

CHAPTER 105

SOLID WASTE CONTROL AND RECYCLING

105.01 Purpose

105.02 Definitions

105.03 Sanitary Disposal Required

105.04 Health and Fire Hazard

105.05 Open Burning Restricted

105.06 Toxic and Hazardous Waste

105.07 Treatment Pending Collection

105.08 Waste Storage Containers

105.09 Prohibited Practices

105.10 Recyclable Collection Program

105.11 Yard Wastes

105.01 PURPOSE. The purpose of the chapters in this Code of Ordinances pertaining to Solid Waste Control and Collection is to provide for the sanitary storage, collection, and disposal of solid waste, yard waste, and recyclables 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. “Agency” means the Metropolitan Waste Authority.
2. “Bags” means any untreated paper bags acceptable to the composting station used by the licensed yard waste collection hauler.
3. “Bundle” means a stack of brush and/or tree branches that are tied or bound together and do not exceed four (4) feet in length and twelve (12) inches in diameter.
4. “Collector” means any person authorized to gather solid waste from public and private places.
5. “Composting” means a controlled microbial degradation of organic waste to produce a relatively nuisance-free product of potential value as soil conditioner.
6. “Container” means a reusable receptacle constructed of plastic or metal materials.
7. “Discard” means to place, cause to be placed, throw, deposit, or drop.
(Code of Iowa, Sec. 455B.361[2])
8. “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.
9. “Eligible residence” means a residence of not more than four dwelling units.
10. “Facility” means the facility or facilities designated by the City to which the hauler shall deliver all recyclable material collected by the hauler.
11. “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)

12. “Litter” means any garbage, rubbish, trash, refuse, waste materials, or debris.
(Code of Iowa, Sec. 455B.361[1])
13. “Non-recyclable material” means any material not defined as “recyclable material.”
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. “Recyclable material” means material accepted by the Agency as recyclable. The Agency will provide the parameters on which material will be accepted through its recycling operations. This information will be provided to the public on a regular basis and will also be available at City Hall.
16. “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)
17. “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[455B])
18. “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)
19. “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)
20. “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, and/or operated by the Agency to facilitate the final disposition of solid waste. The term includes any sanitary landfill, transfer station, or resource recovery system owned or operated by the Agency.
(Code of Iowa, Sec. 455B.301)
21. “Set out” means the action event or instance comprised of the proper placement of the home storage containers of recyclable material for collection at the eligible residence.
22. “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 motor vehicles, if approved by the Agency. The term excludes yard waste and may exclude other materials as defined by the Agency. Solid waste does not include any of the following:
(Code of Iowa, Sec. 455B.301)

- A. Hazardous waste regulated under the Federal Resource Conservation and Recovery Act, 42 U.S.C. § 6921-6934.
 - B. Hazardous waste as defined in Section 455B.411 of the *Code of Iowa*, except to the extent that rules allowing for the disposal of specific wastes have been adopted by the State Environmental Protection Commission.
 - C. Source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.
 - D. Petroleum contaminated soil that has been remediated to acceptable State or Federal standards.
23. “Yard waste” means organic debris such as grass clippings, leaves, garden waste, prunings, weeds, brush, and tree branches produced as a part of yard and garden development and maintenance. Yard waste does not include tree stumps.

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 fourteen (14) 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 without first obtaining a permit and conducting such burning in accordance with the *Fire Code* adopted by the City.

105.06 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 of the State Department of Natural Resources. 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, 567-102.13[2] and 400-27.14[2])

105.07 TREATMENT PENDING COLLECTION. All solid waste consisting of waste animal and vegetable matter, which may attract flies, dogs, or rodents, shall be drained of all excess liquid, wrapped in paper or disposable containers, and placed or stored, until collection, in covered suitable containers.

105.08 WASTE STORAGE CONTAINERS. Every person owning, managing, operating, leasing, or renting any premises, dwelling unit or any place where refuse accumulates shall

utilize and at all times maintain in good order and repair portable containers for solid waste and refuse provided by the City or the City's solid waste contractor.

1. Commercial Container Specifications. 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. 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 and 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.
3. 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. Containers for solid waste placed at the curb line shall not be so placed more than twelve (12) hours in advance of the regularly scheduled collection day and shall be promptly removed from the curb line following collection. No solid waste or solid waste containers shall be deposited by any person upon any sidewalk, crosswalk, roadway, or upon any alley right-of-way so as to obstruct or block pedestrian movement or vehicular traffic.
4. Nonconforming Containers. Solid waste placed in containers which are not in compliance with the provisions of this section will not be collected.

