

CHAPTER 105

SOLID WASTE COLLECTION

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105.01 PURPOSE. The purpose of this chapter is to ensure that solid waste generated within the City will be collected, transported, and deposited in an environmentally safe manner and to ensure that the mandated reduction goals set out by the *Code of Iowa* will be met.

105.02 FINDINGS. The City makes the following specific findings:

1. The collection of solid waste from commercial, industrial, residential, and other establishments and premises within the City is a matter of serious concern to the health, welfare, and safety of the citizens of the City.
2. Some solid waste presently being generated within the City is being transported to its ultimate disposal site in uncovered vehicles which allows the garbage to fall from the vehicle onto the road, creating a health and safety hazard.
3. The mishandling of solid waste from residential, commercial, industrial, and other establishments and premises in the collection and disposal process can result in conditions which adversely affect the health, safety and welfare of the citizens of the City and may have a serious detrimental impact on the quality of the environment; and
4. The collection of solid waste within the City is an essential public service; and
5. To better assure compliance with the requirements of Iowa Code Chapters 455B.301A; 455B.302; 455B.307; 455B.307A, and 455D.4, it is necessary for the City to assume the overall responsibility for the collection of all waste generated within its corporate boundaries and to limit collection of said waste to the City or to such persons or companies who demonstrate that they are capable and willing to collect said solid waste in a manner deemed by the City to be responsible, sound and consistent with the sanitation and environmental practices and policies established by the State of Iowa and by the City; and
6. The City has determined that it can best achieve the goals and objectives of the City as set out in the findings above by one of the following methods:
 - A. City Direct Service. The Council may choose to provide service directly with City equipment and City employees.

- B. Selected Hauler Service. The City may designate a zone as a selected hauler zone. Under this option, the City may receive proposals, on terms provided herein, for one or a limited number of selected haulers.
- C. Multiple Contract Hauler Service. The City may determine to offer standard contracts to haulers, for an initial contract period determined by the City, under which any qualified hauler may, for the contract period, enter into a nonexclusive uniform contract with the City to provide some of the City's service within the zone. The City may choose to offer Contract Hauler service for residential, commercial, or industrial service, or any combination of the three. The City may enter into contracts with multiple haulers for the same type of service within the same zone.
- D. Combination of City Service and Private Hauler Service. The City may determine to provide services directly with City equipment and City employees for a portion of the waste stream and offer standard contracts to haulers as outlined in paragraphs B and C above.
7. The City has a duty to encourage recycling and the proper management of household hazardous waste.
8. The City has a desire to ensure that commercial and industrial hazardous wastes are also collected and disposed of according to Federal and State law.

105.03 DEFINITIONS. For the purposes of this chapter the following terms, phrases, words and their derivations have the meanings given herein.

1. "Additional residential services" means services provided to residential properties at the option of the property owner in return for additional user charges.
2. "Basic residential services" means the minimum level of service provided to all residences within a Solid Waste Zone.
3. "Commercial/industrial" means covered solid waste collection and disposal service provided to all solid waste generators not included within the definition of "residential service" set out in subsection 18 below, and may also be referred to as nonresidential collection or service.
4. "Covered solid waste" means garbage, refuse and other municipal solid waste from residential and nonresidential activity, including commercial and industrial activities, but does not include the following waste: (i) "hazardous waste" as defined in this section; or (ii) other waste determined inappropriate for collection and conveyance by the City. Unless otherwise determined by the City, the following waste is determined inappropriate for collection and conveyance by the City: incinerator ash; foundry sand; explosives; hospital, pathological and biological waste; chemicals and radioactive materials, oil sludge; asbestos in identifiable quantities; cesspool or other human waste; sewage and other highly diluted, water-carried materials or substances; materials in gaseous form; human or animal remains; street sweepings; ash; mining waste; sludge; and hazardous refuse of any kind, such as cleaning fluids, crank case oils, cutting oils, paints, acids, caustics, poisons, drugs. The City may issue regulations adding or removing items from the list. At the request of any person, or at such person's own initiative, the City may issue a binding interpretative ruling as to whether a particular substance constitutes covered solid waste.
5. "Discard" means to place, cause to be placed, throw, deposit or drop.

