ORDINANCE #6

WOODBURY COUNTY ORDINANCE ESTABLISHING THE SANITARY STORAGE, COLLECTION AND DISPOSAL OF SOLID WASTES AND YARD WASTES AND PROVIDING FOR VIOLATIONS

Be it enacted by the Woodbury County Board of Supervisors:

Section 1. Purpose. The purpose of this ordinance is to provide for the sanitary storage, collection and disposal of solid wastes and, thereby to protect health, safety, and welfare that otherwise would result from the uncontrolled disposal of solid wastes.

Section 2. Definitions. For use in this ordinance, the following terms are defined:

A. "Solid Waste" means garbage, refuse, rubbish, and similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities.

B. "Refuse" means putrescible and nonputrescible wastes, including but not limited to garbage, rubbish, yard waste, ashes, incinerator ash, incinerator residues, street cleanings, market and industrial solid waste, and sewage treatment wastes in dry or semi-solid form.

C. "Garbage" means all solid and semisolid, putrescible animal and vegetable wastes resulting form the handling, preparing, cooking, storing, serving and consuming of food or of materials intended for use as food, and all offal, excluding useful industrial byproducts, and shall include all such substances from all public and private establishments and from all residences.

D. "Rubbish" means nonputrescible solid waste consisting of combustible and noncombustible waste, such as ashes, paper, cardboard, tin cans, wood, glass, bedding, crockery, or litter of any kind.

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

F. "Waste Storage Container" means a container for the storage of solid waste which is:

1. Provided with a handle and tight fitting cover.
2. Substantially made of galvanized iron or other non-rusting material.
3. Watertight.
4. Of a size that may be conveniently handled by the collector.
5. Rodent and vermin proof.

G. "Commercial-sized Containers" with truck lift devices may be approved by the city in lieu of conventional cans where suitable.

H. "Construction and Demolition Waste" means waste building materials including wood, metals, and rubble, which result from construction and demolition of structures.

I. "Toxic and Hazardous Wastes" means waste materials, including but not limited to poisons, pesticides, herbicides, acids, caustics, pathologic wastes, flammable or explosive materials, and similar harmful wastes which require special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

J. "Open Burning" means any burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack.

K. "Open Dumping" means the depositing of solid wastes on the surface of the ground or into a body or stream of water.

L. "Litter" means any garbage, rubbish, trash, refuse, waste materials, or other solid waste.

M. "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 join and several.

N. "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 executive director of the state department of natural resources.

O. "Premises" means and includes every residence, household, apartment, boarding house, hospital, nursing home, hotel, restaurant, café, market and wholesale or retail store, establishment or place of business in the county which garbage, rubbish, or yard waste accumulates.

P. "Collector" means the person, persons or entity specifically authorized by the City Councils to collect garbage, rubbish and recyclable materials and to dispose of the same. Rural patrons shall constitute self-collectors.

Q. "Dwelling Unit" shall mean 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.

R. "Single-family Dwelling" shall mean a structure containing one dwelling unit only.

S. "Multiple-family Dwelling" shall mean a structure containing more than one dwelling unit.

T. "Property Served" shall mean any property, which is being used or occupied, and is eligible to receive solid waste collection and disposal services as provided herein.

U. "Rubble" means stone, brick or similar inorganic material.

SECTION 3. It shall be unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste, either in containers or not, that shall constitute a health or sanitation hazard.

SECTION 4. It shall be unlawful for any person to permit to accumulate quantities of solid waste within or close to any building, unless the same is stored in containers in such a manner as not to create a fire hazard.

SECTION 5. Littering Prohibited. It shall be unlawful for any person to 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.

SECTION 6. Open Dumping Prohibited. No person shall dump or deposit or permit the open dumping or depositing of any solid waste at any place other than a sanitary disposal project approved by the executive director of the state department of natural resources.

SECTION 7. 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 or may be placed in authorized bags, containers or packages and set out for collection by private contractors.

