

## **GARBAGE AND SOLID WASTE**

### **CHAPTER 105 - SOLID WASTE CONTROL**

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#### **105.01 PURPOSE.**

The purpose of the chapters in this Code of Ordinances pertaining to Solid Waste Control is to provide for the sanitary storage, collection and disposal of solid waste and recyclable material 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. "Collector" means any person authorized to gather solid waste from public and private places.
2. "Director" means the director of the State Department of Natural Resources or any designee.  
*(Code of Iowa, Sec. 455B.101[2b])*
3. "Discard" means to place, cause to be placed, throw, deposit or drop.  
*(Code of Iowa, Sec. 455B.361[2])*
4. "Dwelling unit" means any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.
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) & (Code of Iowa, Sec. 455B)*

7. "NON-RESIDENTIAL PREMISES" means any premises within the city of Wahpeton which is not a single-family dwelling or multiple-family dwelling and at which recyclable materials exist or are created during the use of the property.

**(Ord. 167 – March 20 Supp.)**

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

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

9. "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.

10. "Recyclable material" means cardboard, paper, glass, tin and other items which are discarded but which may be recycled and reused for industrial, commercial, agricultural or other domestic use. The items which may be recycled will change from time to time depending upon technology and the used available for the recyclable material. The Clerk shall post from time to time those items designated as recyclable and shall keep a list at all times of recyclable material.

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 premises" means a single-family dwelling and any multiple-family dwelling.

13. "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, trade wastes and any locally recyclable goods or plastics.

*(IAC, 567-20.2) & (Code of Iowa, Sec. 455B)*

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

*(IAC, 567-100.2)*

15. "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)*

16. "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 Director.

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

17. "Solid Waste Collection" shall mean the gathering of solid wastes from public and private places.

*(IAC, 567-100.2)*

18. "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)*

**105.03 SANITARY DISPOSAL REQUIRED.**

It is the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner's premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than thirty (30) days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Chapter 50 or by initiating proper action in district court.

*(Code of Iowa, Ch. 657)*

**105.04 HEALTH AND FIRE HAZARD.**

It is unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste that constitute a health, sanitation or fire hazard.

**105.05 OPEN BURNING RESTRICTED.**

No person shall allow, cause or permit open burning of combustible materials 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, 567-23.2 and 567-100.2)) & (Code of Iowa, Sec. 455B)*

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.

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

2. Trees and Tree Trimmings. The open burning of trees and tree trimmings is not permitted. Trees and tree trimmings and other landscape waste should be disposed of at the Dickinson County disposal facility.

*(Ord. 148 - Feb. 13 Supp.)*

3. Flare Stacks. The open burning or flaring of waste gases, provided such open burning or flaring is conducted in compliance with applicable rules of the State Department of Natural Resources.

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

4. Landscape Waste. The disposal by open burning of landscape waste originating on the premises. However, the burning of landscape waste produced in clearing, grubbing and construction operations shall be limited to areas located at least one-fourth (1/4) mile from any 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])*

5. 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. Rubber tires shall not be burned in a recreational fire.

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

6. Training Fires. Fires set for the purpose of bona fide training of public or industrial employees in fire fighting 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])*

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.

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

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. No person shall kindle or maintain any premises fire or authorize any such fire to be kindled or maintained on any private land unless (i) the location is not less than fifty (50) feet from any structure and adequate provision is made to prevent fire from spreading to within 50 feet of any structure, or (ii) the fire is contained in an approved waste burner located safely not less than fifteen (15) feet from any structure. Such fires shall be constantly attended by a competent person until such fire is extinguished. This person shall have a garden hose connected to the water supply or other fire extinguishing equipment readily available for use. The Fire Chief may prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous.

#### **105.06 SEPARATION OF LANDSCAPE WASTE REQUIRED.**

All landscape 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 in accordance with Section 105.05 or disposed of at the Dickinson County Landfill waste disposal site.

*(Ord. 140 - Feb. 13 Supp.)*

**105.07 RECYCLABLE MATERIALS.**

Each Residential Premises shall be provided with a 95-gallon wheeled cart which shall be used for the storage and collection of recyclable materials. Each Non-residential Premises shall be provided either a 95-gallon and/or a 300-gallon wheeled container for the storage and collection of recyclable materials.

**(Ord. 167 March 20 Supp.)**

**105.08 LITTERING PROHIBITED.**

No person shall discard any litter onto or in any water or land, except that nothing in this section shall be construed to affect the authorized collection and discarding of such litter in or on areas or receptacles provided for such purpose. When litter is discarded from a motor vehicle, the driver of the motor vehicle shall be responsible for the act in any case where doubt exists as to which occupant of the motor vehicle actually discarded the litter.

