

ORDINANCE

- 17 -

AN ORDINANCE PERTAINING TO PUBLIC HEALTH, SAFETY, AND WELFARE; REGULATING STORAGE, COLLECTION, TRANSPORTATION, PROCESSING AND DISPOSAL OF SOLID WASTE; PROVIDING FOR COLLECTION AND DISPOSAL OF SOLID WASTE; PROVIDING A PENALTY FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH

BE IT ENACTED by the Council of the City of Farmington, Iowa, that Sections 1 through 12 of prior Ordinance 17 are hereby deleted and replaced with the following Sections 1 through 11:

SECTION 1 Definitions: For the purpose of this Ordinance the following terms shall be deemed to have the meaning indicated below:

Approved Incinerator - an incinerator which complies with all current regulations of the Director, the Iowa Department of Environmental Quality and other controlling government agencies.

Bulky Rubbish - Non-putrescible solid waste consisting of combustible and/or non-combustible waste materials from dwelling units, commercial, industrial, institutional, or agricultural establishments which are either too large or too heavy to be loaded in solid waste collection vehicles with safety and convenience by solid waste collectors, with the equipment available therefore.

City - the City of Farmington, Iowa.

Collection - removal and transportation of solid waste from its place of storage to its place of processing or disposal.

Council - the Council of the City.

Demolition and Construction Waste - waste materials from the construction or destruction of residential, industrial, or commercial structures.

Director - the member of the Van Buren County Solid Waste Commission from the City or his authorized representative.

Disposable Solid Waste Container - disposable plastic or paper sacks with a capacity of 20 to 35 gallons especially designed for storage of solid waste.

Dwelling Unit - 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.

Garbage - putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food.

Hazardous Wastes - including but not limited to: pathological wastes, explosive wastes, pesticides, pesticide containers, toxic or radioactive materials.

Medical Wastes – including but not limited to: Hypodermic needles, syringes and lancets, commonly referred to as “sharps”.

Multiple Housing Facility - a housing facility containing more than one dwelling unit under one roof.

Occupant - any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or of any other improved real property, either as owner or as a tenant.

Person - Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, or organization of any kind, or their legal representative, agent or assigns.

Processing - incinerating, composting, baling, shredding, salvaging, compacting, and processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

Refuse - solid waste.

Solid Waste – garbage, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities and including but not limited to garbage, ashes, street refuse, rubbish, yard waste, discarded appliances, special wastes, industrial wastes, and demolition and construction wastes.

- (a) Commercial solid waste is solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment, and multiple housing facilities with more than four (4) dwelling units.

(b) Residential solid waste is solid waste resulting from the maintenance and operation of dwelling units, excluding multiple housing facilities with more than four (4) dwelling units.

Solid waste does not include any of the following: Hazardous waste regulated under the federal Resource Conservation and Recovery Act, 42 U.S.C. 6921-6934; hazardous waste as defined in Iowa Code Section 455B.411, except to the extent that rules allowing for the disposal of specific wastes have been adopted by the commission; source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979; petroleum contaminated soil that has been remediated to acceptable state or federal standards; and steel slag which is a product resulting from the steel manufacturing process and is managed as an item of value in a controlled manner and not as a discarded material.

Solid Waste Container - receptacle used by any person to store solid waste during the interval between solid waste collections.

Solid Waste Disposal - the processing of discarding or getting rid of unwanted material. In particular the final deposition of solid waste by man.

Solid Waste Management - the entire solid waste system or storage, collection, transportation, processing and disposal.

Storage - keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

Yard Waste - grass clippings, leaves, tree trimmings.

SECTION 2 Solid Waste Storage.

2.1 - The occupant of every dwelling unit and of every institutional, commercial, business, industrial or agricultural establishment producing solid waste within the corporate limits of the City, shall be provided container(s) or cart(s) for the storage of all solid waste except bulky rubbish and demolition and construction waste. Said containers are the property of the City or the contracted trash collection service. If a container or cart is lost, damaged or destroyed, the owner of the account to whom the container or cart was provided shall pay a \$75.00 per container or cart charge to the City.

