

CHAPTER 52: SOLID WASTE

Section

Collection and Disposal

- 52.01 Definitions
- 52.02 Residential collection service
- 52.03 Responsibilities of owners and occupants
- 52.04 Multiple residence buildings
- 52.05 Premises not used for residential purposes
- 52.06 Hauling regulations
- 52.07 Establishment of service charges
- 52.08 Billing and payment of service charges
- 52.09 Delinquent accounts

Separation and Collection of Recyclable Materials

- 52.20 Purpose
- 52.21 Definitions
- 52.22 Source separation of recyclable materials
- 52.23 Collection of recyclable materials
- 52.24 Anti-scavenging
- 52.25 Prohibition of refuse and yard waste
- 52.26 Disposal of recyclables

Removal of Unwholesome Substance and Solid Waste by City

- 52.30 Definitions
- 52.31 Unwholesome substance left, brought or deposited within the city
- 52.32 Notice by the city and demand for removal
- 52.33 Time to remove
- 52.34 Service of notice
- 52.35 Unwholesome material on boulevard
- 52.36 Appeal from costs

COLLECTION AND DISPOSAL**§ 52.01 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

RESIDENCE. Any living quarters, including single and multi-family dwellings. Each unit in a multiple-family dwelling shall be a **RESIDENCE**.

RESIDENTIAL COLLECTION SERVICES. The solid waste collection service provided by the city, its agents, employees or contractors.

SOLID WASTE. For the purpose of §§ 52.01 through 52.09, the term **SOLID WASTE** shall be defined to include garbage, rubbish and non-recyclable paper but shall not include concrete, rock, dirt, construction materials, trees, cement pieces, yard waste or items of extreme bulk or weight that are beyond the capability of one person to lift. Specifically excluded are recyclable materials. (Ord. 768, passed 7-8-91; Am. Ord. 929, passed 12-26-01; Am. Ord. 967, passed 6-14-04)

§ 52.02 RESIDENTIAL COLLECTION SERVICE.

The municipal collection service of the city is established to provide for the regular collection and disposal of solid waste from every residence within the city. The contractor shall provide each residence within the city with a 95-gallon container (65-gallon for citizens 62 years of age and over at their request), which shall remain the property of the contractor. The service shall be supervised by the City Administrator or his or her designee. The exception to residential collection service is for multiple-family dwelling units that contract for service with a commercial refuse hauler. (Ord. 768, passed 7-8-91; Am. Ord. 795, passed 11-8-93; Am. Ord. 929, passed 12-26-01; Am. Ord. 967, passed 6-14-04)

§ 52.03 RESPONSIBILITIES OF OWNERS AND OCCUPANTS.

(A) Toxic or hazardous materials and substances shall not be stored or disposed of with regular solid waste but shall be stored in a safe location in accordance with applicable state requirements.

(B) Containers utilized for solid waste storage shall be kept in locations that do not create a nuisance. In no case shall the containers be kept beyond the alley line or in front of the established building line or on boulevards, except within 24 hours of collection.

(C) All solid waste accumulated on any premises shall be placed and maintained in containers provided by the contractor. Such containers shall be maintained in a good, clean, neat and sanitary

condition at all times. Solid waste shall be picked up at each residence once each week. All solid waste shall be placed inside the container provided by the contractor. As part of the weekly service, the contractor will not pick up solid waste which is outside the provided container. Residents that require a special pickup for items that cannot be placed inside the container must make arrangements with the contractor. No solid waste shall be placed for collection in county recycling containers.

(D) Any solid waste on the boulevard or private property not in compliance with these regulations is hereby declared a public nuisance and shall be abated by the property tenant or owner of the private property on which the solid waste is located or by the property tenant or owner of the private property directly adjacent to the boulevard on which the solid waste is located within 12 hours after receiving notice from the city.

(E) The owner or occupant of every residence shall be entitled to dispose of solid waste by the residential collection service upon compliance with the conditions and regulations established by ordinance or resolution of the City Council.

(Ord. 768, passed 7-8-91; Am. Ord. 795, passed 11-8-93; Am. Ord. 929, passed 12-26-01; Am. Ord. 967, passed 6-14-04)

§ 52.04 MULTIPLE RESIDENCE BUILDINGS.

Multiple residence buildings having more than three residence units shall contract directly with a commercial refuse hauler for the collection and disposal of solid waste.

