

## CHAPTER 105

### GENERAL PROVISIONS

105.01 Purpose	105.07 Open Dumping Prohibited
105.02 Definitions	105-08 Toxic and Hazardous Waste
105.03 Health Hazard	105.09 Waste Storage Containers
105.04 Fire Hazard	105.10 Sanitary Disposal Required
105.05 Open Burning Prohibited	105.11 Prohibited Practices
105.06 Littering Prohibited	

**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. "Approved Incinerator" means equipment or facilities for the enclosed burning of refuse having a stack adequate to maintain a draft sufficient for efficient combustion and equipped with a screen sufficiently fine to prevent ejection of particles of burning materials as acceptable to the Environmental Protection Commission.

2. "Back Yard Burning" means the disposal of residential waste by open burning on the premises of the property where such waste is generated.  
(IAC, 567-20.2[455B])

3. "Discard" means to place, cause to be placed, throw, deposit or drop.  
(Code of Iowa, Sec. 455B.361)

4. "Executive Director" means the executive director of the State Department of Natural Resources or any designee.  
(Code of Iowa, Sec. 455B.101[2b])

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.  
(IAC, 567-100-2)

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

(IAC, 567-20.2[455B])

7. "Litter" means any garbage, rubbish, trash, refuse, waste materials or debris.

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

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

(IAC, 567-100.2)

9. "Open Dumping" means the depositing of solid waste on the surface of the ground or into a body or stream of water.

(IAC, 567-100.2)

10. "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.

11. "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.

(IAC, 567-100.2)

12. "Residential Waste" means any refuse generated on the premises as a result of residential activities. The term includes landscape waste grown on the premises or deposited thereon by the elements, but excludes garbage, tires and trade waste.

(IAC, 567-20.2[455B])

13. "Rubbish" means non-putrescible solid waste consisting of combustible and non-combustible waste, such as ashes, paper, cardboard, tin cans, yard waste, wood, glass, bedding, crockery or litter of any kind.

(IAC, 567-100.2)

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.

(IAC, 567-100-2)

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 Executive Director.

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

16. "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)

17. "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.

(IAC, 567-100-2)

18. "Yard Waste" means any debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

19. "Burn Barrel" means a container used for the purposes of burning residential waste as defined in this section, excluding garbage, plastics, tires and trade waste. (Ord. No. 97-1482)

**105.03 HEALTH HAZARD.** It shall be unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste, either in containers or not, that shall constitute a health or sanitation hazard.

**105.04 FIRE HAZARD.** It shall be unlawful for any person to permit to accumulate quantities of solid waste within or close to any building, unless the same is stored in containers in such a manner as not to create a fire hazard.

**105.05 OPEN BURNING RESTRICTED.** No person shall ignite, cause to be ignited, permit to be ignited, allow or maintain any open fire, with the following exceptions:

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.

2. 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.

3. Recreational Fires. Open fires for cooking, heating, recreation and ceremonies, which may include fire rings. All such fires must use only charcoal and/or untreated wood and must be 25 feet from a residential structure. Any recreational fires must comply with the limits for emission of visible air contaminants established by the State Department of Natural Resources.

4. Prescribed Agricultural Burns. The open burning of fields may be permitted if necessary for the maintenance of native prairie grass.

5. Training Fires. Fires set for the purpose of bona fide instruction and training of public, institutional or industrial employees in the methods of fire fighting.

6. Fire Places and Grills. This section shall not apply to indoor or outdoor fire places or barbecue grills used solely for entertainment purposes or the preparation of food for human consumption.

(Ord. 2003-1594-Apr. 03 Supp.)

**105.06 LITTERING PROHIBITED.** No person shall discard any liter 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)

**105.07 OPEN DUMPING PROHIBITED.** No person shall dump or deposit or permit the open dumping or depositing of any solid waste at any place other than a sanitary disposal project approved by the Executive Director, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Executive 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)

**105.08 TOXIC AND HAZARDOUS WASTE.** The collection, storage and disposal of toxic and hazardous waste shall be subject to the following:

1. Labeling. All containers used for the storage, collection or transportation of toxic or hazardous waste shall be plainly marked so as to provide adequate notice of the contents thereof.

2. Vehicles and Containers. All vehicles and containers used for the storage, collection and transportation of toxic and hazardous waste shall be so constructed that they can be loaded, moved and unloaded in a manner that does not create a danger to public health or safety and in compliance with federal and State laws, rules and regulations.