6. “Dwelling” means a building or portion thereof, designed or used exclusively for residential occupancy, including one-family, two-family, multiple-family dwelling units, mobile homes, agricultural dwellings, apartments, and seasonal recreational properties but not including nursing homes, hotels, and motels.
7. “Dwelling unit” means one or more rooms in a dwelling designed for occupancy by one family for living purposes and having its own permanently installed cooking and sanitary facilities, and having its own water meter.
8. “Environmentally suitable manner” means disposal of mixed municipal solid waste in a State-permitted solid waste processing, waste-to-energy, transfer, or sanitary landfill disposal facility.
9. “Hazardous waste” means refuse, sludge or other waste material or combinations of refuse, sludge or other waste material in solid, semi-solid, liquid or contained gaseous form which, because of its quantity, concentration of chemical, physical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported or disposed of or otherwise managed. Categories of hazardous waste materials include (but are not limited to) explosives, flammables, oxidizers, poisons, irritants, and corrosives.
10. “Household hazardous waste” means waste generated from household activity that exhibits the characteristics of or that is listed as hazardous waste under State or Federal rules, but does not include waste from commercial activities that is generated, stored, or present in a household.
11. “Litter” means any garbage, rubbish, trash, refuse, waste materials or debris.
12. “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.
13. “Open dumping” means the depositing of solid wastes on the surface of the ground or into a body or stream of water.
14. “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.
15. “Person” means any human being, any municipality or other governmental or political subdivision or public agency, or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assigned, agent or other legal representative of the foregoing, or any other legal entity.
16. “Recycling” means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use. It includes yard waste composting, and recycling that occurs through mechanical or hand separation of materials.
17. “Residential property” means all improved real property in the City devoted to single-family residences, multiple-family dwelling units, mobile homes, or agricultural residences.

18. “Residential service” means covered solid waste collection and disposal service provided to dwellings with four or less dwelling units.

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

20. “Self hauler” means an individual generator disposing of such person’s own covered solid waste, providing that disposal is carried out in accord with the law and applicable ordinances and in an environmentally suitable manner.

21. “Solid waste” means garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludge, in solid, semisolid, liquid, or contained gaseous form, resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock, sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluent or discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flows; or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

22. “Wright County Area Landfill Authority” or “Authority” means the authority created by the cities within Wright County, along with Wright County, pursuant to Chapter 28E of the *Code of Iowa*, or successor statutes for the purpose of cooperatively coordinating and managing solid waste within the Wright County area.

105.04 SANITARY DISPOSAL REQUIRED. Any accumulation of solid waste 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 or by initiating proper action in district court.

105.05 HEALTH 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, either in containers or not, that shall constitute a health or sanitation hazard.

105.06 FIRE HAZARD. It is 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.

105.07 OPEN BURNING PROHIBITED. No person shall allow, cause, or permit open burning of combustible materials, except the following:

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, provided that the burning of any structures or demolished structures is conducted in accordance with 40 CFR Section 61.145.
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.

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.
4. Landscape Waste. The burning of landscape waste produced in clearing, grubbing and construction operations shall be limited to areas located at least one-fourth ($\frac{1}{4}$) 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.
(Ord. 547 – Apr. 13 Supp.)
5. Recreational Fires. Recreational fires consisting solely of firewood must be burned within a fireplace, fire ring or other appropriate means of containment. The following materials are prohibited from being burned in a recreational fire: leaves, weeds, grasses, flower bed and garden waste, solid waste and all other items not considered firewood. Open fires for cooking, heating, recreation, and ceremonies are allowed, provided they comply with the limits for emission of visible air contaminants established by the State Department of Natural Resources. Rubber tires shall not be burned in a recreational fire.
(Ord. 547 – Apr. 13 Supp.)
6. Training Fires. Fires set for the purpose of conducting 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.
7. Controlled Burning of a Demolished Building. The controlled burning of a demolished building by the City, subject to approval of the Council, provided that the controlled burning is conducted in accordance with rules and limitations established by the State Department of Natural Resources.
8. Variance. Any person wishing to conduct open burning of materials not permitted herein may make application for a variance to the Director of the State Department of Natural Resources.

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.

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 of the State Department of Natural Resources, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Director of the State Department of Natural Resources. However, this section does not prohibit the use of rubble at places other than a sanitary disposal project. “Rubble” means dirt, stone, brick, or similar inorganic materials used for beneficial fill, landscaping, excavation, or grading at places other than a sanitary disposal project. Rubble includes asphalt waste only as long as it is not used in contact with water in a floodplain. For purposes of this section, rubble does not mean gypsum or gypsum wallboard, coal combustion residue, foundry sand, or industrial process wastes unless those wastes are approved by the State Department of Natural Resources.

