

## 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. "Appliances" means machines common to household use, and includes refrigerators, stoves, microwave ovens, dishwashers, clothes washers and dryers, water heaters, furnaces, air conditioners, dehumidifiers, television sets, stereo systems, video cassette recorders, radios, lawn mowers, vacuum cleaners or any other devices used in the home that contain either a gasoline engine or an electric motor.
2. "Collector" means any person authorized to gather solid waste from public and private places.
3. "Director" means the director of the State Department of Natural Resources or any designee.  
*(Code of Iowa, Sec. 455B.101[2b])*
4. "Discard" means to place, cause to be placed, throw, deposit or drop.  
*(Code of Iowa, Sec. 455B.361[2])*
5. "Disposable solid waste container" means disposable plastic bags, approved by the City, to be used for the disposal of residential solid waste.
6. "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.

7. "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)*

8. "Hazardous waste" means all pathological and explosive wastes, pesticides, toxic radioactive materials and those wastes included by definition in the Code of Iowa Chapter 455B.411 (4a), the regulations of the Department of Natural Resources, and any Federal law or regulation. Also included in this definition are any containers of any kind which have been used to store or transport an item defined as hazardous waste.

9. "Landscape waste" means any vegetable or plant waste except garbage. The term includes trees, tree trimmings, branches, brush, weeds, leaves, grass, shrubbery, garden waste, stumps and yard trimmings.

*(IAC, 567-20.2[455B])*

10. "Litter" means discarding, depositing or dumping any garbage, rubbish, trash, refuse, waste materials or debris in the City in any manner or location other than as designated herein for collection.

*(Code of Iowa, Sec. 455B.361[1])*

11. "Open burning" means any burning or combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack.

12. "Open dumping" means the discarding, depositing or dumping of solid waste on the surface of the ground or into a body or stream of water.

13. "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.

14. "Premises" means any real property, including but not limited to buildings and improvements whether intended for residential, commercial, industrial or other use.

15. "Recyclable" means any solid waste that is capable of and designated for recycling by the Sac Area Recycling Center.

16. "Recycling" means any process by which solid waste is collected, separated, processed and returned to use in the form of raw materials or products.

17. "Refuse" means all solid waste not required to be recycled, and includes garbage.

18. "Residential premises" means a single-family dwelling, any multiple-family dwelling, all garden type apartments and all row type housing units, regardless of the total number of such apartments or units in a given housing development.

19. "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.

*(Code of Iowa, Sec. 455B.301)*

20. "Yard waste" means any debris such as grass clippings, leaves, garden waste, brush, branches, weeds, shrubbery, trees and tree trimmings.

**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 of this Code of Ordinances 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 except that the following is permitted:

*(IAC, 567-23.2[455B] and 567-100.2)*

1. 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.

*(IAC, 567-23.2[3a])*

2. 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])*

3. 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])*

4. Landscape Waste. The disposal by open burning of landscape waste originating on the premises during the period of spring and fall cleanup as designated by the Mayor. However, the burning of landscape waste produced in clearing, grubbing and construction operations shall be limited to areas located at least one-fourth (1/4) mile from any inhabited building. Rubber tires shall not be used to ignite landscape waste.

*(IAC, 567-23.2[3d])*

5. Training Fires. Fires set for the purpose of bona fide training of public or industrial employees in fire fighting methods, provided that such fires are conducted in compliance with rules established by the State Department of Natural Resources.

*(IAC, 567-23.2[3g])*

6. Pesticide Containers and Seed Corn Bags. Paper or plastic pesticide containers and seed corn bags resulting from farming activities occurring on the premises if burned in accordance with rules established by the State Department of Natural Resources.

*(IAC, 567-23.2[3h])*

7. Agricultural Structures. The open burning of agricultural structures if in accordance with rules and limitations established by the State Department of Natural Resources.

