Proposed
Item #13

CHAPTERS 105 & 106
SOLID WASTE CONTROL

SECTION	INSTRUCTIONS
105.03	May revise as needed. – ok
105.05	You may delete any one or more of the subsections numbered 1 through 8 thus prohibiting that type of burning locally. – Add back #4 Remove #6-8
105.06	Review and modify as needed. – use original with corrections
105.10 (1) (A)	Review and modify as needed. – modified
105.10 (3)	Two alternates shown. Choose one – revise as needed. Alt #2
106.01	Review and modify as needed. ok
106.08	Review and modify as needed. – modified

Incorporate new rates from Ordinance #441

CHAPTER 105

SOLID WASTE CONTROL

105.01 Purpose
105.02 Definitions
105.03 Sanitary Disposal Required
105.04 Health and Fire Hazard
105.05 Open Burning Restricted
105.06 Separation of Yard Waste Required
105.07 Littering Prohibited
105.08 Open Dumping Prohibited
105.09 Toxic and Hazardous Waste
105.10 Waste Storage Containers
105.11 Prohibited Practices
105.12 Sanitary Disposal Project Designated
105.13 Yard Waste Disposal Site
105.14 Recycling Program

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. "Discard" means to place, cause to be placed, throw, deposit, or drop.
(Code of Iowa, Sec. 455B.361[2])

3. "Dwelling unit" means any room or group of rooms located within a structure and forming a single habitable unit with facilities that are used or are intended to be used for living, sleeping, cooking, and eating.

4. "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)

5. "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])

6. "Litter" means any garbage, rubbish, trash, refuse, waste materials, or debris.
(Code of Iowa, Sec. 455B.361[1])

7. "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.

8. "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)

9. "Residential premises" means a single-family dwelling and any multiple-family dwelling.

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.

(IAC, 567-20.2[455B])

11. "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)

12. "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)

13. "Sanitary disposal project" means all facilities and appurtenances (including all real and personal property connected with such facilities) that 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)

14. "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.

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])

Land Scape Waste – No landscape waste shall be burned within the City of Creston, except in an officially declared emergency condition as described in Subsection 1 above. ← INSERT

4. 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 and the following regulations.

A. Recreational fires shall be confined to a fire pit or fire ring.

B. Recreational fires shall not exceed 3 feet in width and fueled 12 inches in height.

C. Recreational fires shall be located at least 25 feet from any structure or dwelling.

D. Recreational fires shall be constantly attended and monitored by a person who shall take responsibility for the fire and shall have a garden hose connected to a water supply or other approved fire extinguishing equipment readily available.

E. Recreational fires shall be completely extinguished by 1:00 a.m.

F. Police officers or the Fire Chief shall be authorized to order any recreational fires to be extinguished if smoke emissions cause serious annoyance or disturbance or a disturbance of the peace.

G. Only logs, sticks or twigs and dry seasoned wood shall be burned in recreational fires. No landscape waste, garbage, refuse, paper products, treated lumber or other items shall be burned. (ok)

5. Training Fires. Fires set for the purpose of conducting 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. OK

(IAC, 567-23.2[3g])

Remove → 6. 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])

Remove

7. 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])

8. 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])

9. 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. ok

(IAC, 567-23.2[2])

Use original with corrections

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 on the premises, deposited at the City's yard waste disposal site, or placed in ~~acceptable containers~~ and set out for collection in accordance with regulations established by the City. No other solid waste shall be commingled with leaves. No leaves or grass clippings shall be placed on or raked onto City streets or alleys. 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.

biodegradable paper bags

See original

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 that requires special handling and that 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])

105.10 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. Residential waste containers, whether they are reusable, portable containers or heavy-duty disposable garbage bags, shall be ~~either twenty (20) gallons or thirty-three (33) gallons in~~ of sufficient capacity, and leak-proof and waterproof. Disposable containers shall be securely fastened, and reusable containers shall be fitted with a ~~fly-~~tight lid ~~that shall be kept in place except when depositing or removing the contents of the container.~~ Reusable containers shall also be lightweight and of sturdy construction and have suitable lifting devices.

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 and provided by the collector.

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 and 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.

⇒ Alternate 1

~~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.~~

⇒ Alternate 2

3. Location of Containers for Collection. Containers for the storage of solid waste awaiting collection shall be placed at the curb or alley line by the owner or occupant of the premises served. Containers or other solid waste placed at the curb

line shall not be so placed more than ___12___ hours in advance of the regularly scheduled collection day and shall be promptly removed from the curb line following collection.