2.2 - The occupant of every dwelling unit and of every institutional, commercial, industrial, agricultural, or business establishment shall place all solid waste to be collected in the provided solid waste containers or carts, except as otherwise provided herein, and shall maintain such solid waste containers or carts and the area surrounding them in a clean, neat and sanitary condition at all times.

2.3 - Hazardous waste, hot ashes and medical waste are prohibited from being placed in the solid waste containers or carts and must be disposed of by the occupant. All yard waste is prohibited from being placed in the solid waste containers or carts and assistance with disposal of yard waste will be provided by the City at various dates throughout the year. Used motor oil and vegetable oil must be placed in a sealed container and set beside the solid waste container or cart. There will be an additional charge for disposal of tires. 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 collected, in covered suitable containers

2.4 - Commercial solid waste shall be stored in solid waste containers as approved by the Director. The containers shall be waterproof, watertight, leak proof, and shall be covered at all times except when depositing waste therein or removing the contents thereof; and shall meet all requirements as set forth by Section 6.

2.5 - Tree limbs less than 4" in diameter and brush shall be securely tied in bundles not larger than 48" long and 24" in diameter when not placed in storage containers. The weight of any individual bundle shall not exceed 60 pounds.

2.6 - Solid waste containers which are not approved will be collected together with their contents and disposed of.

SECTION 3 Collection of Solid Waste.

3.1 - The City shall provide for the collection of solid waste as follows:

(a) Collection of residential solid waste - The City shall provide for the collection of all residential solid waste in the City, provided, however, that the City may provide the collection service by contracting with a person, agency, county, or other city or a combination thereof, for the entire

City or portions thereof, as deemed to be in the best interests of the City.

(b) Other Collections - The City may, at its discretion, provide commercial solid waste collection services upon specific application of the owners or persons in charge thereof. However, in the event that such application is not made or approved, it shall be the duty of such establishment to provide for collection of all solid waste produced upon any such premises.

3.2 - All solid waste from premises to which collection services are provided by the City shall be collected. For disposal of bulky rubbish, notification should be made to the City of the need for disposal. All solid waste and bulky rubbish collected shall, upon being loaded into or onto collection equipment, become the property of the collection agency.

3.3 - Solid waste containers or carts as required by this Ordinance for the storage of residential solid waste shall be placed at or near the curb so as to be as readily accessible as is practical from a public street for collection.

3.4 - Solid waste collectors, employed by the City or a solid waste collection agency operating under contract with the City, are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this Ordinance. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste. Commercial solid waste may be removed from within commercial establishments upon written request of the owner and approval by the Director.

3.5 - The following collection frequencies shall apply to collections of solid waste within the City: All residential and commercial solid waste, shall be collected at least once weekly and shall be collected at such lesser intervals as may be fixed by the Director upon a determination that such lesser intervals are necessary for the preservation of the health and/or safety of the public.

3.6 - Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner shall have been granted written permission from the City to use public property for such purposes. The storage site shall be well drained; fully

accessible to collection equipment, public health personnel and fire inspection personnel.

3.7 - All collection vehicles shall be maintained in a safe, clean, and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for collection of solid waste shall be constructed with water-tight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste, or, as an alternate, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers.

3.8 - Permits shall not be required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities, however, all such material shall be conveyed in tight vehicles, trucks, or receptacles, so constructed and maintained that none of the material being transported shall spill upon the public right of way.

3.9 - Transportation and disposal of demolition and construction wastes shall be in accordance with Section 4 and 5.

SECTION 4 Disposal of Solid Waste

4.1 - Solid waste shall be disposed of at a processing facility or disposal area (land fill) designated and approved by the City provided, however, the City may provide for said processing facility or land fill by contracting with a person, agency, county or other city or combination thereof for the furnishing of the same as deemed to be in the best interest of the City, and the City Council, by Resolution, may make said designation and establish reasonable rules and regulations necessary to control the use of the same by the public. The City Council, by Ordinance, may provide for the charges for the use thereof.

