

## CHAPTER 105

### SOLID WASTE CONTROL

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

**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 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. “Air pollution” means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is or may reasonably tend to be injurious to human, plant or animal life, or to property, or which unreasonably interferes with the enjoyment of life and property.
2. “Collector” means any person authorized to gather solid waste from public and private places.
3. “Director” means the director of the State Department of Natural Resources or any designee.  
(*Code of Iowa, Sec. 455B.101[2b]*)
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 trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.

*(IAC, 567-20.2[455B])*

8. “Litter” means any garbage, rubbish, trash, refuse, waste materials or debris.

*(Code of Iowa, Sec. 455B.361[1])*

9. “Owner” means in addition to the record titleholder any person residing in, renting, leasing, occupying, operating or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.

10. “Refuse” means putrescible and non-putrescible waste, including but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings, market and industrial solid waste and sewage treatment waste in dry or semisolid form.

*(IAC, 567-100.2)*

11. “Residential premises” means a single-family dwelling and any multiple-family dwelling up to and including four (4) separate dwelling units.

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 and trade waste.

*(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, yard clippings, wood, glass, bedding, crockery or litter of any kind.

*(IAC, 567-100.2)*

14. “Sanitary disposal” means a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.

*(IAC, 567-100.2)*

15. “Sanitary disposal project” means all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the Director.

*(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. 15-156 – Oct. 14 Supp.)*

**105.03 SANITARY DISPOSAL REQUIRED.** It is the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner's premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than thirty (30) days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Chapter 50 or by initiating proper action in district court.

*(Code of Iowa, Ch. 657)*

**105.04 HEALTH AND FIRE HAZARD.** It is unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste that constitute a health, sanitation or fire hazard.

**105.05 OPEN BURNING RESTRICTED.** No person shall allow, cause or permit open burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack, except that open burning is permitted in the following circumstances, provided that no fire emergency is in effect pursuant to Section 105.06:

*(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.

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

2. Trees and Tree Trimmings. The open burning of trees and tree trimmings at a City-operated burning site, provided such burning is conducted in compliance with the rules established by the State Department of Natural Resources.

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

3. Flare Stacks. The open burning or flaring of waste gases, provided such open burning or flaring is conducted in compliance with applicable rules of the State Department of Natural Resources.

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

4. Landscape Waste. The disposal by open burning of landscape waste originating on the premises, provided that the waste is contained in a burn barrel or other receptacle and does not cause air pollution. The burning of landscape waste produced in clearing, grubbing and construction operations shall be limited to areas located at least one-fourth ( $\frac{1}{4}$ ) mile from any building inhabited by other than the landowner or tenant conducting the open burning. Rubber tires shall not be used to ignite landscape waste.

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

5. 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. Outdoor fireplaces, grills or charcoal pits shall not be used for the burning of residential waste or yard waste.

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

6. Training Fires. Fires set for the purpose of bona fide training of public or industrial employees in fire fighting methods, provided that the training fires are conducted in compliance with rules established by the State Department of Natural Resources.

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

7. Pesticide Containers and Seed Corn Bags. Paper or plastic pesticide containers 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])*

8. 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])*

9. Variance. Any person wishing to conduct open burning of materials not permitted herein may make application for a variance to the Director.

*(IAC, 567-23.2[2])*

**105.06 OPEN BURNING PROHIBITED DURING FIRE EMERGENCY.**

The Fire Chief or a duly authorized representative shall have the authority to declare a fire emergency for a period of up to sixty (60) days, during which no open burning, including open burning permitted by Section 105.05 of this chapter, shall be permitted due to climatic or manmade conditions which make open burning dangerous to the health and safety of the citizens of the community. The Fire Chief shall have the authority to extend the fire emergency for an indefinite period should conditions warrant said extension.

**105.07 INCINERATORS.** Any person desiring to install an incinerator or burning container shall first file with the City Public Works Department the plans concerning said incinerator. The City Building Department shall approve in writing the plans for said incinerator prior to its installation. Any incinerator installed without the prior approval of the City Building Department may be subject to removal at the owner's cost. All incinerators or burning containers in use on April 14, 1992, are not subject to this restriction.

**105.08 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 or delivered to the City-run compost site by the owner or occupant. Yard waste may be burned on residential premises provided that the fire is contained in a burn barrel or other receptacle and the burning does not cause air pollution. As used in this section, "yard waste" means any debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

**105.09 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)*

**105.10 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, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Director. However, this section does not prohibit the use of dirt, stone, brick or similar inorganic material for fill, landscaping, excavation, or grading at places other than a sanitary disposal project.

*(Code of Iowa, Sec. 455B.307 and IAC, 567-100.2)*

**105.11 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. As used in this section, “toxic and hazardous waste” means waste materials, including but not limited to, poisons, pesticides, herbicides, acids, caustics, pathological waste, flammable or explosive materials and similar harmful waste which requires special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

*(IAC, 567-100.2)*

*(IAC, 567-102.14[2] and 400-27.14[2])*

**105.12 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 waste containers. Person shall use only the refuse waste storage containers provided by the Waste Management Services of either the 96-gallon size or the 35-gallon size depending on which has been issued to the residents. Residents may use heavy-duty disposal garbage bags not to exceed 30 gallons in capacity which are leakproof and waterproof and which also must display a sticker for garbage pickup purchased from designated locations. *(Ord. 99-42 – Jan. 00 Supp.)*
  - B. Commercial. Every person owning, managing, operating, leasing or renting any commercial premise 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.
2. Magazines and Papers. Occupants of residential premises may tie magazines and papers securely in bundles and need not place the bundles into residential waste containers except during inclement weather.

3. 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 escaping from the containers and blowing around neighboring yards and streets.
4. Location of Containers for Collection. Containers for the storage of solid waste awaiting collection shall be placed at the alley. If there is no alley behind the dwelling, containers may be placed at the curb in front of the dwelling.
5. Nonconforming Containers. Solid waste containers which are not adequate will be collected together with their contents and disposed of after due notice to the owner.

**105.13 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 and as approved in writing pursuant to Section 105.07 of this chapter.
4. Scavenging. Take or collect any solid waste which has been placed out for collection on any premises, unless such person is an authorized solid waste collector.

**105.14 SANITARY DISPOSAL PROJECT DESIGNATED.** The sanitary landfill facilities operated by Union County are hereby designated as the official "Public Sanitary Disposal Project" for the disposal of solid waste produced or originating within the City.

**105.15 PENALTIES.** A person, business, individual or corporation who violates any provision of this chapter shall commit a simple misdemeanor punishable as follows, to-wit:

1. Upon first offense, a minimum fine shall be imposed of not less than \$50.00, and the offender shall be required to reimburse the City for the costs of properly disposing of any waste or correction of any situation caused by the offender;
2. Upon second offense, a minimum fine of \$100.00, and the offender shall be required to reimburse the City for the costs of properly disposing of any waste or correction of any situation caused by the offender;
3. Upon third or subsequent offense, a minimum of \$200.00, and the offender shall be required to reimburse the City for the costs of properly disposing of any waste or correction of any situation caused by the offender.

*(Ord. 99-42 – Jan. 00 Supp.)*