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

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 that has been placed out for collection on any premises, unless such person is an authorized solid waste collector.

5. Landscape Waste. Burn landscape waste within the City, except in an officially declared emergency condition.

105.12 SANITARY DISPOSAL PROJECT DESIGNATED. The sanitary landfill facilities operated by Winneshiek 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 YARD WASTE DISPOSAL SITE. A yard waste disposal site has been established by the City for use by residents of the community. The Council shall adopt by resolution the rules and regulations for the disposal site. Such rules will include the operating hours of the site, the type and size of degradable bags, the size of tree limbs and the type and size of organic debris to be deposited at the site. The Council shall also adopt by resolution the fees to be charged to the residents and nonresidents of the City for depositing yard waste at the disposal site.

105.14 RECYCLING PROGRAM. The City shall provide for the collection of recyclable material in accordance with the provisions of the contract between the City and the collector. All recyclable material shall be separated and prepared for collection in accordance with the rules and regulations as established by the collector. Recyclables shall be collected once every two weeks.

CHAPTER 106

COLLECTION OF SOLID WASTE

106.01 Collection Service
106.02 Collection Vehicles
106.03 Loading
106.04 Frequency of Collection
106.05 Bulky Rubbish
106.06 Right of Entry
106.07 Contract Requirements
106.08 Collection Fees
106.09 Lien for Nonpayment

106.01 COLLECTION SERVICE. The City shall provide by contract for the collection of all solid waste except bulky rubbish as provided in Section 106.05 within the City.

106.02 COLLECTION VEHICLES. Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste or solid waste containing such materials shall be leak-proof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution, or insect breeding and shall be maintained in good repair.

(IAC, 567-104.9[455B])

106.03 LOADING. Vehicles or containers used for the collection and transportation of any solid waste 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.

106.04 FREQUENCY OF COLLECTION. All solid waste shall be collected from residential premises at least once each week and from commercial, industrial and institutional premises as frequently as may be necessary, but not less than once each week.

106.05 BULKY RUBBISH. Bulky rubbish that 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 collector.

106.06 RIGHT OF ENTRY. Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this chapter; however, solid waste collectors shall not enter dwelling units or other residential buildings.

106.07 CONTRACT REQUIREMENTS. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste for the City without first entering into a contract with the City. This section does not prohibit an owner from transporting solid waste accumulating upon premises owned, occupied or used by such owner, provided such refuse is disposed of properly in an approved sanitary disposal project. Furthermore, a contract is not required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities, provided that all such materials are conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported is spilled upon any public right-of-way.

106.08 COLLECTION FEES. The collection and disposal of solid waste 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, in accordance with the following:

(Goreham vs. Des Moines, 1970, 179 NW 2nd, 449)

See Ordinance #441

to any property where water service is turned on,

1. Schedule of Fees. The fees for solid waste collection and disposal service, used or available, are:

A. Solid Waste - For each residential premises and for each dwelling unit of a multiple-family dwelling – $15.19 per month. Provided, however, where at least one resident residing at a residential premises is 65 years of age or older the fee shall be $14.69 per month.

B. Recycling - $4.29 per month for each residential premises.

C. Yard Waste - $1.75 per month for each residential and commercial premises.

D. Commercial, Industrial and Institutional Premises – The fee for the collection of solid waste and recyclables for each commercial, industrial and institutional premises shall be negotiated between the collector and the customer and billed by the City.

2. Payment of Bills. All fees are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.04 of this Code of Ordinances. Solid waste collection service may be discontinued in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.

106.09 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof are jointly and severally liable for fees for solid waste collection and disposal. Fees 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.

(Code of Iowa, Sec. 384.84)

F. Police officers or the Fire Chief shall be authorized to order any recreational fires to be extinguished if smoke emissions cause serious annoyance or disturbance or a disturbance of the peace.

G. Only logs, sticks or twigs and dry seasoned wood shall be burned in recreational fires. No landscape waste, garbage, refuse, paper products, treated lumber or other items shall be burned.

(Ord. 422 – Aug. 10 Supp.)

Use this one

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 placed in ~~acceptable bags or containers~~ biodegradable paper bags and set out for collection. No other solid waste shall be commingled with leaves. It is illegal to accumulate landscape waste on any public street or alley or right-of-way. It is the responsibility of the abutting property owner to dispose of such waste properly. No leaves or grass clippings shall be placed on or raked onto City streets or alleys. The City crews collect yard waste from mid-April to mid-November; a schedule may be obtained at City Hall. 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. *(Ord. 422 – Aug. 10 Supp.)*

not more than 12 hours in advance of the regularly scheduled collection day.