3. Disposal. 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 Executive Director.

(IAC, 567-102.14[2] and 400-27.14[2])

**105.09 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 Specification. Waste storage containers shall comply with the following specifications:

A. Residential. Residential waste containers shall be of not less than twenty (20) gallons nor more than thirty-five (35) gallons in nominal capacity; shall be leak proof, water proof and fitted with a fly tight lid which shall be kept in place except when depositing or removing the contents thereof. They shall have handles, bails or other suitable lifting devices or features and be of a type originally manufactured for the storage of residential waste with tapered sides for easy emptying. They shall be of light weight and sturdy construction with the total weight of any individual containers and contents not exceeding seventy-five (75) pounds. Galvanized metal containers, rubber or fiberglass containers and plastic containers which do not become brittle in cold weather may be used. Disposable containers or other containers as approved by the City may also be used.

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

CODE OF ORDINANCES, WEBSTER CITY, IOWA

- 315 -

containers as required above is impractical, shall maintain metal

bulk storage containers approved by the City of Webster City.

2. Location of Containers. Residential solid waste 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.

3. Nonconforming Containers. Solid waste containers which are not adequate will be collected together with their contents and disposed of after due notice to the owner.

**105.10 SANITARY DISPOSAL REQUIRED.** It shall be 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 56 or by initiating proper action in district court.

(Code of Iowa, Ch. 657)

**105.11 PROHIBITED PRACTICES.** It shall be 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. Radioactive Material. Dispose of radioactive material in a sanitary disposal project. Luminous timepieces are exempt.

4. Unlawful Collection. Engage in the business of collecting, transporting, processing or disposing of refuse within the City without a valid license therefor.

5. Incinerators. Burn rubbish or garbage except in approved incinerators so maintained and operated as to prevent the emission of objectionable odors or particulate matter.

Copyright Iowa Codification, Inc.



## CHAPTER 106

### COLLECTION AND TRANSPORTATION

106.01 Collection Service  
106.02 Collection Vehicles  
106.03 Loading  
106.04 Frequency of Collection  
106.05 Location of Containers

106.06 Separation of Yard Waste  
106.07 Collection of Yard Waste  
106.08 Right of Entry  
106.09 Collector's License  
106.10 Collection Fees

**106.01 COLLECTION SERVICE.** The collection of solid waste within the City shall be only by collectors licensed by the City.

**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.  
(IAC, 567-104.9[455B])

**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 there from, 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 shall be collected from residential premises at least once each week and from commercial, industrial and institutional premises twice each week except during the period from April 1 to November 1 when collection from commercial, industrial and institutional premises shall be on a daily basis, excluding Sundays and holidays.

**106.05 LOCATION OF CONTAINERS.** Containers for the storage of solid waste awaiting collection shall be placed outdoors at some easily accessible place by the owner or occupant of the premises served.

**106.06 SEPARATION OF YARD WASTE REQUIRED.** All yard waste shall be separated by the owner or occupant from all other garbage and refuse accumulated on the premises and shall be lawfully disposed of.

(Ord. 2003-1595-Apr.03 Supp.)

**106.07 COLLECTION OF LEAF AND GRASS CLIPPINGS.** Leaf and grass clippings shall be contained in bio-degradable bags so as to prevent the dispersal of such waste upon the premises served or upon adjacent property or public rights-of-way. A licensed collector can pick up curbside leaf and grass clipping waste in bio-degradable bags. (Ord. 2003-1595-Apr. 03 Supp.)

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

**106.09 COLLECTOR'S LICENSE.** 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 license in accordance with the following:

1. Application. Application for a solid waste collector's license 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 license 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:

Bodily Injury:           \$ 100,000 per person.

                                  \$ 300,000 per occurrence.

Property Damage:       \$ 50,000.

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 ten (10) days prior to the effective date of such action.

3. License Fee. A license fee in the amount of one hundred dollars (\$100.00) shall accompany the application for a solid waste collector's license. In the event the requested license is not granted, the fee paid shall be refunded to the applicant. **(Ord. 2002-1574 – Apr. 02 Supp.)**

4. License 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 license shall be issued to be effective for a period of one year from the date approved.

5. License Renewal. An annual license may be renewed simply upon payment of the required fee, 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. License Not Transferable. No license authorized by this chapter may be transferred to another person.