105.10 HAZARDOUS WASTES. The collection, storage, and disposal of hazardous wastes shall be subject to the following:

1. Labeling. All containers used for the storage, collection or transportation of hazardous wastes 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 hazardous wastes 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 hazardous wastes. Such materials shall be transported and disposed of as prescribed by the Iowa Department of Natural Resources.

105.11 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 or more than thirty-five (35) gallons in nominal capacity; shall be leak proof, waterproof, 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 wastes with tapered sides for easy emptying. They shall be of lightweight 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 premises 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.
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 and fully accessible to collection equipment, public health personnel, and fire inspection personnel.
3. Nonconforming Containers. Solid waste placed in containers which are not in compliance with the provisions of this section will not be collected.
4. 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 disposed of offsite at a City Owned Collection Site for yard waste or

placed in acceptable containers and set out for collection pursuant to the agreement for collection existing between the owner or occupant and the solid waste hauler.

(Ord. 547 – Apr. 13 Supp.)

105.12 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. Radioactive Material. Dispose of radioactive material in sanitary disposal project. Luminous timepieces are exempt.
4. Unlawful Collection. Engage in the business of collecting, transporting, processing or disposing of solid waste within the City without a contract therefor with the City or a valid permit therefor.
5. Incinerators. Burn solid waste except in approved incinerators so maintained and operated as to prevent the emission of objectionable odors or particulate matter.
6. Burning Equipment Used for Heating or Destruction of Waste or in the Open. Any woods such as that used for utility poles, railroad ties or other purposes, without exclusion, which has been coated or impregnated with creosote, pentachlorophenol or other chemical paint which when burned emits volatile that create vapors which are a nuisance, likely to be unhealthful for humans and animals, or tend to deposit any film on objects such as furnishings, cloth, walls or other exposed services, or on plant life.

105.13 LANDFILL FEE.

1. The disposal of solid waste as provided by this chapter is declared to be a benefit to the property served or eligible to be served and there shall be levied and collected a fee therefor in the amount of \$5.00 per month for each property served. The fee shall be due and payable under the same terms and conditions provided for payment for water service as contained in Section 92.03 of this Code of Ordinances, and the provisions contained in Section 92.07 relating to notices of delinquency and lien notices shall also apply in the event of delinquent landfill fees.
2. For a structure containing more than one dwelling unit as defined by the Zoning Ordinance, but being served by only one water meter, the per month landfill fee shall be based on the multiplication of \$5.00 times a number of which is 80% of the dwelling units in the structure.
3. Bags.
 - A. Bags Available. Each collector shall make readily available for sale to the public, plastic bags which can be easily identified as having been purchased from the collector. Bag specifications and identification means must be approved by the City.
 - B. Bag Fee. The cost of bags to the public, whether sold directly by the collector or through other outlets, shall be set annually by the Council.

C. **Bags Required.** All waste to be collected shall be placed in approved bags and the bags tied. The tied bags may be placed in rigid containers as long as the bags can be handled separately.

D. **Placement.** Residential bags shall be placed for collection only at the curb of City streets or in the alleys in the downtown business district.

E. **Property Owner's Responsibility.** All property owners of apartment dwellings shall be responsible for their tenants' waste being placed in approved bags when containers are provided by the property owner for the storage of such waste awaiting collection.

105.14 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof are jointly and severally liable for fees for the landfill fee. 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.

105.15 RESIDENTIAL RECYCLING. Residential solid waste consisting of:

1. Any plastic jug, jar, or food container with the recycling symbol and a 1, 2, 3, 4, 5 or 7.
2. Glass bottles and jars (green, brown, blue, and clear).
3. Tin food and beverage containers.
4. Aluminum cans, pie tins, trays, and foil.
5. Metal pots and pans.
6. Corrugated cardboard and box board.
7. Office paper, newspapers, magazines and junk mail.

shall be picked up exclusively by the recycling contractor named in the Wright County Landfill Authority Agreement for the recycling of residential solid waste.

105.16 UNIT BASED PRICING. All contract haulers of solid waste within the City shall submit to the Council a unit based pricing policy for the Council's approval.

105.17 PUBLIC COLLECTION SYSTEM. The City hereby establishes a public collection and transportation system which shall be administered as provided by law and ordinance. The collection and transportation system established herein covers collection of covered solid waste from all residential, commercial, industrial, and other properties within the City and its transport to the point of disposal.