105.09 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 or to deposit any refuse in nonconforming 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. Unlawful Disposal. Dispose of solid waste at any facility or location which is not an approved sanitary disposal project.
4. 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.
5. Unlawful Collection. Engage in the business of collecting, transporting, processing or disposing of solid waste or yard waste within the City without a contract therefor with the City or a valid permit therefor.

105.10 RECYCLABLE COLLECTION PROGRAM.

1. Establishment. The City has previously entered into an Agreement with the Metro Waste Authority. This Agreement authorizes and directs the Metro Waste Authority to contract on behalf of the City for the collection of recyclable materials under the Metro Waste Authority's "Curb-It" program. The costs for the purchase of recyclable bins, the costs of educational programs instructing citizens as to the program, and the costs for processing the recyclables collected will be paid for by Metro Waste Authority. The hauler designated by Metro Waste Authority as the Recyclable Collection Hauler will provide collection of recyclable materials once per week to all eligible residents, under the terms and conditions of the contract executed between Metro Waste Authority and the designated hauler.
2. Nonexclusive Agreement. Nothing in the Agreement between the Metro Waste Authority and the City and/or Metro Waste Authority and the designated hauler for recyclable material within the City shall be construed or interpreted to constitute the grant of a franchise or exclusive right to the designated hauler to collect all recyclable material within the City.
3. Collection of Recyclable Fees. Charges for the collection of recyclable materials shall be included in each eligible residence's water bill. Such charges are set forth in Section 106.08 of this Code of Ordinances.
4. Discontinuance of Service. Any resident who fails to remit the total amount of the charges set out in the water bill, including the fees for collection of recyclable materials, shall be sent a notice on the first day following the delinquent date. Such notice shall contain a statement explaining to the customer the availability of informal consultation with designated personnel empowered to correct mistakes and billing. If payment is tendered to the City within ten (10) days of notice being sent, all services to the residence shall continue uninterrupted. In the event payment is not received, the City shall have the right to discontinue utility services to the residence.
5. Responsibility for Payment of Bill. The owner of a property receiving collection of recyclables shall be responsible for the payment of all charges for such services.

105.11 YARD WASTES.

1. Disposal of Yard Waste. The collection, storage, and disposal of yard waste shall be subject to the following:
 - A. 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. The owner or occupant may either compost the yard waste on the premises or contain it in bags, containers, or bundles for collection and disposal. All bags or containers must be clearly marked "Yard Waste."
 - B. Yard Waste Containers. Persons choosing not to manage yard waste on their own property shall place yard waste in bags, containers, or bundles for collection and disposal. Bags shall be any untreated paper bags acceptable to the composting station used by the licensed yard waste collection hauler. 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 containers. The weight of any

individual bag, container, or bundle shall not exceed seventy-five (75) pounds.

C. Composting. Back yard composting of yard waste is encouraged. Information about this process is available to all residents and may be obtained from the office of the City Administrator located at the City Hall. Owners and occupants are encouraged to accumulate upon property under their respective control such quantities of yard waste as can be properly composted without creating offensive odors, litter, fire, or vector problems. Such composting so carried out shall be deemed to be an acceptable, alternative disposition of yard waste and shall satisfy any requirement to separate yard waste contained in this Code.

D. Frequency of Collection. All yard waste not composted shall be collected from residential, commercial, industrial, and institutional premises at least once per week. Yard waste shall be collected on a City-wide basis between March 1 and November 30. City residents may arrange for individual yard waste pickup with the City, or its agent, between December 1 and February 28.

E. Location of Containers. Containers for the storage of yard waste awaiting collection shall be placed at the curb by the owner or occupant of the premise served. Yard waste must be placed a minimum of three feet from other solid waste.

F. Number of Bags or Containers. The number of bags, containers, or bundles containing yard waste which persons may place out for collection shall be unlimited.

G. Time Limit. Bags, containers, or bundles of yard waste shall not be placed for collection more than forty-eight (48) hours in advance of the regularly scheduled collection day.

