

ORDINANCE NUMBER 156

SOLID WASTE MANAGEMENT ORDINANCE OF THE CITY OF BUFFALO, IOWA.

AN ORDINANCE: PERTAINING TO THE PUBLIC HEALTH, SAFTEY, AND WELFARE; REGULATING STORAGE, COLLECTION, TRANSPORTATION, PROCESSING AND DISPOSAL OF SOLID WASTES: PROVIDING FOR THE LICENSING AND REGULATION OF ALL GARBAGE AND REFUSE COLLECTORS: AND REPEALING ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

Be it Ordained by the Council of the City of Buffalo, Iowa.

SECTION 1. Policy

This municipality finds that the use of open dumps and improperly operated solid waste processing and disposal sites as a means of garbage and refuse processing and disposal (1) endagers the health and welfare of this municipality by causing or contributing to the polution of the air and ground and surface waters; (2) results in nuisances and a hazard to the public health; and (3) provides a breeding place for flies, rats and other vermin and carriers of disease. It further finds that improper storage, collection, and transportation of refuse and garbage leads to (1) visual pollution and litter of public and private property; (2) endangers the public health; and (3) provides a breeding place for flies, rats and other vermin and carriers of disease. It is therefore the public policy of this municipality to eliminate and prevent such health, welfare, and saftey hazards by establishing rules and regulations for the regulating of the solid waste management system of storage, collection, transportation, processing, and disposal.

SECTION 2. Definitions

For the purposes of this Ordinance the following terms shall be deemed to have the meaning indicated below:

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

City: The City of Buffalo, Iowa

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

Commission: The Scott County Landfill Commission.

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

Director: the director of Solid Waste Management Program of the City, or his authorized representitive.

Disposable Solid Waste Container: disposable plastic or paper sacks with a capacity of 20 to 35 gallons specifically 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.

Health Authority: The Scott County Board of Health and thier duly authorized representitives.

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

Municipality: Scott County and each incorporated city in Scott County

Person: any individual, firm, association, syndicate, co-partnership, corporation, trust, or other legal entity having proprietary interest in a premise, or other legal entity having responsibility for an act.

Private Sanitary Landfill: Private sanitary landfill shall mean any site, location, vehicle, container, or transfer station.

"Processing": shall mean the use of incinerators, balers, shredders, or an other process employed to reduce the volume of or change the characteristics of solid waste prior to sanitary landfilling.

Refuse: unwanted or discarded material resulting from commercial, industrial and agricultural operations and from normal community activities. Waste refuse includes in part the following: garbage; rubbish; ashes; and other residue after burning; street refuse; dead animals; animal waste; abandoned vehicles; agricultural, commercial and industrial waste; construction and demolition waste and sewage treatment residue. Refuse shall mean all solid waste.

(A) Commercial refuse- solid waste resulting from the operation of any comercial, industrial, institutional or agricultural establishment, and multiple housing facilities with more than eight dwelling units.

(B) Residential refuse- solid waste resulting from the maintainance and operation of dwelling units, excluding multiple housing facilities with more than eight dwelling units.

Sanitary Landfill: a controlled method of disposing of refuse on land without creating air, land or water pollution or nuisances or hazards to public health or saftey, by utilizing the principles of engineering to confine the refuse to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation, or at more frequent intervals as may be necessary.

Solid Waste Container: recepticale used by any person to store solid waste during the interal between solid waste collections.

Solid Waste Disposal:the process of discarding or getting rid of unwanted material. In particular, the final disposition of solid waste by man.

Solid Waste Management: the entire solid waste system of 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 Wastes: grass clippings, leaves ant tree trimmings.

SECTION 3. Solid Waste Storage.

SECTION 3.1 The owner of every dwelling and in the case of a private dwelling, the occupant of every dwelling unit and the owner of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits of this municipality, shall provide sufficient and adequate containers for the purpose of storing all solid waste except bulky rubbish and demolition and construction waste to serve each such dwelling unit and/or establishment; and to maintain such solid waste containers at all times in good repair.

SECTION 3.2- The owner of every dwelling and in the case of a private dwelling, 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 proper solid waste containers, except as otherwise provided herein, and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times.

SECTION 3.3 Residential solid waste shall be stored in containers of not more than 35 gallons nor less than 20 gallons in nominal capacity. Containers shall be leakproof, waterproof, and fitted with a fly-tight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. The containers shall have handles, bails or other suitable lifting devices or features. Containers shall be of a type originally manufactured for residential solid waste, with tapered sides for easy emptying. They shall be of light weight and sturdy construction. The weight of any individual container and contents shall not exceed 65 pounds. Galvanized metal containers, rubber or fiberglass containers, and plastic containers which do not become brittle in cold weather may be used. Disposable solid waste containers with suitable frames or containers as approved by the Director may also be used for storage of residential solid waste.

