

ORDINANCE NO. 93 (as amended)

AN ORDINANCE REGULATING THE STORAGE, COLLECTION AND DISPOSAL OF SOLID WASTE IN THE CITY OF UNIVERSITY HEIGHTS, IOWA.

WHEREAS, the City of University Heights desires to effectively manage the storage, collection and disposal of solid waste in the City in compliance with State and Federal regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, IOWA:

Sec. 1. Definitions.

The following definitions shall be applicable to this Chapter unless a contrary meaning is indicated by the text. The word "shall" is mandatory; the word "may" is permissive. Terms not defined shall have the meanings customarily assigned to them in Webster's New Collegiate Dictionary. Uses not defined or listed shall have the meanings as defined in or categorized according to the Standard Industrial Classification (SIC) Manual, Superintendent of Documents, U.S. Government Printing Office.

- (1) Appliances means machines common to residential household use, and shall include refrigerators, stoves, microwave ovens, dishwashers, clothes washers, clothes dryers, water heaters, furnaces, air conditioners, dehumidifiers, console television sets, stereo systems, lawn mowers; and any device containing a gasoline engine, an electric motor or an electric capacitor.
- (2) Building demolition materials means waste material from the construction, destruction or demolition of residential, commercial or industrial buildings or structures, except brick and foundation materials.
- (3) Bulky rubbish means nonputrescible refuse consisting of combustible and/or noncombustible waste materials which are either too large or too heavy to be safely and conveniently loaded into solid waste transportation vehicles by solid waste collectors.
- (4) ~ means City of University Heights, Iowa.
- (5) Commercial solid waste means solid waste resulting from the operation of any commercial, industrial, institutional, agricultural or other establishment, and shall also include solid waste resulting from multiple dwelling facilities having more than four (4) dwelling units.
- (6) Director means the Mayor or his/her authorized designee.
- (7) Disposable solid waste container means disposable plastic or paper sacks specifically designated for storage of solid waste having a capacity of five (5) to thirty-three (33) gallons.
- (8) Garbage means putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving, or consumption of food.

- (9) Hazardous wastes means but is not limited to pathological wastes, explosive wastes, pesticides, pesticide containers, toxic radioactive materials, and those wastes included by definition in Section 455B.411(4a) Code of Iowa (1989) and Rules of the Iowa Department of Natural Resources.
- (10) Occupant means any person who alone, or jointly or severally with others, shall be in actual possession of any dwelling unit or any other improved or unimproved real property, either as owner, landlord, tenant, resident or operator.
- (11) Operator means any user, responsible party, occupant, entity, business, firm, corporation, governmental entity, association, partnership, venture, or any combination thereof, or any agent, fiduciary or representative thereof, who occupies, possesses, used or owns property within the Iowa City Landfill Service Area and/or who stores or generates solid waste within the Iowa City Landfill Service Area.
- (12) Owner means any recognized interest of ownership in real or personal property, including legal and equitable property interests.
- (13) Person means individual persons, user, responsible party, entity, business, firm, corporation, association, partnership, venture or any combination thereof or any agent, representative or fiduciary thereof.
- (14) Refuse means solid waste not required to be recycled or reused.
- (15) Residence means any dwelling either intended for and/or being used for residential use.
- (16) Residential solid waste means solid waste resulting from the maintenance and operation of single-family duplex, including solid waste from operation of a home occupation which complies with the requirements of the applicable zoning ordinance.
- (17) Responsible party means any person who is issued an account for sewer and/or water. If more than one person is listed on an account, both persons shall be deemed a Responsible Party for purposes of collection, storage and disposal of solid waste. Any adult occupant of any residence shall also be deemed a Responsible Party.
- (18) Solid waste means unwanted or discarded waste materials in a solid or semi-solid state, including but not limited to garbage, ashes, refuse, sludge, yard waste, appliances, special waste, demolition and construction wastes, and residential, commercial, and industrial wastes.
- (19) Solid waste container means a receptacle used by any person or operator to store solid waste during the interval between solid waste collections.
- (20) Solid waste disposal means the process of discarding or getting rid of unwanted material, in particular the final disposition of solid waste.
- (21) Solid waste management means the entire solid waste system of storage, collection, removal, transportation, processing and disposal of solid waste.