2. Licensing of Yard Waste Collection Hauler. No person shall collect, transport, process, or dispose of yard waste generated within the jurisdiction of the City for compensation unless such person holds a valid license issued in accordance with the provisions of this section. In addition to meeting the requirements under this chapter for solid waste collectors, each licensed collector of yard waste shall provide the City a detailed description of the manner in which the collector intends to collect and haul away yard waste. Each such licensed collector shall haul yard waste to a compost site approved pursuant to State or local law or regulation and shall keep an accurate accounting of the amount of such yard waste. Each licensed collector shall submit an annual written report to the City detailing the amount of such yard waste that has been collected and delivered for composting during each month of the reporting year. Any collector licensed under the provisions of this section shall not mix yard waste and solid waste together. The license of any hauler who delivers for disposal yard waste and solid waste mixed together shall be subject to revocation.

3. Containers and Charges. Containers and charges for yard waste collection and disposal shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such containers and corresponding charges may, from time to time, be amended by the Council by resolution. A copy of the resolution setting forth the currently effective containers and corresponding charges shall be kept on file in the office of the City Administrator, and be open to inspection during regular business

hours. Residents shall purchase their own bags, which are in addition to these charges. No additional charge will be imposed upon a resident for the collection of holiday trees and wreaths.

4. Owner May Transport. Nothing in this section is intended to prevent an owner from transporting yard waste accumulating on the premises of the owner, provided such yard waste is disposed of at composting stations approved pursuant to State or local law or regulation and in accordance with policies established by the composting station.

5. Violations. No person shall place or cause to be placed any yard waste into the solid waste collection system of the City. Any person violating any of the provisions of this chapter concerning yard waste shall be guilty of a misdemeanor.

[The next page is 601]

CHAPTER 106

COLLECTION OF SOLID WASTE

106.01 Collection Service
106.02 Collection Vehicles
106.03 Loading
106.04 Frequency of Collection
106.05 Bulky Rubbish

106.06 Right of Entry
106.07 License Required
106.08 Authorization for Charges
106.09 Billing and Collection Procedures

106.01 COLLECTION SERVICE. The City shall provide by contract, with a licensed collector, for the collection of solid waste, except bulky rubbish as provided in Section 106.05, from residential premises only. The owners or operators of commercial, industrial, or institutional premises shall provide for the collection of solid waste produced upon such premises.

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 therefrom, 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 as frequently as may be necessary, but not less than once each week.

106.05 BULKY RUBBISH. Bulky rubbish which is too large or heavy to be collected in the normal manner of other solid waste may be collected by the collector upon request in accordance with procedures therefor established by the Council.

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

106.07 LICENSE REQUIRED. No person shall collect, transport, process or dispose of any solid waste generated within the jurisdiction of the City for compensation unless such person holds a valid license issued in accordance with the provisions of this chapter.

1. Application Contents. Application for a license under this chapter shall be addressed to the Council and filed with the Clerk and shall contain the following:

A. Name and Address. The full name, business address, and business telephone number of the applicant.

- B. Nature of Business. A description of the nature and extent of the business of the applicant.
 - C. Customers Served. A description of the types or classes of customers which the applicant proposes to serve.
 - D. Waste Transported. A description of the types of solid waste which the applicant proposes to transport.
 - E. Equipment. A description of the vehicles and equipment which the applicant proposes to use.
 - F. Disposal Project. The location of the sanitary disposal project which the applicant proposes to use.
 - G. Compliance Assurance. A statement that the applicant shall faithfully observe all of the applicable provisions of this chapter.
2. Accompanying Material. In addition to the foregoing, such application shall be accompanied by the following:
- A. Financial Statements. Financial statements for the applicant covering its last two fiscal or calendar years, which shall include balance sheets and operating statements.
 - B. Rate Schedules. Copies of current rates and fees charged by applicant for transportation of solid waste.
 - C. Rules and Regulations. Copies of current rules and regulations of the applicant applicable to the transportation of solid waste.
 - D. Affirmation. The application shall be sworn to under oath.
 - E. Insurance. Applicants shall provide proof of liability insurance in the amounts of \$250,000 per person and \$1,000,000 per occurrence for bodily injury and \$500,000 per occurrence for property damages.
3. Action by Council. The Council shall act on all applications for licenses within 45 days following receipt of the application by the Clerk. If the Council finds that all of the prescribed conditions for the issuance of a license have been satisfied, and that no grounds for revocation exist, the Council may, by resolution, authorize the issuance of the license.
4. License Fee. Before any solid waste collector's license is issued, the applicant shall pay to the Clerk an annual license fee. Payment of such license fee shall be by cash or by certified or cashier's check payable to the City. All license fees under this chapter shall be fixed and determined by the Council, adopted by resolution, and uniformly enforced. Such license fees may, from time to time, be amended by the Council by resolution. A copy of the resolution setting forth the currently effective license fees shall be kept on file in the office of the City Administrator, and be open to inspection during regular business hours.
5. Issuance of License. When authorized by the Council, and after payment of the license fee, the Clerk shall issue the license to the applicant.
6. Form of License. The license shall be signed by the Mayor and the Clerk and shall show the name of the licensee, the address of the licensee, the purpose of the license, the date of the issuance of the license, and the date of expiration of the license.