SECTION 3.4 Commercial solid waste shall be stored in solid waste containers as approved by the Director. The containers shall be waterproof leakproof, 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.

SECTION 3.5 Tree limbs less than 4" in diameter and brush shall be securely tied in bundles not larger than 48" long and 18" in diameter when not placed in storage containers. The weight of any individual bundle shall not exceed 65 pounds.

SECTION 3.6 Yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public right of way. The weight of any individual container shall not exceed 65 pounds.

SECTION 3.7 Solid waste containers which are not approved will be collected together with their contents and disposed of after due notice to the owner.

SECTION 3.8 Solid waste containers that by their nature are subject to transportation over the roads of this municipality shall be subject to rules and regulations promulgated by the Health Authority.

SECTION 4.1 This 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, commission, 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 the collection of all solid waste produced upon such premises.

SECTION 4.2 All solid waste from the premises to which collection services are provided by the City shall be collected, except bulky rubbish as defined herein, provided however, that bulky rubbish will be collected if tied securely in bundles not exceeding reasonable limitations of weight and bulk to be fixed by regulations to be made and promulgated by the Director as hereinafter provided. All solid waste collected shall, upon being loaded into collection equipment, become the property of the collection agency.

SECTION 4.3 Tree limbs and yard wastes, as described in Sections 3.5 and 3.6 respectively, shall be placed at the curb or alley for collection. Solid waste containers as required by this ordinance for the storage of other residential solid waste shall be placed at the curb or alley for collection. Any solid waste containers, tree limbs, yard wastes, or other solid waste permitted by the ordinance to be placed at the curb or alley for collection shall not be so placed until the regularly scheduled collection day.

SECTION 4.4 Bulky rubbish shall be collected by request to the Director. The Director shall establish the procedure for collection of bulky rubbish.

SECTION 4.5 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.

SECTION 4.6 The following collection frequencies shall apply to collections of solid waste with the municipality:

All residential solid waste, other than bulky rubbish, shall be collected at least once weekly. All commercial solid waste shall be collected at least once weekly, and shall be collected at 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 safety of the public.

SECTION 4.7 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 personell and fire inspection personell.

SECTION 4.8 All collection vehicles shall be maintained in a safe place, 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 intergral 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.

SECTION 4.9 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 recepticles, so constructed and maintained that none of the material being transported shall spill upon the public rights of way.

SECTION 4.10 Transportation and disposal of demolition and construction wastes shall be in accordance with Sections 4 and 5.

Section 5. Disposal of Solid Waste

Section 5.1 Solid Wastes shall be disposed of at a processing facility or disposal area approved by the commission and complying with all requirements of the Iowa State Department of Health or Department of Environmental Quality.

Section 5.2 The Commission or Health Authority may classify certian wastes as hazardous wastes which will require special handling and shall be disposed of only in a manner acceptable to the commission or Health Authority and which will meet all local, state and federal regulations.

Section 5.3 By virtue of an agreement between the municipality and the Commission, the Commission has agreed to provide and operate sanitary landfill facilities for and on behalf of the municipality, for the disposal of refuse originating within the juristiction of the municipality.

The sanitary landfill facilities operated by the Commission are hereby designated as the official "Public Sanitary Landfill" for the disposal of solid waste originating within the jurisdiction of the municipality. No other Public Sanitary Landfill are authorized: provided however, any publicly operated facilities or privatley operated facilities open to the public, which are in existence and operating at the time of the effective date of this ordinance may continue to operate until one year after the effective date of this ordinance.

The Commission is authorized to establish such rule and regulations as may be reasonable and necessary for the proper operation of the facilities and to modify or amend or extend such rules and regulations as may be required from time to time.

The commission is authorized to establish a schedule of fees to be paid by the users of the facilities, to cover the cost of owning and operating such facilities and other expense directly related to said facilities.

Section 5.4 Any person may establish and operate a private sanitary landfill for the disposal of his own solid waste provided he shall have first applied for and received a license from the health authority designating his site a "licensed Private Sanitary Landfill" and may continue to do so as long as his State Permit shall remain in force and the site is operated in accordance with the provisions of this Ordinance.

Licensed Private Landfill sites shall be used for the exclusive purpose of disposing of the site operator's own waste and shall not be open to any segment of the general public nor to any other private source of waste.

It shall be unlawful for any persons to receive payment of any kind, or request payment of any kind, for the disposal of any garbage or refuse at a private licensed sanitary landfill site. The charging of a fee for the collection and disposal of any garbage or refuse from a customer by a private refuse collector shall not be construed as a violation of this Section since the disposal service, provided however, such collection service and disposal shall be conducted entirely by forces and with equipment owned or operated by the private refuse collector.

