

CHAPTER 106

COLLECTION OF SOLID WASTE

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106.01 COLLECTION SERVICE. The City shall provide by contract for the collection of solid waste, except bulky rubbish as provided in Section 106.05, from residential premises only. The operators of commercial, industrial or institutional premises shall provide for the collection of solid waste produced upon such premises by private contract with collectors licensed by the City.

106.02 COLLECTION VEHICLES. Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste or solid waste containing such materials shall be leakproof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution or insect breeding and shall be maintained in good repair.

(IAC, 567-104.9[455B])

106.03 LOADING. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, 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.

106.04 FREQUENCY OF COLLECTION. All solid waste shall be collected from residential premises at least once each week, at such times as shall be set out on schedules agreed upon between the City and the collector. Solid waste shall be collected from commercial, industrial and institutional premises as frequently as may be necessary, but not less than once each week.

106.05 BULKY RUBBISH. Bulky rubbish which is too large or heavy to be collected in the normal manner of other solid waste may be collected by the collector upon request in accordance with procedures therefor established by the Council.

106.06 RIGHT OF ENTRY. Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this chapter; however, solid waste collectors shall not enter dwelling units or other residential buildings.

106.07 CONTRACT REQUIREMENTS. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste from residential premises for the City without first entering into a contract with the City. Neither this section nor the

licensing requirements contained in Section 106.08 shall prohibit an owner from transporting solid waste accumulating upon premises owned, occupied or used by such owner, provided such refuse is disposed of properly in an approved sanitary disposal project. Furthermore, neither a contract nor license is required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities, provided that all such materials are conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported is spilled upon any public right-of-way.

106.08 COLLECTOR'S LICENSE. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste from commercial, industrial or institutional premises in the City without first obtaining from the City an annual license in accordance with the following:

1. Application. Application for a solid waste collector's license shall be made to the Clerk on forms provided by the Clerk.
2. Insurance. No collector's license shall be issued until and unless the applicant therefor, in addition to all other requirements set forth, shall file and maintain with the City evidence of satisfactory public liability insurance covering all operations of the applicant pertaining to such business and all equipment and vehicles to be operated in the conduct thereof in the amounts set by resolution of the Council. Each insurance policy required hereunder shall include as a part thereof provisions requiring the insurance carrier to notify the City of the expiration, cancellation or other termination of coverage not less than ten (10) days prior to the effective date of such action.
3. Bond Required. No collector's license shall be issued unless the applicant posts a performance bond with the Clerk in an amount, set by resolution of the Council, to insure the faithful performance of such licensee's collection and hauling duties.
4. License Fee. A license fee in an amount set by resolution of the Council shall accompany the application. In the event the requested license is not granted, the fee paid shall be refunded to the applicant.
5. License Issued. If the Council upon investigation finds the application to be in order and determines that the applicant will collect, transport, process or dispose of solid waste without hazard to the public health or damage to the environment and in conformity with law and ordinance, the requested license shall be issued to be effective for a period of one year. All licenses shall expire on December 31 of the year issued.
6. License Renewal. An annual license may be renewed simply upon payment of the required fee, provided the applicant agrees to continue to operate in substantially the same manner as provided in the original application and provided the applicant furnishes the Clerk with a current listing of vehicles, equipment and facilities in use.
7. License Not Transferable. No license authorized by this chapter may be transferred to another person.
8. The Council may revoke any license issued to any collector after due, legal and timely notice of hearing to the persons in violation of this chapter or the terms of the issued license.

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106.09 MONTHLY REPORT. Each licensed collector or collector under contract with the City shall file a monthly refuse/recycle report on forms provided by the City. A refuse/recycle report or any other document designated as necessary to be submitted on a monthly basis shall be so submitted by each individual licensee or collector under contract, whether it is for commercial or residential property. All collectors who fail to comply shall be subject to a civil penalty, in an amount to be determined by the City Administrator, for each month that the report is not filed.

106.10 DELIVERY OF RECYCLABLE MATERIALS. All material collected from residential recycling containers shall be delivered to the site designated by the Plymouth County Solid Waste Agency. Delivery of said material to any site other than the one designated by the Agency is prohibited. Before collecting any of the recyclable material, haulers shall contact the City Clerk to determine the address of the designated site.

106.11 COLLECTION FEES. The collection and disposal of solid waste as provided by this chapter are declared to be beneficial to the property served or eligible to be served and there shall be levied and collected fees therefor.

1. Residential. The City will set as initial collection fees for residential premises an amount of twelve dollars per month for the ninety-five gallon base unit cart and four dollars per month for each additional ninety-five gallon cart that the residential premises requests. Residential premises which successfully apply and receive permission to use a single thirty-five gallon cart will pay a collection fee of ten dollars per month. All future amendments to fees will be set by resolution of the Council.

2. Payment of Bills. All fees are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.04 of this Code of Ordinances. Solid waste collection service may be discontinued in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.

3. Commercial/Industrial. The owners or occupants of commercial, industrial, and industrial premises may negotiate fees with any licensed collector for the collection of solid waste and recyclable material. The City of Le Mars will offer as a free service collection of recyclables when properly sorted and when placed in the proper containers provided by the City. The fee, if any, for this service in the future shall be set yearly by resolution of City Council.

106.12 LIEN FOR NONPAYMENT. Except as provided for in Section 92.07 of this Code of Ordinances, the owner of the premises served and any lessee or tenant thereof are jointly and severally liable for fees for solid waste collection and disposal. Fees remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

(Code of Iowa, Sec. 384.84)