7. Expiration Date. Each license issued under the provisions of this chapter shall expire at 11:59 p.m. on December 31 in the calendar year of issuance.
8. Rebates Prohibited. No licensee shall be entitled to a rebate of any kind by reason of the surrender of a license prior to the expiration date.
9. Transfer Prohibited. Each license issued hereunder shall be personal to the licensee and shall be void upon transfer or assignment to another person.
10. Grounds for Revocation. The following reasons shall be grounds for the revocation of any license issued under the provisions of this chapter:
 - A. Fraud. The licensee has made fraudulent or untrue statements in the application for a license.
 - B. Violations. The licensee has violated any of the provisions of this chapter.
 - C. Improper Operation. The licensee has conducted the licensee's business in such a manner as to endanger the public welfare, health, safety, order, or morals.
11. Revocation Procedure. When it shall appear to the Council that grounds for the revocation of a license may exist, the following procedure shall be followed:
 - A. Investigation. The Council shall direct the Chief of Police to make an investigation concerning the alleged grounds for revocation.
 - B. Report. The Chief of Police shall make such investigation and report findings in writing to the Council.
 - C. Council Determination. The Council shall make a determination as to whether probable cause for revocation exists.
 - D. Hearing. If the Council finds that probable cause for revocation exists, it shall set a date, time, and place for a hearing on the matter and shall direct the City Attorney to prepare the complaint against the licensee. The complaint shall state the alleged grounds for the revocation and the date, time, and place for a hearing on the matter.
 - E. Service of Complaint. The complaint shall be served upon the licensee in the manner provided for by the Iowa Rules of Civil Procedure not less than ten (10) days prior to the date set for a hearing on the matter.
 - F. Conduct of Hearing. The Council shall conduct the hearing at which the licensee shall be present. The purpose of the hearing shall be to determine the truth of the facts alleged in the complaint. Should the licensee or an authorized representative fail to appear without good cause, the Council may proceed to a determination on the complaint.
 - G. Rights of Licensee. The licensee shall have the right to be represented by counsel, to testify and present witnesses in the licensee's own behalf and to cross-examine adverse witnesses.
 - H. Evidence. The Council shall admit only reliable and substantial evidence into the revocation proceeding and shall give all admitted evidence its natural probative value.

- I. Findings; Revocation. The Council shall make and record findings of fact and conclusions of law and shall revoke a license under this section only when, upon review of the entire record, it finds substantial evidence of a violation of this chapter.
- 12. Effect of Revocation. Revocation of a license shall bar the licensee from being eligible for any license under this chapter for a period of one year from the date of revocation.
- 13. 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 such owner, provided such refuse is disposed of properly in an approved sanitary disposal project.
- 14. Grading or Excavation Excepted. No license is 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 spills upon any public right-of-way.

106.08 AUTHORIZATION FOR CHARGES.

- 1. Authority to Establish Rates. The City will fix, establish, maintain – and revise from time to time whenever necessary – such rates, fees, rentals, or other charges for the use and services of the disposal facilities operated by the Agency, as more fully described in the Solid Waste Disposal Service Contract, to always provide in each year revenues sufficient to pay the proportionate share of the City for: (i) operation and maintenance expenses for said disposal facilities; (ii) the principal of and interest on the Solid Waste Disposal Revenue Bonds; and (iii) all reserves, renewal and replacement funds and other funds provided for in the Resolution authorizing the issuance of such Solid Waste Disposal Revenue Bonds.
- 2. Initial Schedule of Rates. An initial schedule of such rates, fees, tolls, and other charges to be levied and collected from the residents of the City for the use and services of said disposal facilities shall be established and put into effect whenever necessary in order for the City to comply with the provisions of its Solid Waste Disposal Service Contract; provided, however, the City may in its discretion apply such other lawfully available moneys it has on hand for such purpose. The applicable monthly rates are identified in the following table:

Authorized Contractor Charges:

| | |
|-------------------------------------------|----------|
| Consolidated Flat Rate | \$ 10.57 |
| Consolidated House-Side Service | \$ 16.50 |
| Extra Bagged Collection Sticker | \$ 1.00 |
| Large Item Sticker | \$ 5.00 |
| Appliances With or Without Freon | \$ 35.00 |
| Recycling | \$ 3.15 |
| Storm Debris/Brush Waste Collection | \$ 0.32 |

106.09 BILLING AND COLLECTION PROCEDURES.

- 1. The collector contracted by the City for collection and disposal of solid waste shall be responsible for all billings and collection of fees for its services rendered for

collection and disposal. Said collector shall bill City residents on a quarterly basis. The collector shall provide at least 90 days for payment of a delinquent account prior to termination of service and shall not discontinue collection service at any residential unit prior to a written notice sent to the unit. This notice shall state substantially as follows:

Dear Customer:

It has become necessary for us to discontinue your service because of nonpayment. Please contact our office immediately so we can make arrangements to reinstate your service. Thank you.

The collector shall employ reasonable procedures to collect delinquent accounts and shall not harass or exert undue pressure on residents with delinquent accounts.

2. Each delinquent account which is transmitted to the City by the licensed collector shall thereafter be processed for imposition of a lien upon the property benefited as provided by Section 384.84 of the *Code of Iowa*, in the amount of the delinquent account, plus a Polk County administrative fee for each lien certified as provided in Section 384.84 of the *Code of Iowa*, plus a City delinquency fee in the amount of \$5.00 to recoup the City's administrative processing costs and lost investment on the unpaid amount. The lien herein provided shall apply only to that property or those properties benefited for which the account is delinquent.

3. The City shall prepare an assessment schedule listing all delinquent solid waste collection accounts transmitted to the City. Such schedule shall show each delinquent account by name of the tenant and/or record title holder of the benefited property, shall identify each property for which the solid waste collection account is delinquent, and shall show the delinquent amount and delinquency fee to be assessed against each such benefited property. The assessment schedule shall be presented to the City Council and upon Council approval thereof the City Clerk shall certify and file same with the Polk County Treasurer for filing of liens against the properties shown thereon in the amounts shown thereon; provided, however, if the record title holder of a rental property subject to billing for solid waste collection requests notice as provided in Section 384.84 of the *Code of Iowa*, the City Clerk shall give notice of delinquency to said record title holder not less than ten (10) days prior to certifying delinquent charges for said property to the County Treasurer.

4. Such lien shall be enforced until payment in full of the delinquent amount and delinquency fees shown on the assessment schedule is satisfied by payment of said amounts at the office of the County Treasurer.

o o o o o o o o o o

CHAPTER 107

SOLID WASTE DISPOSAL

| | |
|------------------------------------------|----------------------------------------------------------------------|
| 107.01 Definitions | 107.07 Optional Methods of Providing for Payment of Contract Payment |
| 107.02 Disposal of Solid Waste | 107.08 Assessment Schedule for Contract Payment |
| 107.03 Exceptions | 107.09 Approval of Assessment Schedule |
| 107.04 Method of Disposal of Solid Waste | 107.10 Certification of Assessment Schedule |
| 107.05 Declaration of Benefit | 107.11 Proceeds of Special Assessment |
| 107.06 Notice of Contract Payment | |

107.01 DEFINITIONS. The following words and phrases, when used in this chapter, for the purpose of this chapter, have the meaning ascribed to them in this section:

1. “Actual value” means actual value as that term is or may be defined by *Code of Iowa* Section 441.21. It refers to actual value as most recently determined according to law.
2. “Agreement” means the Amended and Substituted Intergovernmental Agreement Creating the Des Moines Metropolitan Area Solid Waste Agency dated December 18, 1969.
3. “Contract” means the Solid Waste Disposal Service Contract between the Agency and the City dated May 1, 1972.
4. “Contract payment” means the amounts paid or required to be paid from time to time by the City to the Agency pursuant to the contract.
5. “Disposal project” means a sanitary disposal project as that term is or may be defined by *Code of Iowa* Chapter 455B owned, operated or used by the Agency pursuant to the contract.
6. “Real estate” means real estate as that term is or may be defined by *Code of Iowa*, Section 4.1(13).

107.02 DISPOSAL OF SOLID WASTE. All solid waste generated within the jurisdiction of the City shall be disposed of at the sanitary disposal project.