(Ord. 768, passed 7-8-91; Am. Ord. 929, passed 12-26-01; Am. Ord. 967, passed 6-14-04) Penalty, see § 10.99

§ 52.05 PREMISES NOT USED FOR RESIDENTIAL PURPOSES.

The owner or occupant of any premises not used for residential purposes shall dispose of solid waste at their own expense.

(Ord. 768, passed 7-8-91; Am. Ord. 929, passed 12-26-01; Am. Ord. 967, passed 6-14-04)

§ 52.06 HAULING REGULATIONS.

When hauling solid waste, yard waste or recyclables over public streets within the city, any person hauling such materials, whether for residential collection service, commercial service or private hauling, shall comply with the following provisions:

(A) Solid waste shall be hauled in a closed or covered compactor collection truck;

(B) Recyclables and yard waste shall be hauled in a closed covered vehicle;

(C) Collection vehicles for solid waste shall be watertight and constructed to prevent the escape of odors and contents and to screen solid waste from public view;

(D) Vehicles utilized for collection shall be kept in a sanitary condition; and

(E) When transporting solid waste, yard waste and recyclables, such vehicles shall be loaded and unloaded in such a manner that contents will not fall, spill or be dragged upon the ground or streets. (Ord. 768, passed 7-8-91; Am. Ord. 929, passed 12-26-01; Am. Ord. 967, passed 6-14-04) Penalty, see § 10.99

§ 52.07 ESTABLISHMENT OF SERVICE CHARGES.

The City Council shall from time to time establish a schedule of monthly service charges, including minimum charges for the removal and disposal of solid waste by the residential collection service from all residential premises. A minimum monthly charge shall include the following: annual city-wide trash fee; county solid waste fee; state tax; any additional fees as may be required by the state, county or city. The service charges shall be imposed upon the owner or occupant of each residence, whether or not the residential collection service is utilized by that residence. Any owner upon whom a service charge is imposed may apply for and receive a credit or refund, if the charge has been paid for any period in excess of three months for the difference between a minimum monthly charge and standard monthly charge, providing that no solid waste or recyclables was accumulated or collected on the premises of such residence for that period. Any application for credit or refund shall be made within 30 days of re-establishing the service. The City Administrator shall be responsible for granting or denying the application, with such decision being final. Any person who submits a false affidavit in support of an application for credit or refund provided herein shall be guilty of a misdemeanor and subject to the penalty provisions of § 10.99.

(Ord. 768, passed 7-8-91; Am. Ord. 929, passed 12-26-01; Am. Ord. 967, passed 6-14-04) Penalty, see § 10.99

§ 52.08 BILLING AND PAYMENT OF SERVICE CHARGES.

The service charge for solid waste collection and disposal for residential units shall be placed on the city utility bill for such residence and shall be indicated thereon. All such service charges shall be due and payable at the Department of Utilities and shall be deemed to be for the period in which the utility bill is incurred. Payment of the service charge for solid waste collection and disposal shall be made with the city utility bill and may not be made separately. All applications for solid waste service shall be accompanied by a returnable deposit in an amount to be determined by the Water and Light Commission. (Ord. 768, passed 7-8-91; Am. Ord. 929, passed 12-26-01; Am. Ord. 967, passed 6-14-04)

§ 52.09 DELINQUENT ACCOUNTS.

When service charges for solid waste collection and disposal are not paid when due, the City Clerk shall add such service and collection charges as may be established by the Council from time to time. On October 1 of each year, the City Clerk shall cause an assessment to be levied against each residence for which service charges due and payable on or before September 1 of that year have not been paid. Such assessment shall be in an amount equal to the unpaid service charges plus the penalties thereon, if any and such assessment shall be certified to the County Auditor and collected and remitted in the same manner as assessments for local improvements.

(Ord. 768, passed 7-8-91; Am. Ord. 929, passed 12-26-01; Am. Ord. 967, passed 6-14-04)

SEPARATION AND COLLECTION OF RECYCLABLE MATERIALS**§ 52.20 PURPOSE.**

The purpose of this subchapter is to safeguard the health, safety and welfare of the citizens of the city, by regulating the storage and disposal of waste materials and by reducing the amount of waste generated by mandatory separation of recyclable materials.

(Ord. 756, passed 6-11-90; Am. Ord. 967, passed 6-14-04)

§ 52.21 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

NONRECYCLABLE MATERIALS. Solid waste, refuse, construction debris and materials for which there are no appropriate existing recycling markets.

