies; provided, however, that no person shall allow, cause or permit the emission of visible air contaminants into the atmosphere from any such fire equal to or in excess of 40 percent opacity.

4. Training fires. Training fires as authorized by Iowa Administrative Code section 567-23.2(3)(g) as may be amended from time to time.

5. Controlled burning of a demolished building. The City may conduct a controlled burn of a demolished building with the approval of its City Council as authorized by Iowa Administrative Code section 567-23.2(3)(j) as may be amended from time to time.

6-5A-6 BRUSH PICKUP. Trees limbs less than seven inches in diameter and brush securely tied in bundles not larger than 72 inches long and 78 inches in diameter may be placed along the curb for collection by the City in accordance with the City's brush removal policy as may be from time to time amended.

6-5A-7 SEPARATION OF LANDSCAPE WASTE REQUIRED. All landscape waste shall be separated by the owner or occupant from all other refuse accumulated on the premises and shall be composted on the premises or placed in paper biodegradable bags, and set out for collection by refuse collectors licensed by the City.

6-5A-8 CITY LEAF PICKUP PROGRAM. The City shall conduct a program in the fall of each year to remove leaves from city streets. Residents of the City will be required to compost as many leaves from their property as possible. Leaves that cannot be composted may be raked onto the city streets. Leaves shall not be bagged or placed into any containers. The City shall remove the leaves and deposit them at a composting site.

6-5A-9 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.

6-5A-10 OPEN DUMPING PROHIBITED. No person shall dump or deposit, or permit the open dumping or depositing, of any solid waste except rubble at any place other than a sanitary disposal project approved by the Iowa Department of Natural Resources.

6-5A-11 WASTE STORAGE CONTAINERS. Every person owning, managing, operating, leasing or renting any premises, dwelling unit or place where refuse accumulates shall provide and at all times maintain in good order and repair portable containers for storage of refuse in accordance with the following:

1. Waste storage containers shall comply with the following specifications:

a. Residential waste containers (20-35 gallons). Residential waste containers shall be of not less than 20 gallons nor more than 35 gallons in nominal capacity; and be leak proof, water proof and fitted with a fly tight lid which shall be kept in place except when depositing or removing the contents thereof. Containers shall have handles, bails or other suitable lifting devices or features and shall of a type originally manufactured for the storage of residential wastes with tapered sides for easy emptying. They shall be of light weight and sturdy construction with the total weight of any individual containers and contents not exceeding 75 pounds. Galvanized metal containers, rubber or fiberglass containers and plastic containers which do not become brittle in cold weather may be used. Disposable containers or other containers as approved by the City may also be used.

Residential waste must be stored in portable containers or building enclosures until such time that it is taken to the curb for pickup. Waste can be placed at the curb in sealed garbage bags no earlier than 12 hours prior to pickup by the solid waste hauler. Property owners shall be responsible for cleaning up any debris caused by ripped or damaged garbage bags.

b. Residential dumpsters. Dumpsters located at residences may not extend over or be located on the public sidewalk or publicly owned right of way. Dumpsters will be allowed to be in the right of way for a period of no more than 24 hours to allow the dumpster to be emptied. Dumpsters shall be placed in the side yard or rear yard and shall not be nearer than two (2) feet to any side or rear lot line.

Dumpsters may be allowed to be in the front yard provided:

(1) Space is not available in the side yard, or there is no reasonable access to either the side or the rear yard. A lot shall be deemed to have reasonable access to the rear yard if terrain permits and an access can be had without substantial damage to existing large trees or landscaping. A corner lot shall normally be deemed to have reasonable access to the rear yard.

(2) Dumpster must be enclosed by a natural or manmade enclosure.

This ordinance does not apply to temporary dumpsters up to 30 days. Residents interested in a temporary dumpster must contact City Hall for a permit.

(3) Commercial. Every person owning, managing, operating, leasing or renting any commercial premises where excessive amounts of refuse accumulates and where its storage in portable containers as required above is impractical, shall maintain metal bulk storage containers (dumpsters) approved by the City.

(4) All dumpsters. All dumpsters shall be maintained in a clean, well-kept state so as not to detract from the appearance of the surrounding area. All dumpsters shall be placed on a hard surface. All dumpsters are required to have weekly pickup. All dumpsters on properties with two units or less will require a permit.

(5) Location 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 shall have 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.

(6) Non-conforming containers. Solid waste containers which are not adequate will be collected together with their contents and disposed of after due notice to the owner.

(Ord. No. 1073, 08/08/09)

6-5A-12 PROHIBITED PRACTICES. It shall be unlawful for any person to:

1. Unlawful use of containers. Deposit refuse in any solid waste containers other than his or her own 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. Unlawful disposal. Dispose of any refuse at any facility or location which is not an approved location.

4. Unlawful collection. Engage in the business of collecting, transporting, processing or disposing of refuse with the City without a contract therefore with the City or a valid permit from the City.

5. Incinerators. Burn refuse except in approved incinerators so maintained and operated as to prevent the emission of objectionable odors or particulate matter.

6. Anti-Scavenging. It shall be a violation of this Code for any person to sort through, scavenge or remove any garbage, waste, refuse, rubbish or recycling material that has been placed in a designated garbage or recycling container. Unauthorized collection, removal or scavenging of material placed in a garbage or recycling container shall be a violation of this Code and punishable as set forth in the Municipal Code.

(ECIA Model Code Amended in 2017)

6-5A-1 PENALTIES. Any person, firm or corporation violating any of the provisions of this Chapter shall be guilty of a municipal infraction. Each day a violation continues shall constitute a separate offense.

(Ord. No. 1051, passed 1-7-08)

(Ord. 1142, Passed June 2, 2018)