- (22) Storage means keeping, maintaining, or storing solid waste from the time of its production until the time of its collection and removal.
- (23) Yard waste means grass, leaves, trees, brush and garden residue.

Sec. 2. Enforcement.

In order to ensure compliance with this Ordinance and the rules promulgated herein, the Director is authorized to inspect all phases of solid waste management with the City. In all cases where such inspections reveal that the storage, collection, transportation, processing, disposal, recycling or reuse of solid waste is in violation of this Ordinance, such violation shall constitute a nuisance under both state and local law. In such event, the City may, at its option, elect to carry out any one or all of the following remedies: withhold solid waste management services from that person, dwelling, commercial or industrial, business, institution or government entity; terminate a service account; dispose of any nonconforming solid waste container; or abate the nuisance under state law, Chapter 657, Iowa Code (1989). Election of any one of these remedies by the City shall not preclude the City from pursuing any other remedy, and such remedies are deemed cumulative and not exclusive. Notice of any such City determination that a prohibited nuisance exists shall be given to the offending party as follows:

1. Be given in writing to the person, responsible party, resident, operator, business or entity at their last known address;
2. State that the City had determined that a violation of this Ordinance exists;
3. Describe the violation, with reference to the applicable provisions of this Ordinance;
4. Advise what actions are required to be taken by the offending party to remedy the violation.

The notice shall be deemed to be properly served if it is personally served; if it is posted in a conspicuous place on the offending property or building; or if a copy thereof is sent by Registered mail, to the last known address of the person, responsible party, occupant, operator, entity, business or governmental entity.

Sec. 3. Prohibited practices.

No person, responsible party, operator, resident, occupant or entity, or any agent or representative thereof, shall:

1. Deposit solid waste in any waste container other than in a solid waste container either owned by the depositor, or properly and lawfully leased to the depositor.

2. Interfere in any manner with the collection, storage, or transportation of solid waste; interfere with the equipment for the use of such collection, storage or transportation; or interfere with solid waste collectors in the lawful performance of their duties.
3. Throw, cast, place, lay or permit placement of any refuse into or on any receptacle specifically designated by the City or private entity as a receptacle to be used only for deposit of recyclable or reusable waste.
4. Deposit recyclables or reusable waste in containers or at locations not specifically designed for such waste.
5. Litter.

Sec. 4. Storage containers required.

The resident, occupant, or operator of every dwelling unit, residence, and of every institutional, commercial, business, industrial or agricultural establishment producing solid waste shall provide containers of sufficient number and adequate quality for the storage of all solid waste, sufficient to properly serve each such dwelling unit and/or establishment; and shall maintain such solid waste containers in reasonable repair. This provision shall not apply to bulky rubbish, appliances, demolition or construction waste.

Sec. 5. Requirements to place waste in containers, and to maintain containers and surrounding areas.

The occupant, resident, or operator of every dwelling unit, residence, and of every institutional, commercial, industrial, agricultural or business establishment shall place all solid waste to be collected in proper solid waste containers, except as otherwise provided in this Section; and shall maintain such solid waste containers and the areas surrounding said containers in a reasonably clean, neat and sanitary condition at all times.

Sec. 6. Specifications for containers.

1. Residential Refuse. Residential refuse shall be stored in containers of not more than thirty-three (33) gallons in capacity, nor less than twenty (20) gallons in capacity. Containers shall be leakproof, waterproof, and fitted with a flytight lid, and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. The containers shall have handles, bails or other suitable lifting devices or features. The weight of any individual container, including contents, shall not exceed forty (40) pounds. Galvanized metal containers, or rubber, fiberglass, or plastic containers which do not become brittle in cold weather are deemed appropriate.
2. Residential Yard Waste. Residential yard waste collected by the City shall be only stored in yard waste bags to be provided by the City for a fee. The yard waste bags will be available for purchase at such locations and for such

fee as shall be established by the City Council by Resolution.