1. **Ordinance Applies to all Covered Solid Waste.** All covered solid waste generated or accumulated in the City shall be collected and conveyed to point of disposal by the City through the public collection system, except as expressly exempted in this chapter. No person shall collect or convey any covered solid waste in the City, except as expressly exempted in or authorized by this chapter.
2. **Sanitary Disposal Project Designated.** The sanitary landfill facilities operated by Wright County Area Landfill Authority are hereby designated as the official "Public Sanitary Disposal Project" for the disposal of solid waste produced or originating within the City.

3. City to Supervise Collection. The City's public collection and transportation system will be managed by the City. The City has the authority to interpret the provisions of this chapter and implement reasonable standard policies which are consistent with the terms of this chapter.
4. Exception for Transport Through City. This chapter does not prohibit collectors or haulers of solid waste generated in, or accumulated within, other cities, counties, or states from transporting such solid waste for disposal through or to the City in an otherwise lawful manner. This exception does not relieve such collectors or haulers from complying with other laws governing such transport or disposal.
5. Temporary Exemption for Haulers Under Contract with the City. Haulers under contract with the City as of the date of adoption of the ordinance codified herein are exempt from this chapter during the original term of the contract. This exemption shall expire upon termination or expiration of the contract.

105.18 PRE-COLLECTION PRACTICES.

1. Waste Reduction. The City is committed to encouraging waste reduction wherever possible, and the City shall endeavor to administer this chapter in a way it protects the environment and the public, and provides the most practical and beneficial use of the materials and energy values of solid waste, implementing whenever possible goals set out in Iowa Code, Chapter 455B.301a to wit:
 - A. Volume reduction at the source.
 - B. Recycling and reuse.
 - C. Other approved techniques of solid waste management, including but not limited to combustion with energy recovery, combustion for waste disposal, and disposal at sanitary landfills.

In addition, the City shall utilize the capabilities of private enterprise as well as the services of the City to accomplish the desired objectives of an effective solid waste management program, in such a manner to best meet the goals for waste stream reduction set out in Chapter 455B.3 of the *Code of Iowa*, including encouraging recycling for residential and nonresidential waste generators.

2. Prohibited Storage. No person shall place any solid waste in any street, alley, road, highway or other public place, or upon any private property (whether owned by such person or not), within the City, except in proper containers for collection under this chapter, or under express approval granted by the City.
3. Unauthorized Accumulation or Deposit of Solid Waste. The unauthorized accumulation, deposit, or handling of solid waste not otherwise covered by this chapter is hereby prohibited. The City may, by written notification, require the owners or occupants of property to remove any unauthorized accumulation or deposit of solid waste in the City within a period not to exceed ten days. If the unauthorized accumulation or deposit of solid waste is not removed within the specified time, the City may provide for removal of the accumulation or deposit of solid waste at the owner's or occupant's expense. The City shall then cause the expense to be a lien on the property and collected as property taxes. This action shall not preclude the City from seeking civil or criminal penalties from persons responsible for unauthorized accumulations or deposits of solid waste.

A. Proper Storage. No persons shall store solid waste in such a manner that it may be carried or deposited by the elements upon any public or private premises. The owner, lessee, and occupant of any premises, business establishment or industry shall be responsible for the satisfactory storage of all solid waste accumulated at said person's premises, business establishment or industry. No building, structure, area, or premises shall be constructed or maintained for human occupancy, use, or assembly without adequate facilities for sanitary and safe storage and collection of all solid waste.

B. Household Hazardous Waste and Problem Materials. The City residents shall be encouraged to dispose of household hazardous waste and problem materials through a collection system specifically for household hazardous waste, or other service provided through the Authority.

105.19 CITY-PROVIDED SERVICE. The City will establish solid waste collection zones for residential and commercial and industrial waste. The method of City collection applicable in any zone will be established by resolution of the Council, as described in Section 105.20.

1. Service to All Properties. Every property shall receive, and the owner or occupant thereof shall pay a fee for, collection and disposal of solid waste and recyclables.

2. Self-Haulers. Self-hauling of covered solid waste may be allowed, provided that the collection, transportation, and disposal are carried out in accord with the law and applicable ordinances and in an environmentally suitable manner.

3. Solid Waste Zones; Service Options. As part of initial passage of the ordinance codified herein, the Council will establish solid waste zones for the City. The Council will adopt a service option for each zone. In determining the appropriate option, the Council will consider the environmental, economic, and geographic circumstances of each zone and will consider the views of residents and business. The Council may from time to time adopt revisions in the service option for one or more zones.