Brush and tree limbs are not accepted at the landfill. Brush and tree limbs may be taken to the location designated by the resident's respective City Council.

SECTION 8. Yard Waste Containers. All yard waste to be collected shall be placed and maintained in containers or packages authorized by the resident's respective City Council or as accepted by the resident's collector. Brush and tree limbs shall be sized to accommodate the requirements of the collector and any pertinent City Council ordinances.

SECTION 9. Loading. Vehicles or containers used for the collection and transportation of any solid waste and yard waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill there from, and shall be covered to prevent blowing or loss of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

SECTION 10. Powers and Duties of the Landfill Board. The Woodbury County Landfill Board shall have the authority to set the fees and charges for use of the landfill, and shall have

the authority to collect charges for delinquent fees. The Board shall and is authorized to enter into any necessary contracts therefore. It shall also be the duty of the Landfill Board to enforce or cause the enforcement of the provisions of this ordinance and of any rules, regulations, and orders promulgated pursuant thereto. For the purpose of carrying out the spirit and intent of this ordinance and in supplementation thereof, the Board shall be and is authorized, with the approval of the Board of Supervisors, to promulgate and declare such rules, regulations, and orders on behalf of the county relating to the keeping, collection, removal, and disposition of garbage, rubbish, and yard waste as deemed necessary for the health, safety and sanitary requirements of the public, which rules, regulations, and orders without limitations on the generality thereof include or related to the subject matter of the places or points on or about premises where garbage, rubbish, and yard waste vessels may be kept or placed for collection purposes; schedules for collection; types of vessels may be utilized for garbage, rubbish, and yard waste keeping on any premises, and types of vehicles and containers in which garbage, rubbish, and yard waste may be collected and transported over the public ways of the county; and places and methods of disposal of garbage, rubbish, and yard waste. Every such rule, regulation, and order put into affect by the Landfill Board shall have the same force and effect as if specifically set forth in this ordinance.

SECTION 11. Powers and Duties of Landfill Manager. It shall be the duty of the Manager to supervise, see to, and provide for the control of the keeping, collections, removal, and disposal of all garbage, rubbish, and yard waste which is dumped at the landfill. All persons and entities using the landfill shall unload the yard waste and solid waste in the areas designated by the Landfill Manager.

SECTION 12. Enforcement: Enforcement of this Ordinance shall be by the Woodbury County Sheriff's Department, or any other peace officers.

SECTION 13. Prohibited Wastes.

A. The following types of waste shall be prohibited from the landfill:
    1. Hazardous waste.
    2. Unseparated yard waste. Separated grass, leaves and other non-woody waste will be accepted for composting.
    3. Brush and trees.
    4. Infectious and biomedical waste as defined by the Iowa Department of Natural Resources.
    5. Other wastes that may be prohibited by state and federal regulations.

B. Special waste may be accepted provided a special waste authorization has been issued by the Iowa Department of Natural Resources. The Landfill Board shall establish appropriate charges for special wastes as appropriate for the type of waste and all costs relative to disposal of the special wastes. All assessed costs will be borne by the hauler and/or generator of the special waste.

SECTION 14. Penalties. Violation of any of the provisions of this ordinance will be a simple misdemeanor punishable by a fine not to exceed $500.00 and/or 30 days confinement in the county jail.

SECTION 15. Repealer. All ordinances or parts of ordinance in conflict with the provisions of this ordinance are hereby repealed.

SECTION 16. Severability Clause. 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 17. Effective Date. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

This Ordinance passed and approved by the Woodbury County Board of Supervisors on this 15th day of June, 2004.

First Hearing: June 1, 2004
Second Hearing: June 8, 2004
Third Hearing: June 15, 2004

Woodbury County Board of Supervisors

Maurice Welte
Maurice Welte, Chairman

G. R. Batcheller, Member

George W. Boykin, Member

Larry D. Clausen, Member

Douglas Walish, Member

Attest: _____
Patrick F. Gill, Woodbury County Auditor