4.2 - The Director may classify certain wastes as hazardous wastes which will require special handling and shall be disposed of only in a manner acceptable to the Director and which will meet all local, State, and Federal regulations.

SECTION 5 Permits

5.1 - No person shall engage in the business of collecting, transporting, processing or disposing of solid waste other than his own within the corporate limits of the City, without first obtaining an annual permit therefor from the City; provided, however, that this provision shall not be deemed to apply to employees of the holder of any such permit of person collecting under the contract with the City.

5.2 - In the event any business, firm, or corporation may elect to dispose of its own refuse or waste matter as may accumulate on any of its premises, property, or location, the same may be done provided that such disposal and transporting of any refuse or waste matter complies with the provisions of this Ordinance, is approved by the City Council, and a permit issued by the City Clerk.

5.3 - The City Council, by Resolution, may adopt rules regulating the issuance of said permits.

SECTION 6 Rules and Regulations. The Council shall, by Resolution, make, amend, revoke, and enforce reasonable and necessary rules and regulations, governing, but not limited to:

- (a) Preparation, drainage and wrapping of garbage deposited in solid waste containers.
- (b) Specifications for solid waste containers, including the type, composition, equipment, size and shape thereof.
- (c) Identification of solid waste containers and of the covers thereof, and of equipment thereto appertaining, if any.
- (d) Weight limitations on the combined weight of solid waste containers and the contents thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers.
- (e) Storage of solid waste in solid waste containers.
- (f) Sanitation, maintenance and replacement of solid waste containers.
- (g) Schedules of and routes for collection of solid waste.

- (h) Collection points of solid waste containers.
- (i) Collection and disposal of solid waste.
- (j) Processing facilities and fees for the use thereof.
- (k) Disposal facilities and fees for the use thereof.
- (l) Records of quantity and type of wastes received at processing and/or disposal facilities.
- (m) Handling of special wastes such as toxic wastes, sludges, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.

The City Clerk or such other City Official who is responsible for preparing utility and other service charge billings for the City is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billing and collection of solid waste collection and/or disposal service charges, as hereinafter provided.

A copy of any and all rules and regulations made and promulgated under the provisions hereof shall be filed in the office of the City Clerk of the City.

SECTION 7 Prohibited Practices. It shall be unlawful for any person to:

- (1) deposit solid waste in any solid waste container other than his own, without the written consent of the owner of such container and/or, with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal;
- (2) 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 shall be those of the City, or those of a solid waste collection agency operating under contract with the City;
- (3) burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency;
- (4) dispose of solid waste at any facility or location which is not approved by the City and the Iowa Division of Health;

(5) engage in the business of collecting, transporting, processing, or disposing of solid waste within the corporate limits of the City without a permit from the City, or operate under an expired permit or operate after a permit has been suspended or revoked.

(6) permit to accumulate on any premises, improved or vacant, or on any public place, quantities of solid waste, either in containers or not, that shall constitute a health or sanitation hazard.

(7) permit to accumulate quantities of solid waste within or close to any building, unless the waste is stored in containers in such a manner as not to create a health or fire hazard.

SECTION 8 Service Charges

8.1 - Fees - There is hereby imposed, for the collection and disposal of solid waste, a service charge for each dwelling unit and each commercial establishment to which such service shall be provided under the provisions of this Ordinance. The service charge for collection of residential and commercial solid waste shall be \$13.25 per calendar month; except for those commercial accounts with dumpsters, wherein the following rates shall apply: 2 yard dumpsters-\$50.00 per calendar month; 3 yard dumpsters-\$70.00 per calendar month; 4 yard dumpsters-\$90.00 per calendar month; 6 yard dumpsters-\$125.00 per calendar month.

The service and service charge shall be terminated upon presentation of satisfactory proof to the Director that any such dwelling unit or establishment is unoccupied, and shall be commenced upon renewed occupancy thereof.

