

CHAPTER 105

SOLID WASTE CONTROL

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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. "Collector" means any person authorized to gather solid waste from public and private places.
2. "Director" means the director of the State Department of Natural Resources or any designee.
3. "Commercial solid waste" means solid waste resulting from the operation of any commercial, industrial, agricultural, or other non-residential establishment.
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. "Premises" means any real property, including but not limited to buildings and improvements whether intended for residential, commercial or industrial use.
11. "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)
12. "Residential premises" means a single-family dwelling and any multiple-family dwelling up to and including two (2) separate dwelling units.
13. "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])
14. "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)
15. "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)
16. "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 of the State Department of Natural Resources.
(Code of Iowa, Sec. 455B.301)
17. "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*. 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.

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. Permit Not Required.

A. 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])

B. 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])

C. 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])

D. Other Types. The following types of burning are also exempt from the permit requirement:

(1) Fires used solely for the cooking out or barbecuing of food. These fires must be no larger than two feet in diameter, performed in an approved container constructed of steel, brick or masonry and be fueled with clean materials such as wood, charcoal, natural or propane gas.

(2) Campfire, burning clean wood material, when in association with camping out or similar related recreational activities, provided that these fires are no larger than three feet in diameter. Burning after dark is permitted, provided the fire is supervised.

(3) Open burning in portable, outdoor fireplaces is permitted.

2. Permit Required. An open burning permit from the City, which is also signed by the Fire Chief, shall be required for the following types of open burning:

A. Recreational Fires. Open fires for cooking, heating, and recreation, which exceed the limits of subparagraph 1 (D) above.

B. Ceremonial Burning. Fires for ceremonial/recreational purposes such as American Legion flag burning, pep rallies, religious ceremonies, etc. These fires must be under the legitimate sponsorship of a bona fide civic, fraternal, religious, educational, or similar organization and must comply with all other applicable provision of this section.

C. 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.

D. Any and all other open burning not otherwise excluded by subsection 1 herein.

3. Burning Restrictions.

- A. Fires in approved containers must be located no closer than 15 feet from a structure.
- B. Uncontained fires must be located no closer than 25 feet from a structure or combustible material. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition.

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

5. General Regulations.

- A. The Fire Chief may prohibit any bonfire or outdoor rubbish fire if the Fire Chief deems such fires are hazardous to health or welfare.
- B. Burning must be conducted during the dates specified on the permit.
- C. Fires must be attended at all times during the burning. The attendant should have the burning permit in his or her possession at the time of burning.
- D. Burning must be conducted in a safe and reasonable manner.
- E. Burning is restricted to materials listed on the burning permit.
- F. No combustible material may be brought onto a property from outside the property for the express purpose of burning, except for the use in general home heating or cooking.
- G. No burning of any kind is allowed on the public right-of-way.
- H. Rubber tires shall not be burned under any circumstances.

6. Violations of this section shall be punished pursuant to Chapter 1, Section 1.14 or as set forth in Chapter 3 of this Code of Ordinances.

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 or set out for collection in accordance with this section. As used in this section "yard waste" means any debris such as grass clippings, leaves, garden waste and brush. Yard waste does not include trees or tree stumps.

1. Yard Waste Containers. All yard waste set out for collection by the City shall be placed next to the curb line in containers of a type to be approved by the Department of Public Works.

2. Frequency of Collection. The timetable for collection of yard waste shall be as established by the Council.

3. Location of Containers. Yard waste containers set out for collection must be placed three (3) to six (6) feet from garbage or other solid waste and shall not be so placed more than twelve (12) hours in advance of the regularly scheduled

collection day. There is no limit as to the number of containers for yard waste which may be set out for collection.

Any resident of the City will be allowed to deliver yard waste to the compost site established by the City at such times as established by the Council.

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 material for 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 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, 567-102.13[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 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 shall be collected under a volume-based program. All residential refuse and garbage to be gathered by the collector contracted by the City shall be stored for collection in containers approved by the Council upon which the name of the collector will appear. Residential garbage containers shall be provided by the collector and issued through the City offices.

(1) The garbage container is the property of the collector and is assigned to the address not the person or persons living at the address. The container shall stay with the residence and not be transferred to any other residence by the occupant.

(2) Any damage done to the garbage container (other than by an act of nature or something outside the occupant/occupants control) while assigned to the household will be the responsibility of the resident and any repairs and or replacements will be charged to the property owner. If the garbage container gets damaged due to normal wear and tear the collector will replace it at no charge.

(3) All garbage must fit inside the garbage container and the lid must be closed. Otherwise garbage may not be picked up. Extra bags can be purchased from the City for those times when there is more garbage than can be put into the garbage container.

(4) No yard waste or hazardous waste shall be placed in this container. The garbage container is only for normal garbage usage. Recycling is encouraged to reduce volume.

B. Commercial. All commercial refuse and garbage shall be stored for collection in reusable, portable or bulk storage containers approved by the City and upon which the name of the collector will appear. The container shall be leak proof and water proof with a lid.

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.
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.
4. Nonconforming Containers. Solid waste placed in containers which 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 which has been placed out for collection on any premises, unless such person is an authorized solid waste collector.

105.12 SANITARY DISPOSAL PROJECT DESIGNATED. The sanitary landfill facilities operated by Winneshiek County Area Solid Waste Agency are hereby designated as the official "Public Sanitary Disposal Project" for the disposal of solid waste produced or originating within the City.

105.13 MUNICIPAL INFRACTION. Any person, persons, firm, partnerships, or corporations, whether acting alone or in concert with any other, who violates this chapter shall be guilty of a municipal infraction, and shall be penalized as set forth in Chapter 3 of this Code of Ordinances.