107.03 EXCEPTIONS. The provisions of Section 107.02 of this chapter do not apply to: (i) the disposal of organic material which is not potentially injurious to public health or welfare and which has been gathered and suitably contained for purposes of composting or fertilizing agricultural or flora plots when permission to dispose of such material has been obtained from the owner of the plots where such material is to be deposited; or (ii) the filling or grading of property with earth, sand, mud, or other similar materials which are not potentially injurious to public health or welfare when permission for such filling or grading has been obtained from the owner of the property on which such filling or grading is done and when such filling or grading is done in accordance with the provisions of other applicable statutes and ordinances.

107.04 METHOD OF DISPOSAL OF SOLID WASTE. The disposal project owned, operated, and used by the Agency is hereby declared to be available to persons who are owners of real estate within the corporate limits of the City as a method for the disposition of

solid waste generated within the corporate limits of the City pursuant to the agreement and the contract in accordance with the provisions of *Code of Iowa*, Chapter 455B.

107.05 DECLARATION OF BENEFIT. The benefits derived by each individual parcel of real estate subject to taxation within the corporate limits of the City from the agreement and the contract are hereby declared to be at least equal to the ratio which the actual value of each individual parcel of real estate subject to taxation within the corporate limits of the City bears to the aggregate actual value of all parcels of real estate subject to taxation within the corporate limits of the City.

107.06 NOTICE OF CONTRACT PAYMENT. In the event that the budget of the Agency for any calendar or fiscal year shall provide for a contract payment from the City to the Agency pursuant to the contract during the calendar or fiscal year, the Agency shall, at least thirty (30) days prior to the date fixed by law for the final certification of the budget of the City, notify the City in writing that a contract payment shall be due from the City pursuant to the contract and the amount thereof.

107.07 OPTIONAL METHODS OF PROVIDING FOR PAYMENT OF CONTRACT PAYMENT. Upon receipt by the City of the notice referred to in Section 107.06 hereof, the City shall determine, by resolution, whether it will: (i) pay said contract payment from funds legally available to pay the same (hereinafter "Option A"); or (ii) assess said contract payment against the real estate subject to taxation within the corporate limits of the City benefited thereby as aforesaid in the manner provided by and for special assessments as hereinafter provided (hereinafter "Option B"). In the event that the City elects Option "A," provision shall be made therefor in the budget of the City.

107.08 ASSESSMENT SCHEDULE FOR CONTRACT PAYMENT. In the event that the City elects Option "B," the Clerk shall prepare an assessment schedule on the following basis:

1. **Assessment Rate.** The amount of the contract payment shall be divided by aggregate actual value of all parcels of real estate subject to taxation within the corporate limits of the City to determine the contract payment assessment rate (hereinafter "assessment rate").
2. **Assessment.** The assessment rate shall be multiplied by the actual value of each individual parcel of real estate subject to taxation within the corporate limits of the City to determine the contract payment assessment (hereinafter "assessment") for each such parcel. Assessments shall be expressed in dollars and cents and cents shall be carried to three digits. If the last digit of the cents of any assessment is less than five, the assessment shall be lowered to the next even cent. If the last digit of the cents of any assessment is five or more, the assessment shall be raised to the next even cent. No assessment shall be less than one cent.
3. **Assessment Schedule.** The assessments shall be shown on an assessment schedule which shall state a description of the parcel of real estate involved, the name and address of the owner thereof and the amount of the assessment.
4. **Certification.** The assessment schedule shall be certified to the Council for approval.

107.09 APPROVAL OF ASSESSMENT SCHEDULE. Upon receipt of the assessment schedule, the Council shall approve the same by resolution.

107.10 CERTIFICATION OF ASSESSMENT SCHEDULE. Upon approval of the assessment schedule by the Council, the Clerk shall certify the assessments to the County Treasurer for collection with, and in the same manner as, general property taxes. Said certification shall be made on or before the last date fixed by law for certification of special assessments for collection in the year in which the contract payment is due.

107.11 PROCEEDS OF SPECIAL ASSESSMENT. The Clerk shall receive, deposit, and account for all funds received by the City from said special assessment. Said funds shall be handled as trust and agency funds and shall be expended only upon order of the Council to satisfy contract payments due from the City to the Agency pursuant to the contract. Balances, if any, remaining at the end of any calendar or fiscal year of the City shall be carried over from year to year.

[The next page is 625]