

CHAPTER 105

SOLID WASTE CONTROL

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105.01 DEFINITIONS. When used in this chapter, unless the context otherwise requires:

1. "Building" means any structure with a fully enclosed interior space designed for the storage, shelter, or protection of persons, animals, or property.
2. "Discard" means to place or store a substance or material upon real property for a continuous period of more than seven (7) days under conditions where it serves no reasonable functional purpose and has no direct supporting relationship to a responsible person's lawful use of the real property.
3. "Junked vehicle" is solid waste without regard to whether it has been discarded and means any vehicle, trailer, or semitrailer placed, kept, or stored for 48 hours within the corporate limits, whether currently licensed or not, which because of any one of the following characteristics constitutes a threat to the public health, welfare, or safety.
 - A. It is inoperable because of a missing or broken windshield or window glass, fender, door, bumper, hood, steering wheel, driver's seat, trunk, fuel tank, two or more wheels, engine, drive shaft, differential, battery, generator or alternator or other component part of an electrical system, or any component or structural part; or
 - B. It is inoperable because it is suspended above the ground or having wheels that are sunk within the ground; or
 - C. It is used for the storage of solid waste; or
 - D. It is the habitat of rats, mice, snakes, or any other vermin or insects; or
 - E. It contains stored gasoline or other fuel, paper, cardboard, wood, or other combustible materials, garbage, refuse, solid waste, debris, etc.; or
 - F. It is used for storage purposes or harborage, cage, or dwelling for animals of any kind; or
 - G. It contains gasoline or any flammable fuel and is inoperable; or
 - H. It is an "abandoned vehicle" as defined by Section 321.89 of the *Code of Iowa*; or
 - I. It has a defective or obsolete condition that in any other way constitutes a threat to the public health or safety of the citizens of the City.

4. "Person" means a natural person; a trustee, executor or other fiduciary; and a partnership, corporation or other artificial legal entity.
5. "Real property" means the land and every form of improvement affixed to the land and includes non-enclosed porches, decks, driveways, and other structures and applies equally to front yards, back yards, and side yards.
6. "Responsible person" means any person having the right to control the use of real property either as a record titleholder or as the purchaser under an executory contract or as a tenant in possession under a lease agreement or by virtue of having any other interest in the real property and includes a person's agent or managing officer who is authorized to exercise the control over the use of the real property.
7. "Sanitary disposal facility" means a facility approved by the Iowa Department of Natural Resources for the final disposition of solid waste.
8. "Semitrailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.
9. "Solid waste" means solid or semi-solid substances or materials that are resulting products of any process of agriculture, business, trade, industry, manufacturing, or domestic household living and which have been discarded by the person in possession thereof. Solid waste does not include: (i) grass clippings, leaves, and other landscape wastes, except as described herein; (ii) soil, sand, gravel, and other inert natural resources existing in their natural state; (iii) hazardous waste regulated under the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6921-6934; (iv) 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; (v) source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979; or (vi) petroleum contaminated soil that has been remediated to acceptable State or Federal standards. Solid waste does include, by way of illustration and not limitation, the following discarded substances and materials:
 - A. Garbage, refuse, and rubbish.
 - B. Food and food containers.
 - C. Debris resulting from the construction, maintenance, repair, or demolition of buildings, fences, roadway paving, communications systems, structures, and other improvements to real property.
 - D. Building materials salvaged from the construction, maintenance, repair, or demolition of buildings, fences, roadway paving, communication systems, structures, and other improvements to real property.
 - E. Previously used or damaged or inoperable household furniture, furnishings, fixtures, appliances, utensils, equipment and supplies.
 - F. Salvaged parts of previously used cloth, paper, wood, metal, glass, and plastic products.
 - G. Any junked vehicle, notwithstanding whether it has been discarded.
 - H. Previously used vehicles, boats, trailers, motorized off-road or all-terrain vehicles, semitrailers, machinery, equipment, tractors, implements of

husbandry, tools, and appliances that are in the state of disrepair that renders them presently incapable of being used or operated for the purpose for which they were originally designed and manufactured.

I. Disassembled parts from previously used vehicles, boats, trailers, motorized off-road or all-terrain vehicles, semitrailers, machinery, equipment, tractors, implements of husbandry, tools and appliances.

J. Previously used petroleum products.

K. Accumulations of brush, branches, and other landscape wastes that have been kept or stored for a period of 30 days; however, neatly stacked logs and branches kept for indoor heating of fireplaces shall not be deemed to be discarded.

10. "Trailer" means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

11. "Vehicle" means an automobile, truck, motorcycle, or other trackless self-propelled vehicle designed primarily to transport persons or property over public streets and highways.

12. "Waste container" means a fully enclosed rustproof and watertight container specifically designed and manufactured for the temporary storage of solid waste.

105.02 GENERAL PROHIBITION. A responsible person shall not place or store solid waste on real property except:

1. Fully enclosed inside a building; or
2. Fully enclosed inside a waste container; or
3. Fully enclosed inside an area surrounded by opaque fence or wall of uniform design and color not less than six feet in height and in compliance with applicable subdivision and zoning regulations; or
4. At a sanitary disposal facility.

