

ORDINANCE 15073

AN ORDINANCE TO AMEND CHAPTER 50: GARBAGE AND REFUSE BY REPEALING SECTIONS 50.001 THROUGH 50.049 AND ADOPTING NEW CODE SECTIONS THAT AMEND THE REGULATIONS FOR RECEPTACLE SPECIFICATIONS, LOCATION OF RECEPTACLES AND ENFORCEMENT OF REGULATIONS

WHEREAS, the Code of Ordinances of the City of Marshalltown Chapter 50: Garbage and Refuse regulates trash, recyclable, and yard waste collection; and

WHEREAS, the City Council desires to update the regulations for receptacle specifications, location of receptacles, and enforcement of regulations; and

WHEREAS, the City Council finds it is in the best interest to amend Chapter 50: Garbage and Refuse.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARSHALLTOWN, IOWA:

Section 1. The Code of Ordinances of the City of Marshalltown is hereby amended by repealing Sections 50.001 through 50.049 and replacing with the following:

GENERAL PROVISIONS

§ 50.001 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AREA. The legally defined boundaries of the city.

COMMERCIAL AND INDUSTRIAL UNITS/OCCUPANTS. All locations within the city that are not considered residential units/occupants under this chapter. Mobile home parks where single-meter water services are considered **COMMERCIAL**. All rental units or complexes of four or more residential rental units are considered **COMMERCIAL UNITS**. **COMMERCIAL AND INDUSTRIAL UNITS** are subject to this chapter.

COMMISSION. The Solid Waste Management Commission of the county.

COMPOSTABLE MATERIAL. All yard wastes, except tree limbs, bark, or branches from trees or shrubs with any diameter of one-fourth inch or more.

CONTAINERS or BINS. Those containers and bins for collection of garbage or recyclables.

CURBSIDE. The portion of the right-of-way adjacent to paved or traveled city roadways contiguous to the frontage of properties in the city. The term **CURBSIDE** also means at any point further than five feet from the front line of any dwelling, structure, business, or building. See the definition of the term “front” in this section.

CURBSIDE COLLECTION. The collection of all garbage or recyclables placed curbside or in front of the house as near to the street as possible if no curb exists.

FRONT. The operation of a dwelling, business, or other structure facing any street, highway, or other place. A structure may have more than one **FRONT** if it faces more than one street, highway, or other place; for example, a corner lot. On a structure that has no lines parallel to the street,

highway, or other place, the FRONT shall be that portion most nearly parallel to the street, highway, or place and, if the sides are equally parallel to the street, highway or other place, the two sides shall both be the FRONT. Where the front line is uneven, the term FRONT means the most forward portion of the structure.

GARBAGE and REFUSE. Every waste accumulation of animal, fruit, or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in, or storage of meat, fish, fowl, fruit, or vegetables. Dead animals are not included in the term GARBAGE. The term REFUSE means all other miscellaneous waste materials not specifically defined as “garbage” or specifically defined as “recyclable”.

MEMBER. The city.

PERSON. Any individual, firm, association, syndicate, co-partnership, corporation, trust, or other legal entity having a proprietary interest in premises or other legal entity having responsibility for an act.

RECYCLABLES. Those items defined as recyclables per the Solid Waste Management Commission of Marshall County.

RECYCLABLES HAULER. Any person desiring to pick up and transport for processing any recyclable in the city. Anyone subcontracting to perform any such recycling pick-up or transportation task is also considered a RECYCLABLES HAULER under this definition.

RECYCLABLES TRANSPORTATION VEHICLE or VEHICLE. A vehicle, as defined by state law, which is or is intended to be used to transport recyclables.

RESIDENTIAL UNIT/OCCUPANT. Each single-family home or multifamily dwelling located within the corporate limits of the city and occupied by a person or group of persons, except mobile home parks as described in the definition of “commercial and industrial units” in this section. However, all residential rental structures or residential complexes of four or more rental units are considered commercial units. Any home occupation (Class 1 or Class 2) found in areas zoned RR, RL, RM, and RH, all as defined by Ch. 156 of this code of ordinances, shall be considered a RESIDENTIAL UNIT/OCCUPANT under this chapter for purposes of disposal of garbage and recyclables generated by the home occupation.

