

8-1-3 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 or by initiating proper action in district court.

(Code of Iowa, Chapter 657)

8-1-4 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 health, sanitation or fire hazard.

8-1-5 OPEN BURNING RESTRICTED

No person shall allow, cause or permit open burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack, except that open burning is permitted in the following circumstances:

(IAC, 567-23.1[4558] and 567-1400.2)

A. 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])

B. 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.

999(IAC, 567-23.2[3b])

C. 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])

D. Landscape Waste The disposal by open burning of landscape waste originating on the premises. However, the burning of landscape waste produced in clearing, grubbing, and construction operation shall be limited to areas located at least one-fourth (1/4) mile from any building inhabited by other than the landowner or tenant conducting the open burning. Rubber tires shall not be used to ignite landscape waste.

(IAC, 567-23.2[3d])

E. Recreational Fires Open fires for cooking, heating, recreation and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the State Department of Natural Resources.

(IAC.567-23.2[3e])

8-1-5 **OPEN BURNING RESTRICTED Continued...**

F. **Back Yard Burning** The open burning of residential waste on the property where such waste is generated, at dwellings of four-family units or less.
(IAC, 567-23.2[3f]) and 567-20.2[455B])

G. **Training Fires** Fire set for the purpose of bona fide training of public or industrial employees in firefighting methods, provided that the training fires are conducted in compliance with rules established by the State Department of Natural Resources.
(IAC, 567-23.2[3g])

H. **Pesticide Container 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])

I. **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])

J. **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])

8-1-6 **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 or burned on the premises or placed in acceptable containers labeled as yard waste and set out for collection. As used in this section, "yard waste" means any debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

8-1-7 **YARD WASTE STORAGE**

Owners or occupants choosing not to manage yard waste on their own property shall contain yard waste in authorized bags, containers or bundles so as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises or upon adjacent public rights-of-way. A licensed collector may specify the type of collection receptacle an owner or occupant must use before said collector is required to pick up the yard waste. The number of authorized bags, container or bundles containing yard waste which residents may place out for collection shall be unlimited. Tree limbs less than four (4) inches in diameter and brush shall be securely tied in bundles not larger than forty-eight (48) inches long and eighteen (18) inches in diameter when not placed in storage containers. The weight of any individual bundle, bag or container shall not exceed seventy-five (75) pounds.

8-1-8 **COMPOSTING**

Owners and occupants who engage in composting shall accumulate upon property under their control such quantities of leaves and/or yard debris from their own property as can be properly composted without creating offensive odors, a nuisance, litter or fire problems. Such composting so carried out shall be deemed to be an alternative disposition of the disposal of yard waste in satisfaction of any requirement to separate yard waste.

8-1-9 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)

8-1-10 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)

8-1-11 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. 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.

(IAC, 567-100.2) (IAC, 567-102.14[2] and 400-27.14[2])

8-1-12 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:

A. **Container Specifications** Waste storage containers shall comply with the following specifications:

1. **Residential Waste Containers**, whether they be reusable, portable containers or heavy-duty disposable garbage bags, shall be of sufficient capacity, and leak proof and water proof. Disposable containers shall be securely fastened, and reusable containers shall be fitted with a fly-tight lid which shall be kept in place except when depositing or removing the contents of the container. Reusable containers shall also be lightweight and of sturdy construction and have suitable lifting devices.

2. **Commercial Waste Containers**, shall be portable, metal bulk storage containers *(as approved by the City)* by 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.

8-1-12 WASTE STORAGE CONTAINERS Continued...

B. Storage 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. 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.

C. Location of Containers for Collection 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.

D. 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.

8-1-13 PROHIBITED ACTS

A. 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.

B. 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.

C. Unlawful Disposal Dispose of refuse at any facility or location which is not an approved sanitary disposal project.

D. Unlawful Collection Engage in the business of collecting, transporting, processing or disposing of refuse within the City without a contract therefor with the City or a valid permit therefor;

E. Burning of Garbage, Rubbish, Refuse & Yard Waste Burn or incinerate any garbage, rubbish, refuse or yard waste within the City except:

1. By permission of the City Council, Police Chief, or designee, which permission, when granted, shall be without any fee charged to the requesting party; or

2. The **FIRST and LAST Weekend** (Saturday & Sunday) of each month when supervised burning of yard waste origination on the premises is allowed. The Police Chief or other party designated by the City Council shall have authority to order the extinguishment of any fire that is unsafe or creating a nuisance. This exception does not apply when a burn ban has been issued by the State Fire Marshal's Office. Any notice of a burn ban shall be through local media.

F. Unlawful Combination of Yard Waste and Solid Waste Put into the Solid Waste collection system of the City any yard waste. This prohibition applies to any owner, lessee, or occupant of any residential, commercial or institutional property in the City.

G. 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.