4. Service Options. In each zone, the Council may adopt any of the following service options:

A. City Direct Service. The Council may choose to provide service directly with City equipment and City employees.

B. Selected Hauler Service. The City may designate a zone as a selected hauler zone. Under this option, the City may receive proposals, on terms provided herein, for one or a limited number of selected haulers.

C. Multiple Contract Hauler Service. The City may determine to offer standard contracts to haulers, for an initial contract period determined by the City, under which any qualified hauler may, for the contract period, enter into a nonexclusive uniform contract with the City to provide some of the City's service within the zone. The City may choose to offer contract hauler service for residential, commercial, or industrial service, or any combination of the three. The City may enter into contracts with multiple haulers for the same type of service within the same zone.

D. Combination of City Service and Private Hauler Service. The City may determine to provide services directly with City equipment and City

employees for a portion of the waste stream and offer standard contracts to haulers as outlined in paragraphs B and C above.

5. Regional Cooperation. Upon approval of the Council, the City may enter into joint powers agreements pursuant to Iowa statute 28E, or successor statutes.

105.20 COLLECTION ZONES.

1. Solid Waste Zones Established. The following solid waste zones are hereby established.

- A. Residential Zones. The residential zones set out in Appendix A to the ordinance codified herein are hereby adopted as the residential collection zones under this chapter.

- B. Commercial and Industrial Zones. The commercial and industrial zones set out in Appendix B to the ordinance codified herein are hereby adopted as the commercial and industrial zones under this chapter.

2. Resolution Determining Method of Collection and Conveyance. The Council may by resolution establish the mechanism for collection and conveyance of covered solid waste for each solid waste zone. The City may select any of the service options described in this chapter and may by ordinance establish the fees applicable to that service.

3. Different Service Options May Apply to Different Waste Categories. The City may determine that different categories of covered solid waste will be collected using different methods of collection in the same zone.

4. Factors Involved in Determination. In deciding which service option should be used in a zone, the Council may consider any factors affecting the public interest, including environmental and public health factors and the expressed preferences of citizens of the zone. The Council may also consider whether the selection provides the most economical conveyance and best service.

5. Zone Boundaries. A change in the City's borders will result in a corresponding change in zone borders.

6. City Direct Service Zone. The City may determine that residential or nonresidential collection and conveyance services, or both, will be provided directly by City employees with City equipment.

7. Selected Hauler Service Zone. The City may determine that City residential or commercial and industrial collection and conveyance services, or both, will be provided to the City by one or more selected private haulers operating under contract with the City; however, there shall be no more than one hauler operation within each zone for each type of service.

- A. Solicitation of Hauler Proposals. In a selected hauler service zone, the Council will select one or more contract haulers to provide collection and conveyance services for covered solid waste. The City may award contracts to selected haulers for periods as specified by the Council. As part of the process of selecting haulers, the City may solicit proposals for negotiated contracts from individual haulers. Upon receipt of proposals, the City may accept one or more of these proposals, or may negotiate with one or more haulers to obtain new or different terms from those originally proposed by the haulers. The City may negotiate with potential haulers on price and terms of

service. The contract with any selected hauler may provide that the hauler will be the only selected hauler for one or more classes of service, or may provide that there will be a limited number of haulers for one or more classes of service. Any contract negotiated by the City must be approved by the Council.

B. Negotiated Reimbursement Rates. The hauler contract may establish hauler reimbursement rates for commercial, industrial, and residential services and the City shall by resolution establish rates for residential services. The City may elect to contract with different haulers for different types of services.

C. Additional Reimbursement. Hauler contracts may establish separate reimbursement rates for residential service that are additional to the basic residential services.

D. Designation of Customers and Routes. Hauler contracts may provide that selected haulers will serve all of the customers within the selected route within the zone, or particular classifications of customers within all or a portion of the zone.

8. Multiple Contract Hauler Zone. The City may designate any zone as a multiple contract hauler zone. In a multiple contract hauler zone, the City will provide collection and transportation services under contract with any qualified hauler who agrees to enter into a contract specified by the City for a contract term specified by the City.

A. City May Limit Classification of Waste Collected. The City may determine that only certain classifications of covered solid waste may be collected by multiple contract haulers.

B. Haulers May Serve Any Customer. Haulers operating under contract to serve a zone will have an equal right to serve any property within the zone; provided that, if the contract is limited to a particular classification of covered solid waste, the hauler may collect only that classification of covered solid waste. The City may require minimum levels of service, but City contract haulers may offer differing types and qualities of service from those of other City contract haulers. Haulers may compete with other City contract haulers to determine who will serve individual properties.