SOLID WASTE. Garbage, refuse, rubbish, and other similar discarded solid or semi-solid materials, including, but not limited to, such materials resulting from industrial, commercial, agricultural, and domestic activities.

TREE PROCESSING MATERIAL. Yard wastes which are not compostable material and tree stumps.

VOLUME-BASED GARBAGE SYSTEM. A system with an ever-increasing charge based on the number of containers utilized or upon the actual weight of garbage generated.

YARD WASTE. Organic debris produced as part of yard and garden development and maintenance, such as grass clippings, leaves, bark, branches, twigs, flowers, fruit, vegetables, and trees.

§ 50.002 RESERVATION OF CITY’S RIGHTS.

The city reserves the right to enter into a contract at any time with any license holder or others for the collection and disposal of garbage and refuse within the city or may itself operate and maintain such service.

§ 50.003 RECEPTACLES REQUIRED; SPECIFICATIONS.

- (A) Except as provided under § 50.004 of this chapter, it shall be unlawful for any person, firm, or corporation to deposit or place any garbage in any street, alley, lane, public place, or private property outside of buildings within the city unless the garbage is enclosed in a Container or Bin.
- (B) Refuse Containers for Residential Properties must meet the following:
- a. Owner-supplied Refuse Containers or Bins shall be a water-tight metal or plastic receptacle. The receptacle shall be provided with handles or bales and a tight-fitting cover and with a capacity not exceeding 55 gallons
 - b. Hauler-supplied Refuse Containers or Bins shall be preapproved by the City as part of the license application, and in general, have rolling wheels; attached lids; clearly listed with the company name with phone number displayed on the receptacle; have an identifiable code that the Hauler keeps records of which address has which receptacle; and be sturdy enough to withstand typical wind event. Each licensed hauler shall provide some level of consistency across offered Containers to their customers.
- (C) Refuse Containers for Commercial Properties shall be hauler-provided or approved and in general be commercial dumpsters or similar.
- (D) Containers for Recyclables shall be as provided or approved by the Recyclables Hauler.

§ 50.004 RECEPTACLE WITH PAPER OR PLASTIC BAG INSERTS.

Receptacle inserts shall be provided as required by the hauler.

§ 50.005 PREPARATION OF REFUSE, RECYCLABLES, AND YARD WASTE FOR COLLECTION.

Refuse, recyclables, and yard waste shall be prepared for pick up per the requirements of the hauler.

§ 50.006 APPROVED METHODS OF DISPOSAL.

(A) Garbage or refuse may be disposed of by householders or the occupant of any building or place of business by:

- (1) Delivery to a licensed collection agency;
- (2) Hauling to a state-approved landfill disposal area and dumping there as directed by the custodian in charge; provided that, the containers are covered and water-tight; and/or
- (3) Disposal of garbage in a home garbage disposal unit.

(B) It shall be unlawful for any person, firm, or corporation to dispose of yard waste, except as follows:

(1) All yard waste shall be separated by the owner or occupant of the premises from garbage and refuse, as defined in § 50.001 of this chapter, accumulated on the premises and shall be composted on the premises, transported to a City Council-approved composting/tree processing facility or otherwise be legally disposed of, and no yard waste shall be deposited in a landfill. All yard waste transported to City Council-approved composting/tree processing facilities shall be separated into compostable material and tree processing material.

(2) It shall be unlawful to place any material other than compostable material in compostable paper yard waste bags.

(3) All tree processing materials shall be separated from all compostable materials and bundled in a manner suitable for handling.

(4) Fees for the use of the city-owned composting/tree processing facility shall be adopted by resolution of the City Council.

(5) Hours of operation of the city composting/tree processing facility shall be established by the City Council, and it shall be unlawful to dump or dispose of yard waste at such facility, except during hours of operation, or without specific approval by the city's Engineering Department.

(C) It shall be unlawful for any person to dispose of garbage or refuse, yard waste, or recyclables in any manner other than provided in this section.

(D) Garbage, refuse, or recyclables shall not be burned.