7. Owner May Transport. Nothing herein is to be construed so as to prevent the owner from transporting solid waste accumulating upon premises owned, occupied or used by him, provided such refuse is disposed of properly in an approved sanitary disposal project.

8. Grading or Excavation Excepted. No license or permit shall be required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities; however, all such materials shall be conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported shall spill upon the public rights-of-way.

9. Business Office. Each licensed garbage collector shall maintain an office equipped with a telephone with some person in attendance during ordinary office hours. The person in charge of the office shall be capable of handling requests for service, complaints and other routine business.

10. All solid waste picked up with the City of Webster City shall be transported to the Sanitary Landfill Facility designated by the Hamilton County Solid Waste Commission.

(Ord. 2004-1625 – Sep. 04 Supp.)

**106.10 COLLECTION FEES.**

1. Collection of Solid Waste Fee. Fees for the collection of solid waste by licensed collectors shall be based upon the volume of waste collected from individual dwelling units.

A. The City Manager shall verify the method of proposed collection is volume based.

B. Licensed collectors shall be responsible for customer billing and collection.

**(Ord. 1511 – May 98 Supp.)**

2. Recycling Fee. A recycling fee in the amount of \$3.75 per month per dwelling unit shall be paid and shall be billed by the City Financial Office monthly.

**(Ord. 2002-1582-Jul. 02 Supp.)**

3. Landfill Fees. Based on estimates of landfill usage, a landfill fee shall be Billed by the City Financial Office monthly as follows:

Residential Units	\$ 1.75
Commercial/Industrial – Level 1	\$ 2.75
Commercial/Industrial – Level 2	\$ 35.00
Commercial/Industrial – Level 3	\$ 475.00
Commercial/Industrial – Level 4	\$ 900.00

A. Landfill usage estimates shall be reviewed on a periodic basis.

B. The billing method will correspond to electric meters and their Responsible party.

**(Ord. 2008-1675 – Mar. 08 Supp.)**

TITLE III - PUBLIC SERVICES  
SOLID WASTE CONTROL

CHAPTER 107  
SOLID WASTE DISPOSAL

(REPEALED BY ORDINANCE NO. 94-1435)

[The next page is 329]

Copyright Iowa Codification, Inc.

TITLE III - PUBLIC SERVICES  
SOLID WASTE CONTROL

CHAPTER 108  
TREES, BRUSH AND LEAVES

- 108.01 Public Dumping Ground
- 108.02 Fires Prohibited
- 108.03 Defacing of Signs Prohibited

- 108.04 Hours for Dumping
- 108.05 Other Uses Prohibited
- 108.06 Scavenging Prohibited

108.01 PUBLIC DUMPING GROUND. A public dumping ground for the exclusive use of residents of the City for the disposing of trees, brush and leaves is hereby established on the following described real estate:

A tract of land described as follows:

Commencing at a point one rod North of the Southeast corner of the North half of the Southwest Quarter of Section 6, Township 88 North, Range 25 West of the 5th P.M., Iowa, thence West 403 feet, thence North 202 feet, thence West 200 feet, thence North to the center of the Boone River, thence in a westerly direction along the center of the Boone River to the west line of the Southwest Quarter of Southeast Quarter of Section 6, thence South to the South line of the North half of the Southwest Quarter of the Southeast Quarter of said Section 6, thence East 80 rods to the East line of the Southwest Quarter of Southeast Quarter, thence North one rod to the place of beginning.

This location is known as the City Street Shed Site.

108.02 FIRES PROHIBITED. It is unlawful for any unauthorized person to set a fire in any part of the public dumping ground.

108.03 DEFACING OF SIGNS PROHIBITED. It is unlawful to destroy, damage or deface any sign erected or posted by the City on or near the dumping ground to display the rules and regulations regarding dumping of materials.

108.04 HOURS FOR DUMPING. The Council shall have the right to establish by resolution the hours during which the dumping ground will be open for public use. It is unlawful for any person or persons to deposit any trees, brush or leaves at the dumping ground except during the hours above prescribed.

108.05 OTHER USES PROHIBITED. It is further unlawful for any person to utilize the public **dumping** ground for any purpose other than depositing trees, brush or leaves.

108.06 SCAVENGING PROHIBITED. It is unlawful for any person to scavenge the waste material which is deposited in the public dumping ground or to remove any items from the site without the permission of the City Manager.



WEBSTER CITY, IOWA

**NEXT PAGE IS 337**

Copyright Iowa Codification, Inc.