3. Commercial. Commercial solid waste shall be stored in solid waste containers which shall be waterproof, leakproof and shall be covered at all times, except when depositing waste therein or removing the contents thereof. Commercial solid waste containers shall be steam cleaned at least twice each year: once during the month of May and once during the month of August.

Sec. 7. Storage of limbs and brush.

Tree and brush limbs measuring less than four (4) inches in diameter, together with brush being stored for pickup, shall be securely tied in bundles not larger than forty-eight (48) inches long and eighteen (18) inches in diameter when being stored other than in storage containers. The weight of any individual bundle shall not exceed sixty (60) pounds.

Sec. 8. Collection from residential dwellings.

The City shall collect all residential refuse resulting from the operation and maintenance of single-family and duplex, as defined in the zoning ordinance, when each dwelling or dwelling unit is located on its own lot with frontage on a public street. The City shall make such collections once per week whenever reasonably possible.

Sec. 9. Yard waste.

Residential yard waste shall be collected separately from other solid waste in the same manner as residential refuse. However, the collection of yard waste by the City is not mandatory. Only residential yard waste properly stored in bags provided by the City, and free from all other solid waste shall be collected for disposal. Unbagged or improperly bagged residential yard waste shall not be collected by the City.

Sec. 10. Waste not subject to collection.

The City will not collect the following:

1. Bulky Rubbish.
2. Appliances.
3. Tires.
4. Lead acid batteries.
5. Waste oil.
6. Building demolition materials unless placed in proper storage containers and in compliance with weight limitations.

It shall be the responsibility of any person desiring to dispose of any of the above items to make arrangement with a private waste hauler. Such person may use the services of the private

hauler under contract with the City to perform the regular waste collection services but only after making specific arrangements with said hauler to pay separately for said hauling.

Sec. 11. Times and location of collection containers.

Refuse containers, tree and brush limbs and yard waste containers, together with other solid waste permitted to be placed at the curb, shall be placed for collection at the curb of the street upon which the residence, dwelling or premises fronts. Refuse containers must be physically separated from yard waste containers in order to enable the solid waste collector to easily identify differing contents as well as differing containers. Yard waste containers must be clearly marked as such. Placement of solid waste at the curb for collection shall occur prior to 7:00 a.m. on the regularly scheduled collection day, but shall not occur before 3:00 p.m. on the day before the regularly scheduled collection day. Containers shall be removed from the curb on the same day collection is made, and returned to a location reasonable near the side or back of any permanent building on the premises.

Sec. 12. Responsibility of collectors.

1. Solid waste collectors shall be responsible for the collection of solid waste from the point of collection to the transportation vehicles, but only if the solid waste was stored in compliance with this Ordinance. Any spillage or blowing litter caused or resulting from the collection activities of the solid waste collector shall forthwith be retrieved by the offending party, and placed in the transportation vehicles by the solid waste collector.
2. All solid waste transportation vehicles shall be maintained in a safe, clean and sanitary condition, and shall be constructed, maintained and operated to prevent spillage of solid waste. All vehicles used for transportation of solid waste shall be constructed with watertight bodies, and with covers which shall either be an integral part of the vehicle with only loading hoppers exposed, or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle. If the cover of the solid waste transportation vehicle is separate, it shall be secured whenever the vehicle is transporting solid waste. No solid waste shall be transported in the loading hoppers.

Sec. 13. Severability.

If any of the provisions of this Ordinance are for any reason declared illegal or void, then the lawful provisions of this Ordinance, which are severable from said unlawful provisions, shall be and remain in full force and effect, the same as if the Ordinance contained no illegal or void provisions.

Sec. 14. Repealer.

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Sec. 15. Effective date.

This ordinance shall be in full force and effect from and after its final passage and publication as by law required.

Passed and approved this 9th day of July, 1990.

Amended by Ordinance No.94 August 9, 1991.

SEB:dml

SEB/UHts/Ordinance 093 amended