§ 50.008 LOCATION OF RECEPTACLE.

(A) All garbage or refuse, yard waste, or recyclables, whenever practical, shall be delivered by the householder or the occupant of any building or place of business to the ground level for collection.

(B) It shall be unlawful for any person to place, set, throw, or otherwise put garbage or any paper, metal, plastic, or any other material receptacle containing garbage between the line of any street, highway, or other place and the front line of any dwelling, business or other structure, except as outlined below:

(1) For residential units, all Refuse and Recyclable Containers may be set out no earlier than 8 PM the day prior to collection day and must be retrieved by 2 AM the day after collection day.

(2) For collection of owner-provided residential Containers, they shall be placed no more than five feet in front of the front line of the dwelling, business, or other structure. For purposes of this section, the front line shall be extended from the structure corner to the side lot lines.

(3) For collection of hauler-provided residential Containers, the Containers may be placed in accordance with owner-provided Containers or Curbside, as designated by the Hauler.

(4) Containers placed for Curbside collection shall be placed so the closest edge of the Container is no closer than 2 feet, nor no further than 4 feet from the edge of the traveled way. It shall be placed so there is a 4-foot clearance around all sides from any fixed object. Placement of containers shall not impede visibility at any alley or street intersection.

(5) Placement of commercial containers shall be coordinated with the Hauler and be in accordance with the City's zoning ordinance.

(C) (1) It shall be unlawful for any person, firm, or corporation, licensed to collect garbage or refuse, yard waste, or recyclables within the city, to pick up, collect, or take into possession any garbage, as defined by § 50.001 of this chapter, paper, metal, plastic or any other material not placed in accordance with this Chapter

(D) (1) The city can provide a waiver, at the city's sole discretion, for the placement of garbage receptacles or refuse in front of a dwelling, business, or other structure if the placement of the receptacle or refuse is for the community benefit, or a one-time occurrence.

(2) Examples may include receptacles placed or approved by the City for public use, such as Downtown or 13th St District Receptacles, for the city-sponsored or approved clean-up days or a construction dumpster.

(3) Said waiver shall also allow for the lawful collection of said material by the city or a licensed garbage or refuse hauler.

§ 50.009 LITTERING.

It shall be unlawful for any person, firm or corporation to deposit, throw, or place any refuse or garbage in any street, alley, lane, public place, or private property outside of buildings within the city unless the refuse or garbage is to be hauled away and, pending hauling, is kept in such a manner as in no way to constitute a nuisance, hazard or annoyance to others.

LICENSING AND COLLECTION REGULATIONS

§ 50.020 LICENSE TO COLLECT GARBAGE OR REFUSE, YARD WASTE, AND RECYCLABLES REQUIRED.

It shall be unlawful for any person, firm, or corporation to collect garbage or refuse, yard waste, or recyclables within the city, except from his or her own residence or business property, without first obtaining a license from the city unless it is for a one-time junk removal service

§ 50.021 APPLICATION FOR LICENSE; APPROVAL.

- (A) Application for a license to collect garbage or refuse, yard waste, or recyclables shall be made at the office of the City Clerk on forms provided by the Clerk. The applicant shall file with his or her application a certificate or affidavit of insurance, as set forth in § 10.999 of this code, shall pay the required license fee and garbage haulers present current proof of having passed inspection.
- (B) Licensed Haulers shall provide maps of their coverage area, indicating which areas are to be picked up on what days. Information shall also be provided on the Company's plans or adjustments to pick-up days for Holidays.
- (C) Licensed Haulers shall keep a record of the unique identifiers of each hauler-provided receptacle and make that information available to the City upon request.
- (D) Upon receipt of such application and accompanying documents properly executed and otherwise proper and accurate, including, but not limited to, the certificate or affidavit of insurance, upon receipt of the license fee and inspection approval, the City Clerk shall issue the license for no more than one year, as set forth in § 10.999 of this code.
- (E) If the Clerk denies the license, the applicant may appeal to the City Council by the procedure provided in § 110.003 of this code of ordinances.

§ 50.022 INSURANCE REQUIRED OF LICENSEE; CERTIFICATE; LIABILITY COVERAGE.