*(IAC, 567-23.2[3i])*

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

*(IAC, 567-23.2[2])*

**105.06 BURNING PROHIBITED.** It is unlawful to burn any garbage, trash, rubbish or any other new or used material, including but not limited to paper, cardboard, plastic, paper or plastic products, clothing, toys or household goods or motor vehicles or any attached or unattached parts thereof.

**105.07 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, burned on the premises in accordance with Section 105.05(4) of this chapter or deposited by the owner or occupant at the City's designated disposal site.

**105.08 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)*

**105.09 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, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Director. However, this section does not prohibit the use of dirt, stone, brick or similar inorganic material for fill, landscaping, excavation, or grading at places other than a sanitary disposal project.

*(Code of Iowa, Sec. 455B.307 and IAC, 567-100.2)*

**105.10 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.

**105.11 ITEMS NOT COLLECTED.** The City will not be responsible for the collection of any of the following solid waste from any dwelling: hazardous

waste, bulky rubbish, appliances, tires, yard waste, construction waste, commercial solid waste, any substance or material determined to be hazardous or otherwise unacceptable for collection.

**105.12 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. All residential refuse shall be stored for collection in an approved disposable solid waste container. Only residential refuse which is nonrecyclable as defined by this chapter and the regulations of the City shall be stored in this container and picked up by the collector. The disposable solid waste containers shall be sold at such prices and locations as determined by the Council and shall be available for purchase at such locations as are deemed to be convenient.

B. Commercial. Every person owning, managing, operating, leasing or renting any commercial premise where an excessive amount of refuse accumulates and where its storage in portable containers as required above is impractical, shall maintain metal bulk storage containers approved by the City or collector.

2. Storage of Containers. Residential solid waste containers and recyclable 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; 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. All residential solid waste and recyclable containers shall be placed for collection at the curb or property line adjacent to the City street. Containers shall be placed at the curb or property line prior to seven-thirty o'clock (7:30) a.m. on the morning of the regularly scheduled collection day. All containers shall be removed from the curb or property line on the same day that

collection occurs. The collector is authorized to refuse collection of solid waste or recyclables that are not placed at the curb or property line in compliance with this chapter. Failure by the collector to collect solid waste or recyclables not in compliance with the provisions of this chapter shall not relieve the resident, owner, operator or occupant of liability for violations of this chapter.

**105.13 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.

**105.14 WITHHOLDING OF SERVICE.** In the event that any resident, owner, operator or occupant is in violation of the provisions of this chapter, the City may elect, in addition to any other remedies, to withhold solid waste management services from that resident, owner, operator, occupant or dwelling unit. Election to withhold services shall not prevent the City from taking additional action which is allowable under this chapter or other law. The City's election to withhold services shall not relieve the responsible party from liability for payment of the monthly collection fee.

**105.15 SANITARY DISPOSAL PROJECT DESIGNATED.** The sanitary landfill facilities operated by Sac County Landfill Association are hereby designated as the official "Public Sanitary Disposal Project" for the disposal of solid waste produced or originating within the City.

**105.16 BRUSH PILE SITE DESIGNATED.** The City of Lake View's official site for disposal of landscape waste and concrete products shall be the City property as designated by signage and located west of South High Street and south of the lands owned by the Iowa Department of Natural Resources.

**105.17 BRUSH PILE USE REGULATED.**

1. Generated in City Limits. The City's brush pile site only accepts items which are grown or otherwise generated within the corporate limits of the City of Lake View.
2. Contractor Permit. Persons or firms who are compensated for the job of removing trees shall obtain a permit authorizing the person or firm to use the City brush pile site. Permits will be valid until June 30 of the following year and shall cost twenty-five dollars (\$25.00) per year.

**105.18 PENALTY.** Any person who violates Section 105.17 will be subject to a civil penalty of one hundred dollars (\$100.00) per occurrence.

*(Sections 105.16 – 105.18 - Ord. 371 – July 03 Supp.)*