

ORDINANCE NO. 239 (as amended)

**AN ORDINANCE ESTABLISHING RULES FOR THE CONTROL AND
COLLECTION OF SOLID WASTE, YARD WASTE AND RECYCLABLE MATERIALS**

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239.12 Collection Services

239.01 PURPOSE. The purpose of this Ordinance is to provide for the sanitary storage, collection, and disposal of solid waste, yard waste, and recyclable materials, 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, yard waste and recyclable materials.

239.02 DEFINITIONS. For the purpose of this Ordinance only, certain words and/or terms used herein shall be defined as follows:

1. "Collector" means any person authorized to gather solid waste from public and private places.
2. "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.
3. "Discard" means to place, cause to be placed, throw, deposit, or drop.
4. "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.

5. "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.
6. "Yard waste" means any vegetable or plant waste except garbage. The term includes trees, tree trimmings, branches, brush, weeds, leaves, grass, shrubbery, grass clippings, and yard trimmings. The term does not include tree stumps, which will not be collected.
7. "Litter" means any garbage, rubbish, trash, refuse, waste materials, or debris.
8. "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.
9. "Recyclable Materials" means regularly designated consumer wastes which are collected for resource recovery, including newspaper, paper, tin and steel cans, aluminum beverage containers, cardboard, glass containers and plastic containers.
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.
11. "Residential premises" means any privately-owned dwelling unit.
12. "Residential waste" means any refuse generated on the premises as a result of residential activities. The term excludes tires, trade wastes and any locally recyclable goods or plastics.
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.

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.
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 of the State Department of Natural Resources.
16. "Solid waste" means garbage, litter, 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 does not include any of the following:
 - 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 1934, as amended to January 1, 1979.
 - D. Petroleum contaminated soil that has been remediated to acceptable State or Federal standards.

239.03 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 issue civil citations for such nuisances, or abate such nuisances, in accordance with the provisions of Ordinance No. 71, or by initiating proper action in district court.

239.04 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.

239.05 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 placed in 30-gallon Kraft yard waste bags and set out for collection. Yard waste bags shall not exceed 30 gallons in capacity or 40 pounds in weight. One bundle of brush and small limbs, no more than 3 feet long, no more than 36 inches in circumference, and weighing no more than 40 pounds, will be collected free of charge each week.

239.06 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.

239.07 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. As used in this section, "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.

239.08 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.

239.09 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. Containers for residential solid waste and recyclable materials will be provided by the City's contracted refuse Collector.
 - b. 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.
2. Storage of Containers. Residents shall make every reasonable attempt to store containers for residential solid waste and recyclable materials in an area that is not visible from any street or public right-of-way around or near the residential premises. Containers for solid waste and recyclable materials shall be stored upon the residential premises behind the front face or facade of the dwelling, which is defined as the entire portion of the residential dwelling parallel to and facing the front lot line adjacent to the street right-of-way - the front of the house. 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. Storage containers shall not be overfilled and container lids shall remain tightly closed when stored. 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. In the event a solid waste container becomes a nuisance, the City may require the entire container storage area be enclosed by a fence or structure sufficient to prevent litter.

3. Location of Containers for Collection. Containers for the storage of solid waste and recyclable materials awaiting collection shall be placed at the curb or alley line by the owner or occupant of the premises served. Containers for the storage of solid waste and recyclable materials awaiting collection or other 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 removed to a point behind the front face or façade of the dwelling by the end of the collection day.. All solid waste and recyclable materials shall be prepared for collection in accordance with the rules and regulations established by the Collector. Yard waste bags must be placed three to six feet from other solid waste containers.
4. Nonconforming Containers. Solid waste and recyclable materials placed in containers which are not in compliance with the provisions of this section will not be collected.

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

1. Unlawful Use of Containers. Deposit refuse or recyclable materials 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 equipment used for collecting waste or recyclable materials, 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.

239.11 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 prepared for collection in accordance with the rules and regulations as established by the Collector.

239.12 COLLECTION SERVICE. The City shall provide by contract for the collection of solid waste, except bulky rubbish as provided in Section 239.16, from residential premises only. The owners or operators of commercial, industrial, or institutional premises shall provide for the collection of solid waste produced upon such premises.

1. Notwithstanding anything herein to the contrary, neither the City nor the City's contracted Collector will collect any of the following:
 - a. Appliances;
 - b. Tires;
 - c. Lead acid batteries;
 - d. Waste oil; and
 - e. Building demolition materials.

239.13 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.

239.14 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.

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

239.16 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.

239.17 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 Ordinance; however, solid waste Collectors shall not enter dwelling units or other residential buildings.

239.18 CONTRACT REQUIREMENTS. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste from residential premises 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.

239.19 COLLECTION FEES. The City Council shall by Resolution establish charges to be made to residents for the cost of the collection and disposal of refuse and recyclable materials. Fees for the collection and disposal of yard waste shall be established by the Collector.

239.20 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.

239.21 ENFORCEMENT AND PENALTIES. In addition to the lien authorized by Section 239.20, any violation of this Ordinance may be cited as a municipal infraction. In addition to the inspector, the University Heights City Clerk is authorized to enforce this ordinance and may issue a municipal infraction citation to anyone who violates any section of this Ordinance. A violation of this code is punishable by a civil penalty of \$250.00 for a first offense and a civil penalty of \$500.00 for any repeat offense.

239.22 SAVING CLAUSE. In the event any word, phrase, sentence, paragraph or section contained in this Ordinance shall be held to be invalid, unlawful, or unconstitutional for any reason, then it is hereby declared that the remaining such portions and provisions of this Ordinance would have been enacted and remain in full force and effect.

239.23 REPEALER. All ordinances and parts of ordinances in conflict with the provisions of this ordinance, specifically including (without limitation) Ordinance Nos. 93, 94, 95, are hereby repealed.

239.24 EFFECTIVE DATE. This Ordinance shall become effective upon its passage and publication as provided by law.

Adopted by the University Heights City Council this 8th day of October, 2019, and approved this 8th day of October, 2019.

/s/

Louise A. From, Mayor

ATTEST:

/s/

Christine M. Anderson, City Clerk

Ordinance No. 246 was passed and approved on June 9, 2020, and published in the Iowa City Press-Citizen on July 22, 2020. Ordinance No. 246 added language to Section 239.09(2) defining the location parameters for residential storage of containers and specifying that containers not be overfilled with lids tightly closed, and added that should a solid waste container become a nuisance the City may require enclosure. Language was added to 239.09(3) defining where containers may be located for collection. Section 239.21 was added, providing for enforcement and penalties for violation.