The garbage or refuse hauler, yard waste hauler, or recyclable hauler shall not be permitted to commence work under this chapter until he or she has obtained all required insurance and filed proof of such with the City Clerk, pursuant to § 10.009 of this code of ordinances.

§ 50.023 LICENSE EXPIRATION.

All licenses issued pursuant to this chapter shall expire pursuant to § 10.009 of this code of ordinances.

§ 50.024 LICENSE FEE.

The fee for the license issued under this chapter shall be set by City Council resolution.

§ 50.025 LICENSE RENEWAL.

The annual license of all persons licensed under this chapter shall be automatically renewed from year to year upon the payment of the fee provided in this chapter, filing of a certificate of proper insurance coverage, and filing of an approved vehicle inspection for garbage haulers.

§ 50.026 LICENSE REVOCATION.

The City Council may, for a violation of the provisions of this chapter, revoke any license granted in this chapter, after notice and public hearing, upon compliance with the procedures set out in this chapter.

§ 50.027 FREQUENCY OF COLLECTION.

(A) Collections of garbage or refuse shall be made not less than one time per week.

(B) Collections of garbage from commercial locations, where considerable garbage is produced daily, may require collection on a more frequent basis. Notice from the City of nuisances caused by untimely collection of garbage shall result in the property owner setting up a more frequent collection rotation.

§ 50.028 COLLECTION VEHICLES; SPECIFICATIONS, MAINTENANCE AND LOADING.

(A) All vehicles used in the transportation of garbage or refuse, yard waste or recyclables within the city shall be kept in a sanitary and safe condition and shall be so constructed as to prevent leakage in transit, wholly enclosed and covered. The city may inspect any vehicle used by any hauler to see that it complies with this chapter.

(B) All persons licensed under the terms of this chapter shall use packer-type trucks for scheduled routine garbage or refuse collection purposes. Such vehicles shall include a mechanical device for packing or compressing garbage or refuse, which device shall be used and operated at all times in the collection and disposal of garbage or refuse and kept in good working order. All truck bodies used for the disposal of garbage and refuse shall be washed out periodically to minimize odors.

(C) Recyclables and yard waste shall be transported in a vehicle, trailer, bin, or container, which is enclosed, covered, leak-resistant, and of an easily cleanable construction.

(D) If the city determines that a refuse hauler is responsible for the loss of any refuse within the city, the hauler shall be responsible for the pick-up and clean-up of the refuse. If the city is required to pick up or clean up the refuse, the responsible hauler shall pay the cost of doing such.

§ 50.029 PICK-UP SERVICE; SERVICING OF COMPLAINTS.

Each garbage or refuse collector shall maintain an adequate and prompt pick-up service. He or she shall service all complaints from patrons on missed service and improper handling. Such service shall be promptly available for servicing complaints from the office of the City Clerk for any material improperly deposited within the limits of streets or highways during transit.

§ 50.030 ALTERNATE DROP-OFF SITE.

If a private recyclable drop-off site is not available to all city citizens and within the city limits, individual recyclables haulers shall, either individually or in concert (one or more recyclables haulers) or by contract with a private entity, provide a drop-off site for recyclables that shall be available to all city citizens. If required to provide a drop-off site, each person making an application for a recyclables hauler's license shall file, in writing, a statement setting out the

location and hours of service for such voluntary drop-off site. The charge made for recyclables received at the drop-off site is to be set by the recyclables hauler.

§ 50.031 PARKING OF COLLECTION VEHICLES IN RESIDENTIAL DISTRICTS.

(A) No vehicle used in the transportation of garbage and refuse within the city shall be parked or left standing in any residential district, as defined or delineated in Ch. 156 Zoning of this code of ordinances, as amended, except for the loading or picking up of garbage or refuse.

(B) This section shall not apply to the driver of any such vehicle that is disabled while in the residential district to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such district.

(C) In no event shall any such disabled vehicle remain over 12 hours.

§ 50.032 INSPECTION OF EQUIPMENT.

(A) Every application for a license required by this chapter or a license renewal shall contain a certification by the applicant that the applicant has inspected the equipment to be used in the transportation of garbage or refuse and that the equipment is in good mechanical condition and free of leaks.