Add: Tree limbs shall be cut into pieces not exceeding ten feet in length.

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.

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.

105.09 TOXIC AND HAZARDOUS WASTE. No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous

ORDINANCE 441

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF CRESCO, IOWA, 1998, BY AMENDING CHAPTER 106.10 PERTAINING TO FEES FOR RECYCLABLE AND NON-RECYCLABLE WASTE

BE IT ENACTED by the City Council of the City of Cresco, Iowa, as follows:

SECTION 1. SECTION MODIFIED. Chapter 106.10, Subsection 1 and Subsection 2, Paragraph A of the Code of Ordinances of the City of Cresco, Iowa, 1998, are repealed and the following adopted in lieu thereof:

Effective January 1, 2013:

106.10 (1) RESIDENTIAL

(A) Fees for Recyclables $4.29 per month per unit.

(B) Fees for Non-recyclable Waste:

(1) Where at least one resident residing at a residential property is 65 years of age or older: $14.94 per month for each residential unit.

(2) All other persons residing at a residential property: $15.49 per month for each residential unit.

106.10 (2) COMMERCIAL

(A) Light commercial $19.26 per month.

Effective January 1, 2014:

106.10 (1) RESIDENTIAL

(A) Fees for Recyclables $4.38 per month per unit.

(B) Fees for Non-recyclable Waste:

(1) Where at least one resident residing at a residential property is 65 years of age or older: $15.24 per month for each residential unit.

(2) All other persons residing at a residential property: $15.80 per month for each residential unit.

106.10 (2) COMMERCIAL

(A) Light commercial $19.65 per month.

Effective January 1, 2015:

106.10 (1) RESIDENTIAL

(A) Fees for Recyclables $4.47 per month per unit.

(B) Fees for Non-recyclable Waste:

(1) Where at least one resident residing at a residential property is 65 years of age or older: $15.54 per month for each residential unit.

(2) All other persons residing at a residential property: $16.12 per month for each residential unit.

106.10 (2) COMMERCIAL

(A) Light commercial $20.04 per month.

Effective January 1, 2016:

106.10 (1) RESIDENTIAL

(A) Fees for Recyclables $4.56 per month per unit.

(B) Fees for Non-recyclable Waste:

(1) Where at least one resident residing at a residential property is 65 years of age or older: $15.85 per month for each residential unit.

(2) All other persons residing at a residential property: $16.44 per month for each residential unit.

106.10 (2) COMMERCIAL

(A) Light commercial $20.44 per month.

Effective January 1, 2017:

106.10 (1) RESIDENTIAL

(A) Fees for Recyclables $4.65 per month per unit.

(B) Fees for Non-recyclable Waste:

(1) Where at least one resident residing at a residential property is 65 years of age or older: $16.17 per month for each residential unit.

(2) All other persons residing at a residential property: $16.77 per month for each residential unit.

106.10 (2) COMMERCIAL

(A) Light commercial $20.85 per month.

SECTION 2. 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.

SECTION 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 19th DAY OF November, 2012.

Mayor Mark Bohle

ATTEST: Michelle Girolamo
City Clerk Michelle Girolamo

I certify that the foregoing was published as Ordinance No. 441 on the 28th day of November, 2012.

ATTEST: Michelle Girolamo
City Clerk Michelle Girolamo

Existing Code

CHAPTER 105

SOLID WASTE CONTROL

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105.07 Littering Prohibited
105.08 Open Dumping Prohibited
105.09 Toxic and Hazardous Waste
105.10 Waste Storage Containers
105.11 Prohibited Practices
105.12 Sanitary Disposal Project Designated
105.13 Compost Site

105.01 PURPOSE. The purpose of the chapters in this Code of Ordinances pertaining to Solid Waste Control is to provide for the sanitary storage, collection and disposal and recycling 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. "Discard" means to place, cause to be placed, throw, deposit or drop.

3. "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.

4. "Garbage" means all solid and semisolid, putrid animal and vegetable waste resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, excluding useful industrial by-products, and includes all such substances from all public and private establishments and from all residences.

5. "Landscape waste" means any vegetable or plant waste except garbage. The term includes trees, tree trimmings, branches, brush, weeds, leaves, grass, shrubbery and yard trimmings.

6. "Litter" means any garbage, rubbish, trash, refuse, waste materials or debris.

7. "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.

