

## CHAPTER 105

# SOLID WASTE CONTROL

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**105.01 DEFINITIONS.** For the purpose of this chapter, the following words are defined:

1. "Association" means the Mills County Landfill Association.
2. "Garbage" means the solid or semi-solid animal and vegetable waste resulting from the handling, preparation, cooling and serving of foods, including cans, bottles and cartons in which it was received, and wrappings in which it may be placed for disposal.
3. "Discard" means to place, cause to be placed, throw, deposit or drop.

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

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

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

5. "Residence" means any single-family dwelling and any multi-family dwelling up to and including four separate family quarters. Garden type apartments and row type housing units are considered residential premises regardless of the total number of such apartments or units which may be included in a given housing development.

6. "Solid waste" means garbage, refuse, rubbish and other similar discarded solid or semi-solid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, residential and domestic activities. This chapter does not prohibit the use of dirt, stone, brick or similar inorganic material for fill, landscaping, excavation or grading at places other than a sanitary disposal facility. This definition does not include sludge from sewage treatment operations which is being disposed under Iowa Department of Natural Resources regulations and permits, nor does it include disposal of humus generated through Iowa Department of Natural Resources regulations regulating compost or co-composting activities. Solid waste does not include

hazardous waste as defined in Section 45B.411 or source, special nuclear or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979.

7. "Solid waste collection" means the collection, removal or hauling of solid waste from any public or private place.

8. "Yard waste" means any debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

**105.02 PROHIBITION AGAINST HAULING SOLID WASTE WITHOUT LICENSE.** No person shall collect, remove or haul solid waste within the City unless such person has been issued a current hauler's license by the Association.

**105.03 DISPOSAL LIMITED.** No person shall permanently dispose of solid waste of any kind upon any land within the corporation limits of the City unless such land has been designated by the Association as a public landfill site; provided, however, that the prohibition contained in this section shall not apply to the deposit of inert wastes, not potentially injurious to health or the public welfare where permission to make such a deposit has been obtained from the owner or responsible agent, or to the filling in or grading of property with earth, mud, ashes or similar materials, providing all other applicable local and State laws have been complied with.

**105.04 DISPOSAL INSTRUCTIONS.** No person shall deposit any solid waste at any Association landfill site, except in compliance with posted instructions or instructions of an attendant in charge.

**105.05 HAZARDOUS AND EXCLUDED MATERIALS.** Certain materials may be excluded from those refuse materials, which may be deposited at an Association landfill site. These excluded materials may include junk automobile bodies and similar bulky objects which may require special processing prior to disposal; trees and tree limbs, unless they have been cut into pieces not exceeding ten feet in length; burning materials or materials containing hot or live coals; hazardous materials; and other materials which the Association deems necessary to exclude. However, hazardous materials may be deposited upon the receipt of written permission of a responsible official or attendant of the Association and subject to any special instructions issued with said permission. Hazardous material shall include: explosive materials, materials contaminated by infectious or contagious disease, fly ash or other fine or powdery material and other material which may present a special hazard to landfill personnel, equipment or the public.

**105.06 INCINERATOR USE.** It is unlawful for any person to sell or offer for sale, or to install or offer to install, any device intended for use as a garbage or solid waste burner or incinerator.

**105.07 BURNING PROHIBITED.** It is unlawful for any person to burn or incinerate or permit the burning or incineration of any solid waste. This section shall apply to all solid waste as defined and shall specifically include all waste paper, boxes, market waste, garden wastes, 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 license granted by the City or any incinerator operated by or for the City, or any burning conducted under the direction of the fire department of the City.

**105.08 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.

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

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

**105.10 LANDFILL MAINTENANCE FEE.** The landfill maintenance fee may be established by resolution of the Council. If such fee is established, it shall be payable each month and shall be deemed delinquent if not paid within ten (10) days after such payment due date. Delinquent payments shall bear a penalty of five percent (5%) plus interest at the maximum rate permitted by law (but in no event shall the rate of interest exceed seven percent (7%) per annum) from said due date to the date of payment.

**105.11 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 and may be composted on the premises.

**105.12 RESIDENTIAL SOLID WASTE LIMITATION.** Each dwelling unit shall be allowed no more than two (2) thirty-three (33) gallon trash containers per week. Each container shall weigh no more than fifty (50) pounds. The solid waste hauler shall set a reasonable fee for additional containers and shall enforce said fee. *(Ord. 679 – Apr. 02 Supp.)*

**105.13 CONTAINMENT OF SOLID WASTE AND GARBAGE REQUIRED.** All solid waste and garbage, including animal offal, intended to be discarded shall be placed and stored in an enclosed solid container or receptacle with a covered lid or top until such waste and garbage is disposed pursuant to this chapter. *(Ord. 739 – Jan-04 Supp.)*

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