105.03 OUTDOOR STORAGE OF MOTOR VEHICLES. The outdoor storage of motor vehicles that are not deemed to be junked vehicles can detract from the beneficial use and enjoyment of neighboring properties; therefore, certain special regulations are established as follows:

1. On property zoned for residential use, no person shall keep, store, or display a motor vehicle out of doors or permit the parking out of doors of a motor vehicle on property under said person's ownership, possession, or control for more than 15 days without movement and use of said vehicle as an operating motor vehicle.
2. On property zoned for commercial use, no person shall store or display one or more motor vehicles out of doors, or permit the parking out of doors of a motor vehicle on property under said person's ownership, possession, or control for more than six months without movement and use of said vehicle as an operating motor vehicle.
3. The provision of subsection 2 notwithstanding, the keeping, parking, or storage, out of doors, of any wrecked or demolished motor vehicle, or motor vehicle

stripped for parts, at the same commercially zoned site for more than 90 days is prohibited.

4. The following are exempt from the regulations of this section:
 - A. Vehicles kept fully enclosed inside a building or an area surrounded by a solid opaque fence or wall of uniform design and color not less than six feet in height and in compliance with applicable subdivision and zoning regulations; or
 - B. Vehicles kept in a lawfully established, commercial automobile salvage yard; or
 - C. A motor home, pickup truck with a camper top, converted bus or van, or similar recreation vehicle, which is currently licensed for operation on the public highways; or
 - D. A motor vehicle currently licensed for operation on the public highways lawfully parked off the streets while the owner or the other person in lawful possession and control thereof, if a resident of the this City, is out of the City for more than fifteen days but not more than one hundred eighty days; or
 - E. Vehicles which are immobilized pursuant to an immobilization order of the District Court.

105.04 ABANDONED VEHICLES. In addition to other remedies provided by this chapter, the Public Works Director may elect to treat any motor vehicle in violation of this chapter, whether or not deemed a junked vehicle, as an "abandoned vehicle" as defined by Section 321.89 of the *Code of Iowa* and may direct the responsible police authority to impound such vehicle in accordance with Sections 321.89 and 321.90 of the *Code of Iowa*.

105.05 BUSINESS ACTIVITIES. Even though it may serve a reasonable functional purpose or have a direct supporting relationship to a responsible person's lawful use of the real property, a responsible person shall not place or store on real property used for commercial or industrial purposes, for a continuous period of more than seven days, except inside a building or inside a waste container or inside an area fully enclosed by a solid opaque fence or wall of uniform design and color not less than six feet high, any of the substances or materials described in the following subsections. These substances and materials, under the circumstances described in this section, shall constitute solid waste for purposes of this chapter.

1. Garbage, refuse, and rubbish.
2. Food and food containers.
3. Debris resulting from the construction, maintenance, repair, or demolition of buildings, fences, roadway paving, communications systems, structures, and other improvements to real property.
4. Building materials salvaged from the construction, maintenance, repair, or other demolition of buildings, fences, roadway paving, communication systems, structures, and other improvements to real property.
5. Previously used or damaged or inoperable household furniture, furnishings, fixtures, appliances, utensils, equipment and supplies.

6. Salvaged parts of previously used cloth, paper, wood, metal, glass, and plastic products.
7. Any motor vehicle subject to the registration laws of the State of Iowa that is not currently registered.
8. Previously used vehicles, machinery, equipment, tools and appliances that are in a state of disrepair that renders them presently incapable of being used or operated for the purpose for which they were originally designed and manufactured.
9. Disassembled parts from previously used vehicles, machinery, equipment, tools and appliances.
10. Previously used petroleum products.

105.06 WASTE CONTAINERS. Responsible persons shall provide and make available for the use of all persons occupying the real property sufficient waste containers for the temporary storage of all solid waste containing food, food containers, and other garbage that is produced by the activities conducted on real property.

105.07 WASTE DISPOSAL. Responsible persons shall cause all solid waste containing any food, food containers, or other garbage to be removed from the real property and deposited at a sanitary disposal facility at least once each week.

105.08 SEPARATION OF YARD WASTE REQUIRED. Responsible persons shall cause all yard waste and landscape waste (consisting of trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings) to be stored in waste containers separate from all other solid waste for purposes of removing it from the real property and transporting it to a sanitary disposal facility.

105.09 BURNING OF RESIDENTIAL WASTE PROHIBITED. It is unlawful for any person, alone or in conjunction with others, to dispose of by fire or to participate in the disposal by fire of any styrofoam, furniture, plastic, waste, garbage, tires, or any other non-organic material within the corporate limits of the City. All burning of organic materials shall comply with the following:

1. Must take place no closer than 25 feet from any adjoining or neighboring residential dwelling.
2. All paper products that may create blowing cinders/ashes must be covered by screen.
3. Must be attended by property owners/tenants at all times while the fire is burning.