8. "Refuse" means putrid and non-putrid 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.

9. "Residential premises" means a single-family dwelling and any multiple-family dwellings.

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 solid waste consisting of combustible and non-combustible waste, such as ashes, paper, cardboard, tin cans, yard waste, wood, glass, bedding, crockery or litter of any kind.

12. "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.

13. "Sanitary disposal project" means all facilities and accessory buildings 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.

14. "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 subsection one of Section 321.1 of the Code of Iowa.

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.

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 all 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:

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.

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.

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.

Leave in New code

4. Landscape Waste. No landscape waste shall be burned within the City of Cresco, except in an officially declared emergency condition as described in subsection 1 above.

5. Recreational Fires. Recreational fires shall be allowed under the following conditions:

A. Recreational fires shall be confined to a fire pit or fire ring.

B. Recreational fires shall not exceed 3 feet in width and fueled 12 inches in height.

C. Recreational fires shall be located at least 25 feet from any structure or dwelling.

D. Recreational fires shall be constantly attended and monitored by a person who shall take responsibility for the fire and shall have a garden hose connected to a water supply or other approved fire extinguishing equipment readily available.

E. Recreational fires shall be completely extinguished by 1:00 a.m.

F. Police officers or the Fire Chief shall be authorized to order any recreational fires to be extinguished if smoke emissions cause serious annoyance or disturbance or a disturbance of the peace.

G. Only logs, sticks or twigs and dry seasoned wood shall be burned in recreational fires. No landscape waste, garbage, refuse, paper products, treated lumber or other items shall be burned.

(Ord. 422 – Aug. 10 Supp.)

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 placed in acceptable bags ~~or containers~~ and set out for collection. No other solid waste shall be commingled with leaves. It is illegal to accumulate landscape waste on any public street or alley or right-of-way. It is the responsibility of the abutting property owner to dispose of such waste properly. No leaves or grass clippings shall be placed on or raked onto City streets or alleys. The City crews collect yard waste from mid-April to mid-November; a schedule may be obtained at City Hall. 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. *(Ord. 422 – Aug. 10 Supp.)*

Add 106.06(2) 106.06(4)+? Leave in

Be Degradable Paper bags

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.

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.

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.

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

A. Residential. Residential waste containers, whether they be reusable, portable containers or heavy-duty disposable garbage bags, shall be of sufficient capacity, and leakproof and waterproof. Disposable containers shall be securely fastened, and reusable containers shall be fitted with a tight lid. Reusable containers shall also be lightweight and of sturdy construction and have suitable lifting devices.

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 and provided by the authorized waste collection service.

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 at the curb by the owner or occupant of the premises served.

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. Interference 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 without the permission of the property owner unless such person is an authorized solid waste collector.

105.12 SANITARY DISPOSAL PROJECT DESIGNATED. The sanitary landfill facilities operated by Winneshiek 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 COMPOST SITE. A compost site where yard waste may be deposited has been established by the City for use by residents of the community. The Council shall adopt by resolution the rules and regulations and fees for the compost site. Such rules will include the operating hours of the compost site, the type and size of degradable bags, which must contain the yard waste, the size of tree limbs and the type and size of organic debris to be deposited at the compost site. The Council shall also adopt by resolution the fees to be charged to the nonresidents and the residents of the City for depositing yard waste at the compost site.

(Ch. 105 – Ord. 382 - Oct. 04 Supp.)

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CHAPTER 106

COLLECTION OF SOLID WASTE

106.01 Collection Service
106.02 Collection Vehicles
106.03 Loading
106.04 Frequency of Collection
106.05 Location of Containers
106.06 Yard Waste
106.07 Bulky Rubbish
106.08 Right of Entry
106.09 Recycling Program
106.10 Collection Fees
106.11 Lien for Nonpayment

106.01 COLLECTION SERVICE. The City shall provide by contract for the collection of solid waste and recyclables, except bulky rubbish as provided in Section 106.07, from residential and commercial premises. The owners or operators of industrial or institutional premises shall provide for the collection of solid waste produced upon such premises.

Not needed

106.02 COLLECTION VEHICLES. Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste or solid waste 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.

(IAC, 567-104.9[455B])

106.03 LOADING. Vehicles or containers used for the collection and transportation of any solid waste 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.

106.04 FREQUENCY OF COLLECTION. All solid waste shall be collected from residential premises at least once each week and from commercial, industrial and institutional premises as frequently as may be necessary, but not less than once each week. Recyclables shall be collected once every two weeks.

