

CHAPTER 106

COLLECTION OF SOLID WASTE

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106.01 COLLECTION SERVICE. The collection and transportation of solid waste within the City shall be performed in accordance with the provisions of this code or the regulations of the Polk County Board of Health or of any other appropriate government agency. A single collector shall be authorized by the City to collect solid waste from residential premises, a single collector shall be authorized by the City to collect yard waste from residential premises and a single collector shall be authorized by the City to collect recyclable material from residential premises as set forth in this Code of Ordinances.

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 so as to prevent leaking of oil or hydraulic fluid onto the City streets.

(567 IAC 104.9)

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 FREQUENCY OF COLLECTION. All solid waste, yard waste, and recyclable materials shall be collected, on the same day, by the respective authorized collectors, from residential premises at least once each week on a schedule approved by the Council, and from commercial, industrial, and institutional premises as frequently as may be necessary, but not less than once each week. Collection shall not begin before 7:00 a.m. or continue after 7:00 p.m. on the same day. Yard waste shall be collected between March 15 and November 30.

106.05 BULKY RUBBISH. Bulky rubbish that is too large or heavy to be collected in the normal manner of other solid waste may be collected by the authorized single residential collector.

106.06 YARD WASTE COLLECTION. The single collector authorized by the City to collect yard waste from residential premises shall haul the yard waste to a compost site approved by the City and shall keep an accurate accounting of the amount of such yard waste. The collector shall submit a monthly written report to the City detailing the amount of such yard waste that has been collected and delivered for composting during the reporting year. No collector shall mix yard waste and solid waste together. Any hauler who delivers for disposal

yard waste and solid waste mixed together shall be subject to penalties as provided in Section 106.14 of this chapter.

106.07 RIGHT OF ENTRY. Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste, as required by this chapter; however, solid waste collectors shall not enter dwelling units or other residential buildings.

106.08 UNIFORM COLLECTION FROM RESIDENTIAL PREMISES. The collection of solid waste and recyclable material from residential premises and the maintenance of the availability of such service, whether or not the service is used regularly or at all by the occupant of the residential premises, are hereby declared a benefit to such premises at least equal to the monthly charge specified for the service. Such charge shall be paid whether the occupant uses the residential premises solid waste and recyclable material collection service or not. Nothing herein is to be construed so as to prevent the owner from transporting solid waste or yard waste accumulating upon premises owned, occupied or used by such owner, provided such refuse is disposed of at City-approved composting stations or neighborhood collection sites in accordance with policies established by the composting station.

106.09 COMMERCIAL GARBAGE HAULER PERMIT. No person shall engage in the business of collecting, transporting, processing, or disposing of solid waste other than waste produced by that person within the City without first obtaining from the City an annual permit in accordance with the following:

1. Application. Application for a solid waste collector's permit shall be made to the Clerk and provide the following:
 - A. Name and Address. The full name and address of the applicant, and if a corporation, the names and addresses of the officers thereof.
 - B. Equipment. A complete and accurate listing of the number and type of collection and transportation equipment to be used.
 - C. Collection Program. A complete description of the frequency, routes and method of collection and transportation to be used.
 - D. Disposal. A statement as to the precise location and method of disposal or processing facilities to be used.
2. Insurance. No collector's permit shall be issued until and unless the applicant therefor, in addition to all other requirements set forth, shall file and maintain with the City evidence of satisfactory public liability insurance covering all operations of the applicant pertaining to such business and all equipment and vehicles to be operated in the conduct thereof in the following minimum amounts:
 - A. Bodily Injury:
 - \$300,000.00 per person.
 - \$500,000.00 per occurrence.
 - B. Property Damage: – \$500,000.00

Each insurance policy required hereunder shall include as a part thereof provisions requiring the insurance carrier to notify the City of the expiration, cancellation, or other termination of coverage not less than 10 days prior to the effective date of such action.

3. Permit Fee. A permit fee in the amount of \$100.00 shall accompany the application. In the event the requested permit is not granted, the fee paid shall be refunded to the applicant.

