

ORDINANCE NO. 246

AN ORDINANCE ESTABLISHING REQUIREMENTS FOR STORAGE OF CONTAINERS FOR WASTE AND RECYCLABLE MATERIALS AND PROVIDING FOR ENFORCEMENT AND PENALTIES (AMENDING ORDINANCE NOS. 239 AND 110)

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF UNIVERSITY HEIGHTS, JOHNSON COUNTY, IOWA:

Part I: AMENDMENTS TO ORDINANCE 239:

University Heights Ordinance No. 239 is amended as follows (with additions indicated by underline; deletions indicated by ~~strike-through~~; omissions by "****"):

239.01 Purpose	239.12 Collection Services
239.02 Definitions	239.13 Collection Vehicles
239.03 Sanitary Disposal Required	239.14 Loading
239.04 Health and Fire Hazard	239.15 Frequency of Collection
239.05 Separation of Yard Waste Required	239.16 Bulky Rubbish
239.06 Littering Prohibited	239.17 Right of Entry
239.07 Open Dumping Prohibited	239.18 Contract Requirements
239.08 Toxic and Hazardous Waste	239.19 Collection Fees
239.09 Waste Storage Containers	239.20 Lien for Nonpayment
239.10 Prohibited Practices	<u>239.21 Enforcement and Penalties</u>
239.11 Recycling Program	239.2 2 ¹ Savings Clause
	239.2 3 ² Repealer
	239.2 4 ³ Effective Date

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.

239.09 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 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 to 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 promptly removed from the curb line following collection to a point behind the front face or facade 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.

239.20 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 or provision 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.

239.221 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.

239.232 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.

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

Part II: AMENDMENTS TO ORDINANCE 110

University Heights Ordinance No. 110 is amended as follows (with additions indicated by underline; deletions indicated by ~~strike-through~~; omissions by "****"):

110.06 REFUSE, RECYCLING, AND YARD WASTE DISPOSAL. Every owner of a dwelling shall supply facilities or containers for the sanitary and safe storage and/or disposal of refuse and recyclable materials pending collection. In the case of a single-family dwelling, it shall be the responsibility of the owner to furnish such facilities or containers, unless agreed to in writing as the occupant's responsibility.

1. Containers for refuse and recyclable materials shall not be placed more than 12 hours in advance of the regularly scheduled collection day and shall be removed by the end of the collection day.
2. The storage of containers for refuse and recyclable materials, as well as yard waste, compost material, or any other similar materials, shall not be permitted in areas visible from the street in front of the dwelling

and shall be stored 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. Residents shall make every reasonable attempt to store containers in an area that is not visible from any street or public right-of-way around the dwelling. Storage containers shall not be overfilled and container lids shall remain tightly closed when stored.

3. Owners and occupants shall comply with Ordinance No. 239, as presently existing or hereafter renumbered or amended, with respect to collection and disposal of refuse, yard waste, and recyclable materials. In the event of any conflict, the provisions of this Rental Housing Code control.

Part III: 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.

Part IV: EFFECTIVE DATE.

This ordinance shall become effective upon its passage and publication as provided by law.

Part V: REPEALER.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Adopted by the University Heights City Council this 9th day of June, 2020, and approved this 9th day of June, 2020.

Louise A. From
Louise A. From, Mayor

(SEAL)

ATTEST:

Christine M. Anderson
Christine M. Anderson, City Clerk

STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

On this 15th day of July, 2020, before me, a notary public in and for the state of Iowa, personally appeared Louise A. From and Christine M. Anderson, to me personally known, and who, being by me duly sworn, did say that they are the Mayor and City Clerk of the City of University Heights, Iowa; that the seal affixed to this instrument is the corporate seal of the city; and that said instrument was signed and sealed on behalf of the city, and that Louise A. From and Christine M. Anderson acknowledged the execution of said instrument to be their voluntary act and deed and the voluntary act and deed of the city, by it and by them voluntarily executed.

[Signature]
Notary Public in and for the
State of Iowa



STATE OF IOWA)
) SS:
COUNTY OF JOHNSON)

I, Christine M. Anderson, being first duly sworn, certify that the above ordinance was published in the Iowa City Press-Citizen the 22nd day of July, 2020.

Christine M. Anderson
Christine M. Anderson, City Clerk

Signed and sworn to before me on the 26th day of July, 2020, by Christine M. Anderson, Clerk of the City of University Heights.

[Signature]
Notary Public in and for the
State of Iowa