Removed See 105.10(3)

106.05 LOCATION OF CONTAINERS. 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.

106.06 YARD WASTE.

1. Separation 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 on the premises, or placed in approved seamless degradable yard waste bags and set out for collection by the City.

2. Tree Limbs. All tree limbs shall be cut into pieces not exceeding ten (10) feet in length for each piece.

Removed See 105.06

3. Collection. The City shall be responsible for collecting yard waste. The degradable bags containing yard waste shall be placed on the owner's or occupant's property at the street curb line and the collection shall be made at the street location. The City shall prescribe the dates for the collection of yard waste and the dates shall be published in the local newspaper. Calendars with collection dates noted will be available at City Hall. *(Ord. 286 - Apr. 97 Supp.)*

4. Time Limit. Degradable bags containing yard waste placed at the street curb line shall not be placed at the street curb line more than twelve (12) hours in advance of the regularly scheduled collection day.

106.07 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 contract.

106.08 RIGHT OF ENTRY. Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this chapter; however, solid waste collectors shall not enter dwelling units or other residential buildings.

Removed See 105.04

106.09 RECYCLING PROGRAM. The City shall provide for the collection of recyclable materials in accordance with the provision of the contract between the City and the collector.

106.10 COLLECTION FEES. The collection and disposal of solid waste as provided by this chapter are declared to be beneficial to the property and there shall be levied and collected fees therefor to any property where water service is turned on, in accordance with the following:

1. Residential.

A. Fees for Recyclables: $4.29 per month per unit. *(Ord. 425 – Aug. 10 Supp.)*

Effective January 1, 2009:

B. Fees for Non-recyclable Waste:

(1) Where at least one resident residing at a residential property is 65 years of age or older: $13.81 per month for each residential unit.

(2) All other persons residing at a residential property: $14.31 per month for each residential unit.

(Ord. 413 - Jan. 09 Supp.)

2. Commercial.

A. Light Commercial: $17.79 per month.

B. Other Commercial (including School, County, State and Federal properties and facilities): Fees for recyclable and non-recyclable waste shall be negotiated between the collector and the commercial user and billed by the City.

(Ord. 413 - Jan. 09 Supp.)

Effective January 1, 2010:

B. Fees for Non-recyclable Waste:

(1) Where at least one resident residing at a residential property is 65 years of age or older: $14.10 per month for each residential unit.

(2) All other persons residing at a residential property: $14.60 per month for each residential unit.

(Ord. 413 - Jan. 09 Supp.)

2. Commercial.

A. Light Commercial: $18.15 per month.

B. Other Commercial (including School, County, State and Federal properties and facilities): Fees for recyclable and non-recyclable waste shall be negotiated between the collector and the commercial user and billed by the City.

(Ord. 413 - Jan. 09 Supp.)

Effective January 1, 2011:

B. Fees for Non-recyclable Waste:

(1) Where at least one resident residing at a residential property is 65 years of age or older: $14.39 per month for each residential unit.

(2) All other persons residing at a residential property: $14.89 per month for each residential unit.

(Ord. 413 - Jan. 09 Supp.)

2. Commercial.

A. Light Commercial: $18.51 per month.

B. Other Commercial (including School, County, State and Federal properties and facilities): Fees for recyclable and non-recyclable waste shall be negotiated between the collector and the commercial user and billed by the City.

(Ord. 413 - Jan. 09 Supp.)

Effective January 1, 2012:

B. Fees for Non-recyclable Waste:

(1) Where at least one resident residing at a residential property is 65 years of age or older: $14.69 per month for each residential unit.

(2) All other persons residing at a residential property: $15.19 per month for each residential unit.

(Ord. 413 - Jan. 09 Supp.)

2. Commercial.

A. Light Commercial: $18.88 per month.

B. Other Commercial (including School, County, State and Federal properties and facilities): Fees for recyclable and non-recyclable waste shall be negotiated between the collector and the commercial user and billed by the City.

(Ord. 413 - Jan. 09 Supp.)

3. Yard Fund: $1.75 per month for residential and commercial premises. *(Ord. 413 – Jan. 09 Supp.)*

4. Payment of Bills. All fees are due and payable under the same terms and conditions provided for payment for water service as contained in Section 92.04 of this Code of Ordinances, and the provisions contained in Section 92.08 relating to notices of delinquency and lien notices shall also apply in the event of a delinquent fees for solid waste collection.

106.11 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof are jointly and severally liable for fees for solid waste collection and disposal. Fees 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.

(Code of Iowa, Sec. 384.84)