PERSON. Any individual, firm, company, educational and medical institution, association, society, corporation or group.

RECYCLABLE MATERIALS.

- (1) Aluminum cans: Empty and dry.
- (2) Tin food cans: Empty and rinsed, labels removed if possible.
- (3) Glass bottles and jars: Empty and rinsed, caps removed, unbroken clear, green and brown glass.

(4) Plastic bottles and jugs: All containers must be rinsed, cleaned out and decapped. The approved numbered plastic bottles, jugs and containers commonly identified as PETE and HDPE.

(5) Newspaper: Bagged or bundled, dry and clean. Place on top in recycle container or beside container.

(6) Corrugated boxes: Broken down and flattened. Place beside recycling container.

RECYCLING. 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 the materials in a manner that precludes further use.

SOURCE SEPARATION. To divide or separate out from the main body, to make distinguishable from, to isolate, to seclude.

(Ord. 756, passed 6-11-90; Am. Ord. 771, passed 9-9-91; Am. Ord. 967, passed 6-14-04)

§ 52.22 SOURCE SEPARATION OF RECYCLABLE MATERIALS.

Every person within the city will be required to separate recyclable materials from nonrecyclable materials and store such materials in a clean and sanitary manner.

(Ord. 756, passed 6-11-90; Am. Ord. 967, passed 6-14-04) Penalty, see § 10.99

§ 52.23 COLLECTION OF RECYCLABLE MATERIALS.

(A) The City Council shall determine the frequency of collection for recyclable materials and shall designate a collector and transporter of those materials. All materials to be collected shall be in the condition specified in § 52.21 under the definition of "Recyclable Materials" and placed in approved Nobles County recycling containers.

(B) The city requires that persons from which pickups of recyclable materials are made to place those items at either the street curb line or alley property line as may be designated by the City Administrator.

(C) All persons shall maintain the recyclable containers in a sanitary manner and replace damaged containers at their own expense within ten days of receiving notice to do so from the recyclables collector contractor.

(Ord. 756, passed 6-11-90; Am. Ord. 967, passed 6-14-04) Penalty, see § 10.99

§ 52.24 ANTI-SCAVENGING.

(A) Ownership of the designated recyclable materials set out for collection shall be vested in the collector and transporter of recyclable materials designated by the City Council. It shall be unlawful and

an offense against this section for any person, firm or corporation other than the owner, lessee or occupant of a residential dwelling, commercial establishment or institution, to pick up said materials for his or her own use.

(B) Nothing in this section shall preclude persons from disposing of recyclable materials with commercial recycles and salvage yards or with nonprofit organizations, school groups, service clubs or others that conduct recycling drives for the purpose of community clean-up or organizational fund drives. (Ord. 756, passed 6-11-90; Am. Ord. 967, passed 6-14-04) Penalty, see § 10.99

§ 52.25 PROHIBITION OF REFUSE AND YARD WASTE.

The placing of refuse, yard waste and nonrecyclable materials in the recyclable container is prohibited.

(Ord. 756, passed 6-11-90; Am. Ord. 967, passed 6-14-04) Penalty, see § 10.99

§ 52.26 DISPOSAL OF RECYCLABLES.

Recyclables collected from premises shall not be deposited in any landfill, burned, be deposited or distributed in any way or manner which is contrary to applicable law, statute, ordinance, code provision, rule or regulation. Provided, however that the recyclables which are deposited in a landfill or burned pursuant to this subchapter receive written approval granted by the county and the city. Residents shall take such action as is reasonable under the circumstances to determine that recyclables are not disposed of contrary to the provisions of this subchapter.

(Ord. 756, passed 6-11-90; Am. Ord. 967, passed 6-14-04) Penalty, see § 10.99

REMOVAL OF UNWHOLESOME SUBSTANCE AND SOLID WASTE BY CITY

§ 52.30 DEFINITIONS.

