

## CHAPTER 105

### SOLID WASTE CONTROL

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**105.01 PURPOSE.** The purpose of the chapters in this Code of Ordinances pertaining to Solid Waste Control and Collection is to provide for the sanitary storage, collection and disposal of solid waste and, thereby, to protect the citizens of the City from such hazards to their health, safety and welfare as may result from the uncontrolled disposal of solid waste.

**105.02 DEFINITIONS.** For use in these chapters the following terms are defined:

1. “Collector” means any person authorized to gather solid waste from public and private places.
2. “Discard” means to place, cause to be placed, throw, deposit or drop.  
*(Code of Iowa, Sec. 455B.361[2])*
3. “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)*
4. “Litter” means any garbage, rubbish, trash, refuse, waste materials or debris.  
*(Code of Iowa, Sec. 455B.361[1])*
5. “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.

6. “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)*

7. “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)*

8. “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)*

9. “Sanitary disposal project” means all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the Director of the State Department of Natural Resources.

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

10. “Solid waste” means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by subsection one of Section 321.1 of the Code of Iowa.

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

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

*(Code of Iowa, Ch. 657)*

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

**105.05 OPEN BURNING RESTRICTED.** Except as otherwise provided in this section, no person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained without first obtaining an “Open Burning Permit” from the Linn County Air Pollution Control Officer. No permits shall be issued for burning of commercial waste.

No person shall allow, cause or permit the open burning of residential waste, including landscape waste and leaves within one half (1/2) mile of Cedar Rapids, Hiawatha, or Marion, Iowa which is classified as Urban Services Residential (USR) district.

1. Permit Exemptions.
  - A. Within container. Sticks and twigs (wood must be free of all leaves, needles or other vegetative matter) raked from the resident’s property may be burned without a permit provided such burning is conducted in an outdoor fireplace, portable outdoor fireplace, fire pit or similar container not exceeding three (3) feet in diameter. No burn barrels are allowed.
  - B. Other types. The following types of burning are also exempt from the permit requirement.
    - (1) Fires used solely for the cooking out or barbecuing of food. These fires must be no larger than three (3) feet in diameter and be fueled with clean materials such as wood or charcoal.
    - (2) Campfires, burning clean wood material when in association with camping or similar related recreational activities provided these fires are no larger than three (3) feet in diameter. Burning after dark is permitted provided the fire is supervised.
2. Burning Restrictions.
  - A. The Robins Fire Chief, Robin’s Firefighter, Robins Police Department or Linn County Sheriff Deputy may prohibit any outdoor fire if they deem such fires are hazardous to health or welfare.
  - B. Open burning must be conducted during the dates specified on the permit.
  - C. Unless otherwise provided, burning is to be conducted during day light hours only.
  - D. Fires must be attended at all times during the burning. The attendant should have the burning permit in his or her possession at the time of burning.
  - E. Burning must be conducted in a safe and reasonable manner.
  - F. Burning is restricted to materials listed on the burning permit.
  - G. No combustible material may be brought onto a property from outside the property for the express purpose of burning except for the use in general home heating or cooking.
  - H. Before burning, notification should be given to the Linn County Sheriff’s Department.
  - I. No burning of any kind is allowed on the public right-of-way.

3. Penalties.

- a. Any person who shall be found to be in violation of any provision of this Ordinance shall be considered to be guilty of a misdemeanor, punishable by a fine of \$100.00 for the first offense and \$200.00 for the seconded offense and subsequent offenses.
- b. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time and when a limit is not specified, each ten days that prohibited conditions exist shall constitute separate offenses.
- c. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. No. 1604, 5-2-16)

**105.06 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 shall be composted or burned on the premises or hauled away. As used in this section, “yard waste” means any debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

**105.07 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)*

**105.08 OPEN DUMPING PROHIBITED.** No person shall dump or deposit or permit the dumping or depositing of any solid waste on the surface of the ground or into a body or stream of water at any place other than a sanitary disposal project approved by the Director of the State Department of Natural Resources, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Director of the State Department of Natural Resources. However, this section does not prohibit the

use of dirt, stone, brick or similar inorganic material for fill, landscaping, excavation, or grading at places other than a sanitary disposal project.

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

**105.09 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])*

**105.10 WASTE STORAGE CONTAINERS.** Every person owning, managing, operating, leasing or renting any premises, dwelling unit or any place where refuse accumulates shall provide and at all times maintain in good order and repair portable containers for refuse in accordance with the following:

1. Container Specifications. Waste storage containers shall comply with the following specifications:

A. Residential. Residential waste containers, whether they be reusable, portable containers or heavy-duty disposable garbage bags, shall be of sufficient capacity, and leakproof and waterproof. Disposable containers shall be securely fastened, and reusable containers shall be fitted with a fly-tight lid which shall be kept in place except when depositing or removing the contents of the container. Reusable containers shall also be lightweight and of sturdy construction and have suitable lifting devices.

B. Commercial. 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; 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 along the curb or road shoulder by the owner or occupant of the premises served. Permanent storage container structures shall not be permitted in the public right-of-way.

4. Nonconforming Containers. Solid waste placed in containers which are not in compliance with the provisions of this section will not be collected.

**105.11 PROHIBITED PRACTICES.** It is unlawful for any person to:

1. Unlawful Use of Containers. Deposit refuse in any solid waste containers not owned by such person without the written consent of the owner of such containers.

2. Interfere with Collectors. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors be those of the City, or those of any other authorized waste collection service.

3. Incinerators. Burn rubbish or garbage except in incinerators designed for high temperature operation, in which solid, semisolid, liquid or gaseous combustible refuse is ignited and burned efficiently, and from which the solid residues contain little or no combustible material, as acceptable to the Environmental Protection Commission.

4. Scavenging. Take or collect any solid waste which has been placed out for collection on any premises, unless such person is an authorized solid waste collector.

**105.12 SEPARATION OF RECYCLABLE CORRUGATED CARDBOARD REQUIRED.**

1. Definitions. For use in this section the following terms are defined:

A. "Corrugated cardboard" includes containers or materials used in containers that have three or more layers of Kraft paper material: at least two exterior flat layers with one wavy interior core.

B. "Non-recyclable corrugated cardboard" means cardboard with permanently attached packing material and/or non-paper liners; wax-coated cardboard; cardboard contaminated with oil, paint, blood or other organic materials; or cardboard contaminated with any other material that renders the corrugated cardboard non-marketable. It

does not include cardboard that has been contaminated through compaction in a hauling vehicle.

C. “Recyclable corrugated cardboard” includes marketable corrugated cardboard that may have glue, staples and/or tape, but does not have permanently attached packing material and/or non-paper liners and is not waxed, or contaminated with oil, paint, blood, or other organic materials.

2. Separation Required. All recyclable corrugated cardboard shall be separated by the owner or occupant from all other solid waste accumulated on the premises. Recyclable corrugated cardboard may be mixed with other approved recyclable materials for recycling or may be mixed with composted material.