*(Code of Iowa, Sec. 455B.363)*

**105.09 OPEN DUMPING PROHIBITED.**

No person shall dump or deposit or permit the dumping or depositing of any solid waste on the surface of the ground or into a body or stream of water at any place other than a sanitary disposal project approved by the Director, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Director. However, this section does not prohibit the use of dirt, stone, brick or similar inorganic material for fill, landscaping, excavation, or grading at places other than a sanitary disposal project.

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

**105.10 TOXIC AND HAZARDOUS WASTE.**

No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous waste. Such materials shall be transported and disposed of as prescribed by the Director. 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])*

**105.11 SOLID WASTE BAGS AND CONTAINERS.**

1. Every person owning, managing, operating, leasing or renting any site in the City of Wahpeton where solid waste is generated shall be provided by the solid waste contractor approved by the City and shall maintain in good order and repair a 65-gallon capacity solid waste cart.
2. Provisions Applicable to Carts.
  - A. All solid waste carts are the property of Town & Country.
  - B. Each solid waste cart is numbered and assigned to a specific address. The solid waste cart is to remain at that address when occupancy changes.
  - C. If solid waste carts are damaged or lost through the neglect of the property owner/user, the solid

waste cart shall be repaired or replaced at the expense of the property owner/user.

- D. The solid waste carts supplied by Town & Country shall be the only approved receptacles for the storage of solid waste for collection.
3. City Biodegradable Bags. Repealed by Ordinance 166 – March 20 Supp.)
4. Storage of Carts. Residential solid waste carts shall be stored upon the residential premises. Commercial solid waste carts shall be stored upon private property, unless the owner has been granted written permission from the City to use public property for such purposes. Solid waste cart storage sites 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 refuse and yard waste and shall prevent materials from being blown or scattered.
5. Placement of Carts for Collections. The solid waste carts provided by Town & Country for collection shall be placed adjacent to the nearest public access with the wheels away from the street towards the residence. The cart shall be placed a minimum of three (3) feet from any obstacle, such as trees, vehicles, mailboxes, poles or other solid waste carts.
6. Recyclable Materials. (Repealed by Ord. 148 - Feb. 13 Supp.)

*(Ord. 140 - Feb. 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. Incinerators. Burn rubbish or garbage except in incinerators designed for high temperature operation, in which solid, semisolid, liquid or gaseous combustible refuse is ignited and burned efficiently, and from which the solid residues contain little or no combustible material, as acceptable to the Environmental Protection Commission.
4. Scavenging. Take or collect any solid waste which has been placed out for collection on any premises, unless such person is an authorized solid waste collector.

#### **105.13 SANITARY DISPOSAL PROJECT DESIGNATED.**

The sanitary landfill facilities designated by the City Council by resolution are the official "Public Sanitary Disposal Project" for the disposal of solid waste produced or originating within the City of Wahpeton, Iowa.

*(Ord. 140 - Feb. 13 Supp.)*

**105.14 WIND-BLOWN REFUSE.**

It shall be unlawful to deposit or leave any refuse or material in such a place or condition that it can be blown by the wind so as to be scattered or cause clouds of dust or particles; and it shall be unlawful to permit the escape of soot, ashes or other solid products or results of combustion so as to be wind-blown or scattered.

**105.15 DEPOSIT OF REFUSE OR GARBAGE ON PRIVATE PREMISES.**

It shall be unlawful to place, deposit, leave or dump any trash, ashes, broken articles, garbage, junk, refuse or waste material of any kind on any premises in the city without the consent of the owner or tenant in possession thereof. For the purpose of this section vehicles or parts of vehicles not in condition for normal use shall be considered as junk or trash.

**105.14 DEBRIS ON STREETS.**

It shall be unlawful to throw or deposit any glass, tacks, nails or other similar articles on any street, alley or sidewalk or other public place in the city.

**105.16 DEPOSIT OF GRASS AND RUBBISH PROHIBITED IN PUBLIC STREETS.**

It shall be unlawful for any person, firm or corporation to dump or deposit, or cause to be dumped or deposited any grass, leaves, branches or any other things in the roadway or gutter of any public street in the city.

**105.17 EXCEPTIONS.**

Nothing in this chapter shall prohibit the filling, leveling or grading of land with earth, sand, ashes, cinders, slag, gravel, rock, demolition or construction rubble or similar inert wastes provided these materials are not contaminated or mixed with combustible, putrescible or other waste materials, and further providing that such fill is leveled and seeded with grass or other nonoffensive vegetation, nor to the disposal of animal and agricultural wastes on land used or operated for farming.