The application for the permit shall specify the location of the disposal facility, name and address of the owner and operator, and such other information as the health authority shall deem necessary. A copy of any required state, federal or other local license or permit shall be attached. Also included shall be an agreement by the applicant to maintain his landfill site and the vicinity in a safe and sanitary manner, to allow no public nuisance, and to provide a responsible person who will be in constant attendance during the hours of active operation; agreement to operate his landfill in accordance with all local, county, state and federal regulations and to permit access to the landfill site by any health officer or governmental representative or agency who may have jurisdiction for the purpose of inspection.

An annual fee of \$300.00 per year for a permit shall be paid to the Health Authority for each location at which a "Private Sanitary Landfill" is conducted.

If any private landfill operation is found to be conducted in a way detrimental to the health and welfare of the public, or contrary to provisions of this ordinance, the Health Authority shall notify the operator in writing of the objectionable conditions and give him a reasonable time to correct said conditions. After proper notice, the Health Authority is authorized to enter upon the property and use any of the Health Authority's forces and equipment, or those of the landfill owner or operator, or hire forces and equipment to correct the objectionable conditions. The same shall be considered of benefit to the Owner of the land and the cost of such corrective action shall be chargeable to the Owner, and if not paid shall constitute a lien upon the premises and shall be collected in the same manner as taxes as provided by law. Such lien shall be collected by the municipality and turned over to the Health Authority.

Section 5.5 All Public Sanitary Landfills and all Private Sanitary Landfills within the jurisdiction of the municipality shall be operated in a sanitary, safe and nuisance free manner, and shall comply with all local county, state and federal laws and regulations.

Section 5.6 No person shall dispose of garbage or refuse of any kind upon any land within the jurisdiction of the municipality, unless such land has been designated by the municipality as a "Licensed Private Sanitary Landfill" or a "Public Sanitary Landfill" and then only in compliance with posted or published instructions or at the direction of the attendant in charge.

Section 5.7 Nothing in this Ordinance shall apply to the filling, leveling or grading of land with earth, sand, ashes, cinders, slag, gravel, rock, or similar inert wastes, provided these materials are not contaminated or mixed with other waste materials; nor to the disposal of animal and agricultural wastes on farm land.

Section 5.8 It shall be unlawful for any person to sell or install any device intended for use as a garbage or refuse burner or incinerator; except when the intended user of such device has secured a permit from the State and a license to operate such a device from the Health Authority or when the device will be operated for or by the municipality.

Section 5.9 It shall be unlawful for any person to burn or incinerate or permit the burning or incineration of any garbage or refuse within the jurisdiction of the municipality. This section shall apply to all garbage and refuse as defined, and shall specifically include all waste powder, boxes, market waste, garden waste, trees, tree limbs, leaves and any and all materials other than materials used as a fuel in a furnace or boiler.

This section shall not apply to any incinerator operated under a State permit and a license granted by the Health Authority or any incinerator operated by or for the municipality, or any burning conducted under the direction of the Fire Department of the municipality, or ceremonial fires authorized by the appropriate municipality authority.

SECTION 6. PERMITS

Section 6.1 No person shall engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limit of the City or municipality, without first obtaining an annual permit for each vehicle or refuse container from the Health Authority; provided however, that this provision shall not be deemed to apply to employees of the holder of any such permit.

Section 6.2. No such permit shall be issued until and unless the applicant therefore, in addition to all other requirements set forth, shall file and maintain with the Health Authority evidence of a satisfactory public liability insurance policy, covering all operations of such applicant pertaining to such business and all vehicles to be operated in the conduct thereof in the amount of not less than \$250,000.00 for each person injured or kill and in the amount of not less than \$500,000.00 in the event of injury or death of two or more persons in a single accident, and in the amount of not less than \$100,000.00 for damage to property. Such policy may be written to allow the first \$500.00 of liability for damage to property to be deductible. Should any policy be cancelled, the Health Authority shall be notified of such cancellation by the insurance carrier in writing not less than ten(10) days prior to the effective date of such cancellation, and provisions to that effect shall be incorporated in such policy, which shall also place upon the company writing such policy the duty to give such notice.

Section 6.3 Each applicant for any such permit shall state in his application therefore: (a) the nature of the permit desired, as to collect, transport, process, or dispose of solid waste or any combination thereof; (b) the characteristics of solid waste to be collected, transported, processed, or disposed; (c) the number of solid waste vehicles to be operated thereunder; (d) the precise location or locations of solid waste disposal or processing facilities to be used; (e) boundaries of the collection areas; and (f) such other information as required by the Health Authority.