(B) It shall be a municipal infraction to operate equipment that leaks or allows garbage or refuse to spill from the equipment.

VOLUME-BASED GARBAGE COLLECTION; SPECIFIC RECYCLABLES

§ 50.045 VOLUME-BASED CHARGES.

Any individual or entity holding a license to haul garbage and refuse in the city shall charge based on the volume of garbage and refuse generated. These volume-based charges may be made through the number of containers or bins utilized or based on actual weight collected.

§ 50.046 RECYCLING REQUIRED.

(A) Each commercial, industrial, and residential unit/occupant in the city shall recycle those items designated as recyclables in § 50.001 of this chapter. Those items designated as recyclables shall not be disposed of, except by delivery by the commercial, industrial, or residential unit/occupant or by a licensed recyclable hauler to an individual or entity engaging in recycling of the item involved.

(B) No recyclables shall be disposed of by depositing the recyclables with garbage or refuse, and no licensed hauler shall pick up any recyclable commingled with garbage or refuse.

(C) No licensed recyclable hauler is required to pick items designated as recyclables in § 50.001 of this chapter as a part of its regular customer pick-up. However, any licensed recyclable hauler making any scheduled recyclable pick-up shall pick up items designated as recyclables in § 50.001 of this chapter on the same day as their refuse pick-up.

§ 50.047 RIGHT OF CITY TO DESIGNATE RECYCLABLES.

The city reserves the right to add other items as designated recyclables at a later date, as allowed by the Solid Waste Management Commission of Marshall County.

§ 50.048 PUBLIC EDUCATION.

(A) (1) The recyclables hauler will develop a plan of education to inform his or her clientele of the requirements of this subchapter imposed upon the collection of garbage, refuse, and recyclables.

(3) As a part of this educational effort, the recyclable hauler will distribute, in printed form, a statement of his or her collection schedule as well as a statement of recyclable items and an explanation concerning how the garbage/refuse and recyclable system is to operate. This printed statement shall be distributed to existing and new customers in either English and Spanish language form as required.

(4) Any cost associated with the educational effort shall be the exclusive responsibility of the recyclables hauler.

(B) The city shall annually post educational information on the city website and/or social media.

§ 50.049 ENFORCEMENT OF CHAPTER.

(A) Licensed haulers shall assist the City in enforcement of the requirements of the Chapter where possible and provide information to their customers that meets the requirements of this Chapter.

(B) Property owners or Persons contracting for Refuse or Recyclable collection found in violation of this Chapter may be subject to code enforcement action as adopted by council resolution.

Section 2. The Code of Ordinances of the City of Marshalltown is hereby amended by repealing Section 50.999 and replacing it with the following:

§ 50.999 PENALTY.

(A) Any person who violates the provisions of this chapter for which no specific penalty is prescribed shall, upon conviction, be punished by a penalty as provided in § 10.999(A) of this code of ordinances. In addition to the criminal penalty set forth in this division (A), a violation of this chapter for which no specific penalty is prescribed is a municipal infraction.

(B) (1) The fine for each violation of this chapter shall be set by council resolution.

(2) The method and procedure of payment and collection for each violation of this chapter shall be the same as that provided for the payment collection of fines for violation of city ordinances under state law.

Section 3. The Code of Ordinances of the City of Marshalltown is hereby amended and all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. 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 5. This ordinance shall be in effect after its final passage, approval, and publication as provided by law.

Passed this ____ day of _____ 2023, and signed this ____ day of _____ 2023.

CITY OF MARSHALLTOWN, IOWA

Joel Greer, Mayor

ATTEST:

Alicia Hunter, City Clerk

I, Alicia Hunter, City Clerk of the City of Marshalltown, Iowa, do hereby certify that the foregoing ORDINANCE was passed and approved by the City Council of the City of Marshalltown, Iowa, on the ____ day of _____, 2023, and was published in the Marshalltown Times-Republican, a newspaper of general circulation in the City of Marshalltown, Iowa, on the ____ day of _____, 2023.

Alicia Hunter, City Clerk