The services established by the provisions of this Ordinance are designed as an integral part of the City's program of health and sanitation, to be operated as an adjunct to the City's system for providing potable water and the City's system for providing sewerage disposal. The City may enforce collection of the rates, charges and fees, noted above, by bringing proper legal action against the proper party bearing responsibility for the payment therefor to recover any sums due for such services plus a reasonable attorney's fee to be fixed by the Court.

8.2 - Collection of Fees - The service charges provided for herein are hereby imposed upon the occupant of each dwelling or commercial unit receiving such service under the provisions of this Ordinance. If such occupant is neither the owner nor the tenant of

such dwelling or commercial unit or if such occupant fails to pay all service charges imposed, service charges shall be imposed upon the owner. Service charges shall be payable to the City and shall be due, payable and collected monthly with City water and sewer service.

8.3 – Delinquencies and Delinquency Fees - All service charges provided for herein shall be paid in full on or before the fifteenth day of each month and all rates and charges unpaid by said date constitute a lien upon the premises to which services are provided unless said amounts total less than \$5.00 except as provided herein. All amounts that remain outstanding after the fifteenth day after the billing date identified on the bill shall be deemed to be delinquent and the account shall be deemed a delinquent account. On each delinquent account there shall be charged an administrative fee for such delinquency equal to five percent (5%) of the amount charged. Once an account becomes delinquent, an overdue notice, as referred to in section 8.4, below, may be sent. For each overdue notice sent, an administrative fee of two dollars and fifty cents (\$2.50) may be charged. Thirty-one days following the mailing of such an overdue notice, delinquent accounts may be terminated, services may be discontinued and a lien for amounts due on the account may be certified to the County Treasurer for collection. Said accounts shall remain terminated and services for the account holder may remain suspended until all amounts due on the account are paid in full.

Residential rental property where a charge for services is paid directly to the City by the tenant is exempt from a lien for delinquent rates and charges associated with the services if the landlord gives written notice to the City that the property is residential rental property and that the tenant is liable for the rates or charges. Upon receipt of such a notice, the City may require a deposit not exceeding the usual cost of ninety days of service to be paid. Additionally, notwithstanding anything herein, a lien shall not be filed against land if the premises served on the land are located on leased land; if the premises served are located on leased land, a lien may be filed against the premises only.

8.4 – Termination and Additional Fees - At least 30 days before services to a delinquent account holder are suspended and certification of a lien for unpaid services is sent to the County Treasurer, as the case may be, written notice of overdue account shall be sent to said account holder, by ordinary mail, to the account holder's address. Said notice shall inform the account holder of the nature of the delinquency; shall specify the date of termination of

services in the event the delinquency is not cured, if any; shall state the date certification of a lien shall be made to the treasurer, if any; and shall afford the account holder the opportunity for a hearing prior to discontinuance of services. Further, if the account holder is a tenant and if the owner or landlord of the property or premises has made a written request for notice, the notice shall also be given to the owner or landlord.

An administrative fee of \$5.00 shall be imposed for certifying and filing of the lien with the county treasurer, which amount shall be added to the amount of the lien to be collected at the time of payment of the assessment from the payor. An administrative fee of \$25.00 shall be imposed for suspension of services, which shall not be added to the lien to be collected but which shall be paid prior to the account holder obtaining future services.

An administrative fee of \$10.00, payable in advance, shall be imposed for a temporary suspension of services when requested by an account holder for, for example, temporary vacancy of the property.

SECTION 9 Repealer. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed. There are: none.

SECTION 10 Severability. If any section, provision or part of this Ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 11 Effective Date. This Ordinance shall become effective immediately upon its adoption, approval, and publication.