Section 6.4 If the application shows that the applicant will collect, transport, process or dispose of solid wastes without hazard to the public health or damage to the environment and in conformity with the laws of the State of Iowa and this ordinance, the Health Authority shall issue the permit authorized by this Ordinance. The permit shall be issued for a period of one year, and each applicant shall pay therefore a fee of Twenty Five Dollars (\$25.00) to the Health Authority for each collection vehicle or refuse container transported to the site. If in the opinion of the Health Authority, modifications can be made to the application regarding service, equipment, or mode of operation, so as to bring the application within the intent of this Ordinance; the Health Authority shall notify the applicant in writing setting forth the modification to be made and the time in which it shall be done.

Section 6.5 If the applicant does not make the modifications pursuant to the notice in 6.4 within the time limit specified therein, or if the application does not clearly show that the collection transportation, processing or disposal of solid wastes will create no public hazard or be without harmful effects on the environment, the application shall be denied and the applicant notified by the Health Authority, in writing, stating the reason for such denial. Nothing in this section shall prejudice the right of the applicant to reapply--after the rejection of his application provided that all aspects of the reapplication comply with the provisions of this Ordinance.

Section 6.6 The annual permit may be renewed simply upon payment of the fee or fees as designated herein if the business has not been modified. If modifications have been made, the applicant shall reapply for a permit, as set forth in Section 6.2 and 6.3 No permits authorized by this Ordinance shall be transferable from person to person.

Section 6.7 In order to insure compliance with the laws of this State, this ordinance and the rules and regulations authorized herein, the Health Authority is authorized to inspect all phases of solid waste management within the City of Buffalo, Iowa. No inspection shall be made in any residential unit unless authorized by the occupant or due process of law. In all instances where such inspections reveal violation of the ordinance, the rules and regulations authorized herein for the storage, collection, transportation, processing or disposal of solid waste or the laws of the State of Iowa the Health Authority shall issue notice for each such violation stating therein the violation or violations found, the time date and the corrective measure to be taken, together with the time in which such corrections shall be made.

Section 6.8 In all cases, when the corrective measures have not been taken within the time specified, the Health Authority shall suspend or revoke the permit or permits involved in the violation, however, in those cases where an extension of time will permit correction and there is no public hazard created by the delay, one extension of time not to exceed the original time period may be given.

Section 6.9 Any person who feels aggrieved by any notice of violation or order issued pursuant thereto of the Health Authority may, within 30 days of the act for which regress is sought appeal directly to the Scott County Landfill Commission in writing, setting forth a concise statement of the act being appealed and the grounds for its reversal.

Section 6.10 All Motor Vehicles operating under any permit required by this ordinance shall display the number or numbers on each side of the refuse container in colors which contrast with that of the vehicle, such numbers to be clearly legible not less than one inch high. Each permit for processing or disposal facilities shall be prominently displayed at the facility. Each collection vehicle or storage container transported to a public disposal site shall indicate the nominal capacity of such container on each side of that vehicle or container in colors which contrast with that of the vehicle, such numbers to be clearly visible and not less than four inches high.

SECTION 7. RULES AND REGULATIONS

The Director, Commission, and Health Authority may 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 appertaining thereto, if any.
- (D) Weight limitations of the combined weight of solid waste containers and the contents thereof, and weight size and packaging 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 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, oil, greases, etc.

The City Clerk or other City Official who is responsible for preparing utility and other service charges to be billed by 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 for.

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 8. PROHIBITED PRACTICES.

It shall be unlawful for any person to: (1) deposit solid waste in a solid waste container other than his own, without the written consent of the owner of such container; (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 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 Commission, Health Authority, and the Iowa State Department 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 health authority, or operate under an expired permit, or operate after a permit has been suspended or revoked.

Section 9 PENALTIES.

Any person, firm or corporation violating any of the provisions of this ordinance shall upon conviction be subject to a fine of not more than \$100.00 or to imprisonment for not more than thirty days. Each day's violation thereof shall be a separate offence for the purpose hereof.

SECTION 10. REPEALS

Any Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

SECTION 11. SAVINGS CLAUSE.

Nothing in this ordinance shall be deemed to affect, modify, amend or repeal any provision of any ordinance administered by the Scott County Health Department or other department, board, commission, or agency of the Scott County Landfill Commission unless that ordinance is specifically repealed in Section 10.

SECTION 12.

It shall be the duty of the Health Authority, the Director, and all police officers of the City to enforce the provisions of this ordinance.

SECTION 13.

If any section, subsection, sentence or part of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not effect the validity of the remaining portions of this ordinance.

SECTION 14.

This Ordinance shall be in full force and effect from and after its passage and publication as required by law.

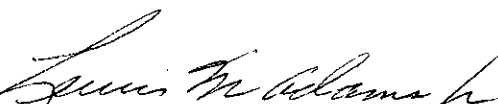
PASSED AND APPROVED THIS 4th day of December, 1972

SIGNED



Loren V. Mosier Mayor
Mayor, City of Buffalo, Iowa

ATTEST



Lewis M. Adams Jr. Clerk
City of Buffalo, Iowa