4. Permit Issued. If the Council upon investigation finds the application to be in order and determines that the applicant will collect, transport, process, or dispose of solid waste without hazard to the public health or damage to the environment and in conformity with law and ordinance, the requested permit shall be issued to be effective for a period of one year from the date approved.
5. Permit Renewal. An annual permit may be renewed simply upon payment of the required fee, and receipt of current public liability insurance policy carried by the applicant in conformance with Subsection 2 of this section, and provided the applicant agrees to continue to operate in substantially the same manner as provided in the original application and provided the applicant furnishes the Clerk with a current listing of vehicles, equipment, and facilities in use.
6. Permit Not Transferable. No permit authorized by this chapter may be transferred to another person.

106.10 CONTAINER SIZE AND CHARGES FOR RESIDENTIAL PREMISES.

Container size and charges for solid waste collection and disposal from residential premises shall be fixed and determined by the Council. Such container size and charges may from time to time be amended by the Council by resolution. A copy of the resolution setting forth the currently effective size and charges shall be kept on file in the office of the City Clerk and be open to inspection during regular business hours.

106.11 BILLING FOR SERVICE TO RESIDENTIAL PREMISES. Billing and payment for the collection of residential solid waste shall be in accordance with the following:

1. Fee Charged. A fee shall be charged to each dwelling unit each month for the collection of residential solid waste, which fee shall include the fee paid to the collector authorized to collect solid waste from residential premises, and the costs of the City for performing the billing service. The fee to be charged to each dwelling unit shall be established from time to time. Each dwelling unit shall receive one waste container for solid waste. If a resident requests a second waste container, a second monthly fee will be charged to the resident. For yard waste, a resident must purchase Compost It! stickers to be attached to each bag of yard waste or each bundle of brush set out for collection. A sticker shall also be purchased each season by each resident participating in the premium yard waste collection program.
2. Bills Issued. The Clerk shall prepare and issue bills for the collection of residential solid waste each month. The fee for the collection of residential solid waste shall be included on the bill sent by the Clerk to each dwelling unit for water service and sewer service, as a combined service account.
3. Bills Payable. Bills for the collection of solid waste shall be due and payable at the office of the Clerk by the date set out in it. If a bill for the combined service account is not paid in full, the amount paid shall be applied pro rata to the amount billed for water service and for sewer service, and for the collection of residential solid waste.
4. Late Payment Penalty. Bills not paid when due shall be considered delinquent. A late payment penalty of 10 percent of the amount due shall be added to each delinquent bill.
5. Returned Checks. A fee, as set forth in the fee schedule established by the City Council, shall be charged for all checks not honored by the bank on which the checks are written.

106.12 SERVICE DISCONTINUED. Collection of residential solid waste shall be discontinued in accordance with the following:

1. Notice. Within five days following the date that bills for water service and the collection of residential solid waste are due and payable, the Clerk shall send a written notice to each delinquent customer that water service, sewer service and the collection of residential solid waste and recyclable material may be discontinued if payment, including late payment charges, is not received within 10 days from the date the notice is mailed. The notice shall afford the customer the opportunity to request a hearing before the City Clerk prior to the discontinuance of service. Such written notice shall be sent by first class mail. If the customer is a tenant and if the owner or landlord of the property has made written request for notice, the written notice sent to the customer shall also be given to the owner or landlord.
2. Service Discontinued. If payment for all of the services billed by the City on the combined service account is not received within 10 days following the date the written notice is sent to the customer and payment arrangements have not been made pursuant to a hearing before the City Clerk, the supply of water to the customer may be shut off and collection of solid waste and recyclable material may be discontinued for nonpayment.

106.13 LIEN FOR NONPAYMENT. Except as provided for in Section 92.07 of this Code of Ordinances, 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 property or 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)

106.14 PENALTY. Any person violating any provisions of this article shall be subject to a civil penalty as set forth in the schedule of civil penalties in this code. Each day that a municipal infraction occurs and/or is permitted to exist constitutes a separate offense.

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