Passed and approved: November 14, 2016

Janet Browning, Mayor

Becky L. Fry, Clerk

AMENDMENT TO ORDINANCE NO. 17

AN ORDINANCE PERTAINING TO PUBLIC HEALTH, SAFETY, AND WELFARE; REGULATING STORAGE, COLLECTION, TRANSPORTATION, PROCESSING AND DISPOSAL OF SOLID WASTE; PROVIDING FOR COLLECTION AND DISPOSAL OF SOLID WASTE; PROVIDING A PENALTY FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH

Section 8.1 Shall Be Changed to Read:

SECTION 8 Service Charges

8.1 - Fees - There is hereby imposed, for the collection and disposal of solid waste, a service charge for each dwelling unit and each commercial establishment to which such service shall be provided under the provisions of this Ordinance. The service charge for collection of residential and commercial solid waste shall be \$13.25 per calendar month; except for those commercial accounts with dumpsters, wherein the following rates shall apply: **2 yard dumpsters-\$60.00 per calendar month; 3 yard dumpsters-\$90.00 per calendar month; 4 yard dumpsters-\$120.00 per calendar month; 6 yard dumpsters-\$200.00 per calendar month.**

First Reading – March 11, 2019.

Second Reading – Waived

Third and Final Reading – April 8, 2019

**Passed and approved Ordinance 17 Amendment – April 8, 2019
To become effective immediately.**

Unanimous Roll Call Vote.

Signed:

Janet Browning, Mayor

ATTEST:

Becky L. Fry, City Clerk

AMENDMENT TO ORDINANCE NO. 17

AN ORDINANCE PERTAINING TO PUBLIC HEALTH, SAFETY, AND WELFARE; REGULATING STORAGE, COLLECTION, TRANSPORTATION, PROCESSING AND DISPOSAL OF SOLID WASTE; PROVIDING FOR COLLECTION AND DISPOSAL OF SOLID WASTE; PROVIDING A PENALTY FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH

Section 8.1 Paragraph one Shall Be Amended to Read:

8.1 - Fees - There is hereby imposed, for the collection and disposal of solid waste, a service charge for each dwelling unit and each commercial establishment to which such service shall be provided under the provisions of this Ordinance. The service charge for collection of residential and commercial solid waste shall be as follows:

Effective January 1, 2024

\$16.00 per calendar month for trash and recycle

\$ 8.00 per calendar month for each additional receptacle

Effective January 1, 2025

\$16.16 per calendar month for trash and recycle

\$ 8.00 per calendar month for each additional receptacle

Effective January 1, 2026

\$16.32 per calendar month for trash and recycle

\$ 8.00 per calendar month for each additional receptacle

except for those commercial accounts with dumpsters, wherein the following rates shall apply: 2 yard dumpsters-\$65.00 per calendar month; 4 yard dumpsters-\$125.00 per calendar month; 6 yard dumpsters-\$200.00 per calendar month.

Section 8.3 Paragraph one Shall Be Amended to Read:

8.3 – Delinquencies and Delinquency Fees - All service charges provided for herein shall be paid in full on or before the fifteenth day of each month and all rates and charges unpaid by said date constitute a lien upon the premises to which services are provided unless said amounts total less than \$5.00 except as provided herein. All amounts that remain outstanding after the fifteenth day of the month shall be deemed to be delinquent and the account shall be deemed a delinquent account. On each delinquent account there shall be charged an administrative fee for such delinquency equal to **ten percent (10%)** of the amount charged. Once an account

becomes delinquent, an overdue notice, as referred to in section 8.4, below, may be sent. For each overdue notice sent, an administrative fee of **ten dollars (\$10.00)** may be charged. Thirty-one days following the mailing of such an overdue notice, delinquent accounts may be terminated, services may be discontinued and a lien for amounts due on the account may be certified to the County Treasurer for collection. Said accounts shall remain terminated and services for the account holder may remain suspended until all amounts due on the account are paid in full.

Section 8.4 Paragraph three Shall Be Amended to Read:

An administrative fee of **\$50.00**, payable in advance, shall be imposed for a temporary suspension of services when requested by an account holder for, for example, temporary vacancy of the property.

Passed and Approved: November 13, 2023.

Kevin Denly, Mayor

ATTEST:

Alisha Davidson, Clerk

First Reading – October 9, 2023

Second Reading - Waived

Third and Final Reading – November 13, 2023

Publication Date: November 23, 2023

Effective Date: November 23, 2023