C. Rates Paid by City Customer. The multiple hauler contract will provide that City customers will pay user fees to haulers. Rates charged to City customers in multiple hauler service zones will be set by haulers, subject to any limitations which may be set in the contract with the City. Contract haulers may offer differing charges and schedules of rates.

D. Procedure for Letting Contracts. From time to time, the City may establish the contents of contracts applicable to qualified haulers within a zone. Contracts may be offered for terms specified by the Council. The City may set contract terms for residential or commercial/industrial service, or any classification of services.

(1) Solicitation for Proposal. Prior to offering contracts, the City may solicit proposals for multiple contract hauler zone contracts. The City may enter into negotiations with haulers to set the terms under

which haulers will sign such contracts, and the negotiations may cover price, terms of service, and such other contract terms as the City may specify.

(2) Conversion to Selected Hauler Zones. If the City determines that there is insufficient interest in entering into contracts on a multiple hauler basis, or the Council determines that the public interest would otherwise be served, the City may by ordinance convert a multiple contract hauler zone to a selected hauler zone and sign contracts with an individual hauler on terms authorized by this chapter.

9. Residential and Commercial/Industrial Service. This subsection governs the terms of City provided residential and commercial/industrial service.

A. Mandatory Service. The owner or occupant of every property shall dispose of covered solid waste by City provided collection and disposal service, or if a self-hauler, ensure that the disposal of covered solid waste is carried out in an environmentally suitable manner.

(1) City May Promulgate Regulations. The City may from time to time establish regulations governing the size and type of containers, requirements for maintenance of cans, limitation of materials and placement for collection applicable within one or more solid waste zones. The City may from time to time establish regulations providing that certain classes of property or waste shall be handled as non-residential waste, or shall be subject to special collection and disposal requirements.

(2) Recycling Regulations. The City may from time to time establish regulations governing recycling for residential and commercial/industrial waste generators.

B. Minimum Required City Service. The City may establish a minimum level of City provided service for residential and non-residential properties for each district. The City may establish the amount and frequency of service which will be received by users within the district in return for the minimum service charge.

(1) Minimum Service Fee. The City may establish a minimum service fee payable in a solid waste zone. The fee may vary within the zone according to location, type of residence, classification of property, volume of covered solid waste, or other relevant factors.

(2) Billing. Any service fee payable to the City shall be billed in a manner established by resolution of the Council.

(3) Fees for Services Beyond Minimum Required Service. Haulers in any zone may offer services beyond the minimum level of service required by the City. Fees for such service may be negotiated between the hauler and the individual customer.

10. Unpaid Fees. In addition to the remedies provided for in Section 105.14, if an owner or any person obligated to pay a service fee owed to the City fails to pay the fee in the manner prescribed, the City, for itself or on behalf of its contractors, may

recover unpaid fees due under this chapter in any manner authorized by law, including, but not limited to, the following:

- A. Certification to the County Treasurer. All rates or charges for solid waste collection services owed to the City, if not paid as provided by this chapter, shall be a lien upon the property or premises served by any of these services, upon certification to the County Treasurer that the rates or charges are due, pursuant to the provisions of Chapter 384.84 of the *Code of Iowa*.
- B. Civil Action. In addition to each and every other remedy available to the City, unpaid service fees, penalties, and interest may be recovered in a civil action in the name of the City or its contractors.

105.21 SAVINGS CLAUSE. In the event that court of competent jurisdiction determines that any provision of this chapter, including any of the service options included therein, are unlawful or unauthorized by law, such provisions shall nonetheless survive, and the City shall select service options from the remaining options. If any court of competent jurisdiction shall rule that the application of any provision herein is invalid to a particular person or property, such judgment shall not affect the application of said provision to any other person or property not specifically included in the judgment.

105.22 ENFORCEMENT. The regulations contained herein govern violations or threatened violations and provide mechanisms for the City to use in attaining compliance with this chapter herein pertaining to solid waste control.

1. Any person who violates any of the provisions of this chapter, or who fails, neglects or refuses to comply with the provisions contained herein, or who knowingly makes any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor. Each day that a violation occurs will constitute a separate offense.
2. In the event of a violation or a threatened violation of this chapter, the City, in addition to other remedies, may institute appropriate action or proceedings to prevent, prosecute, restrain, or abate such violations or threatened violations, and it shall be the duty of the City Attorney to commence such action.

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