105.10 BURNING EXEMPTIONS. The provisions of Section 105.09 do not apply to the following:

1. Outdoor charcoal or wood smokers, grills, fireplaces, and chimneys burning untreated wood or charcoal, may be used only for the preparation of food or for social activities. It is unlawful for these installations to be utilized for the disposal of any other objects, materials, or matter by fire.
2. Disposal of waste occurring by reason of severe storm or other community disaster declared to be an emergency by the City Council. The type of waste, the

manner in which it can be disposed, and the period of time for disposal shall be specified by the Council.

105.11 LITTERING PROHIBITED. No person shall deposit, dump, leak, or spill any solid waste upon any alley, street, highway, or public ground of the City. 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.

105.12 NOTICE OF VIOLATION. If the Public Works Director determines that there is probable cause to believe that a violation of this chapter has occurred, the Public Works Director shall serve upon the responsible person or persons either a written notice thereof or a citation for the municipal infraction. If the Public Works Director elects to give a written notice to the alleged violator, the notice shall:

1. Specify the alleged violation;
2. Order the alleged violator to eliminate or cure the violation within seven days after the notice is given or within such other specified period of time as is reasonable under the circumstances; and
3. Advise the alleged violator of the right to have a hearing before the Council concerning the alleged violation by filing a written request therefor with the Clerk within seven days after the notice is given.

If the Public Works Director elects to give a citation for the municipal infraction, the form and contents of the citation shall comply with, and the citation shall be served upon the responsible person or persons as required by, Section 364.22 of the *Code of Iowa*.

105.13 NOTICE OF HEARING. A person who receives a violation notice from the Public Works Director shall be entitled to a hearing before the City Council concerning the alleged violation, if the alleged violator files a written request therefor with the City Clerk within seven days after the notice is given by the Public Works Director. Within 30 days after the filing of a request for hearing by the alleged violator, the City Council shall hold the hearing and, by resolution, either affirm, modify, or revoke the Public Works Director's notice. The City Clerk shall promptly give notice to the alleged violator of the City Council's action in the form of a certified copy of the resolution. The alleged violator shall comply with the provisions of the Public Works Director's notice as affirmed or modified by the resolution of the City Council.

105.14 METHOD OF GIVING NOTICE. Any notice or demand required or permitted by this chapter shall be sufficient and deemed given when expressed in writing and either (a) personally delivered to the person entitled thereto, or (b) deposited at the office of the United States Postal Service in the City in the form of certified mail addressed to the last known mailing address of the person entitled thereto in the manner of an original notice under the Iowa Rules of Civil Procedure.

105.15 MUNICIPAL INFRACTION. Any person who violates any provision of this chapter commits a municipal infraction. Each day that a violation occurs or is permitted to exist by a responsible person shall constitute a new, separate infraction.

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CHAPTER 106

DISPOSAL OF SOLID WASTE

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106.01 COLLECTION SERVICE. The collection of solid waste within the City shall be by private contract with collectors.

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 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)

106.05 TOXIC AND HAZARDOUS WASTE. No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous waste. Such materials shall be transported and disposed of as prescribed by the Director of the State Department of Natural Resources. As used in this section, "toxic and hazardous waste" means waste materials, including but not limited to, poisons, pesticides, herbicides, acids, caustics, pathological waste, flammable or explosive materials and similar harmful waste which requires special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

(IAC, 567-100.2) and 567-102.13[2] and 400-27.14[2])

106.06 SANITARY DISPOSAL FACILITY. The sanitary disposal facility operated under the intergovernmental agreement between the City and the City of Ames, Iowa, is designated as the public disposal site for all solid waste collected within the City's corporate limits for permanent disposal. All persons shall comply with the regulations governing the use of such sanitary disposal facility.

106.07 PROHIBITED PRACTICES. It is unlawful for any person to:

1. Unlawful Use of Containers. Deposit refuse in any solid waste containers not owned by such person without the written consent of the owner of such containers.
2. Interfere with Collectors. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors be those of the City, or those of any other authorized waste collection service.
3. Incinerators. Burn rubbish or garbage except in incinerators designed for high temperature operation, in which solid, semisolid, liquid, or gaseous combustible refuse is ignited and burned efficiently, and from which the solid residues contain little or no combustible material, as acceptable to the Environmental Protection Commission.
4. Scavenging. Take or collect any solid waste which has been placed out for collection on any premises, unless such person is an authorized solid waste collector.

106.08 DISPOSAL FEES. The disposal of solid waste as provided by this chapter is 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)

1. Schedule of Fees. The fees for solid waste disposal service, used or available, are:
 - A. For each residential premises and for each dwelling unit of a multiple-family dwelling – \$3.50 per month. A “residential dwelling unit” means an individual dwelling unit. For purposes of this section, an apartment or mobile/manufactured home shall be treated as one unit, and a duplex is two units. A mobile home park or apartment complex shall be assessed a fee based on the total number of units.
 - B. For commercial, industrial and institutional premises – \$3.50 per month.
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 92.05 of this Code of Ordinances.

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 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)

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