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

UNWHOLESOME SUBSTANCE. Rubbish, paper, concrete, rock, dirt, construction materials, trees, tree limbs, cement pieces, yard waste, waste material, refuse, garbage, trash, debris, excrement, urine, offal composed of animal matter or vegetable matter or both or any noxious or offensive matter whatever, including but not limited to any discarded dead animal, dead bird, dead fish, chemicals, chemical compound, petroleum product or compound, automobile part or accessory, tire, wheel, furniture, appliances, junk, paper, cardboard, lid, bottle, cap, carton, wrapper, box, wooden object, plastic object, clothing, cloth, metal object, rubber object, leather object, hide, feathers, grass clippings,

leaves, cut weeds, dead trees, broken trees, cut trees and branches cut from trees or bushes, inoperable lawn mowers and other such parts or equipment. Solely for the purposes of §§ 52.30 through 52.36, all materials which have been previously defined in this chapter as "solid waste" or as a "recyclable material" shall be considered an **UNWHOLESOME SUBSTANCE**. **UNWHOLESOME SUBSTANCES** shall not include yard wastes which are being composted at an authorized facility or which are being composted in compost holding units which meet the following specifications:

- (1) Do not exceed 125 cubic feet in volume;
 - (2) Are constructed of wood, wire, metal or plastic, excluding plastic bags;
 - (3) Are a stationary unit designed for composting or a rotating unit designed for composting;
 - (4) Are located in the rear yard of the property and screened or fenced so the unit is not readily visible from any adjacent lot, street or alley;
 - (5) Are maintained to minimize odors; and
 - (6) Are not allowed to attract rodents or to become a health or safety hazard.
- (Ord. 967, passed 6-14-04; Am. Ord. 979, passed 7-11-05)

§ 52.31 UNWHOLESOME SUBSTANCE LEFT, BROUGHT OR DEPOSITED WITHIN THE CITY.

If an unwholesome substance is brought, left or deposited within the city in any manner not authorized by law, the city may demand that the owner or occupant of the premises on which the unwholesome material has been brought, left or deposited remove, in a lawful manner, the unwholesome substance from the premises on which the unwholesome substance has been left, brought or deposited. (Ord. 967, passed 6-14-04)

§ 52.32 NOTICE BY THE CITY AND DEMAND FOR REMOVAL.

If the city wishes to bill the owner or occupant for the cost of removal of unwholesome material, prior to removal of the unwholesome material by the city, a representative of the city shall give the owner and the occupant of the premises on which the unwholesome material has been brought, left or deposited notice of the existence of such deposit. The representative of the city may also demand removal of the wholesome material. If a demand for removal of the unwholesome material is made in the notice, the notice shall also include a time period within which the unwholesome material must be removed. In addition, the notice shall advise the owner and occupant of the premises that after the expiration of the time period, the city may cause the removal of the unwholesome material. The notice shall also advise the owner and occupant of the premises that the cost of such removal by the city shall

be billed to the owner and occupant of the premises and further advise the owner and occupant that unpaid costs of removal shall be a lien upon the property and may be collected in the same manner as a special assessment.

(Ord. 967, passed 6-14-04)

§ 52.33 TIME TO REMOVE.

Unless the unwholesome material is determined to be dangerous to the public health and safety, the time period within which the unwholesome material must be removed shall be ten days. If the unwholesome material does present or will within a period of less than ten days present a danger to the public health and safety, the time period during which the owner and occupant of the premises can remove the unwholesome material may be reduced to a time period which will protect the public health and safety. If immediate removal is required to protect the public health and safety, the city may immediately cause removal of the unwholesome material.

(Ord. 967, passed 6-14-04)

§ 52.34 SERVICE OF NOTICE.

The notice to remove unwholesome material shall be served upon the owner and occupant of the premises upon which the unwholesome material is located by depositing the notice in the U.S. mail addressed to the last known address of the owner and to the last known address of the occupant, if the owner and the occupant are different persons or entities. The notice to remove the unwholesome material shall also be conspicuously posted on the property on which the unwholesome material is located.

(Ord. 967, passed 6-14-04)

§ 52.35 UNWHOLESOME MATERIAL ON BOULEVARD.

For the purpose of §§ 52.30 through 52.36, a boulevard shall be considered a part of the property which is directly adjacent to the non-street side of the boulevard.

(Ord. 967, passed 6-14-04)

§ 52.36 APPEAL FROM COSTS.

If the owner or occupant of property believes the cost of removal of the unwholesome material should not be billed to the owner or occupant, the owner or occupant may appeal to the Legislative Hearing Officer in accordance with the procedure set forth in Chapter 31. Regardless of any contractual relationship between the owner and occupant of the property, the owner shall always be billed for the cost of removal and there shall be no appeal from such billing except for an appeal which has as a subject the amount of the billing or the necessity for removal.

(Ord. 967, passed 6-14-04)

