ORDINANCE NO. 6561

AN ORDINANCE TO AMEND CHAPTER 4.12 SOLID WASTE COLLECTION AND DISPOSAL OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA BY AMENDING SECTIONS 4.12.010 "DEFINITIONS-SOLID WASTE COLLECTION AND DISPOSAL" AND 4.12.060 "COLLECTION AND DISPOSAL-RULES AND REGULATIONS"; ENACTING NEW SECTION 4.12.061 "WASTE PREPARATION PRACTICES"; REPEALING SECTION 4.12.065 "DISPOSAL OF YARD WASTE" AND AMENDING SECTIONS 4.12.080 "SOLID WASTE-PERSONS PERMITTED TO COLLECT" AND 4.12.110 "COLLECTION FEES-RESIDENTIAL".

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

SECTION 1. That Chapter 4.12 Solid Waste Collection and Disposal of the 2020 Municipal Code of Council Bluffs, Iowa to read as follows:

Chapter 4.12 - SOLID WASTE COLLECTION AND DISPOSAL

4.12.010 Definitions - Solid Waste Collection And Disposal
4.12.020 Legislative Findings
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4.12.160 Payment Or Assessment Of Costs

Cross reference— Litter in streets and ditches—See CBMC 8.50.

4.12.010 Definitions - Solid Waste Collection And Disposal

The following words and phrases when used in this chapter shall have the following meanings:
Administrative authority: The mayor or anyone else duly authorized by the mayor.

Bag: A plastic, multiple-ply kraft paper or other sack designed to store solid waste with sufficient wall strength to maintain physical integrity when lifted by the top. Such bags shall be in serviceable condition and of such shape, size and weight that allow for safe handling by one person without tearing or breaking apart. Paper or plastic bags shall be closed by a tight sealing method of suitable type, such as drawstring, wire tie, or multiple folds. Bags shall be kept covered or closed at all times. Total weight of a bag and

its contents shall not exceed thirty (30) pounds. Bags shall not have a capacity greater than thirty-three (33) gallons.

Bag tag: A one-time use sticker purchased for the collection of trash and yard waste above the 96-gallon weekly limit, with such fee as set forth in CBMC 2.08.040. Such sticker shall be placed on the bag in a conspicuous area readily viewable to collectors.

Bulk container: A receptacle designed for the storage of a large quantity of solid waste, not exceeding ten cubic yards, and designed for automated collection by collection vehicles, and includes what is popularly referred to as a "dumpster."

Bulky waste: Large household appliances; stoves, refrigerators, water heater tanks, washing machines, toilets, bathtubs, furniture, carpets and rugs, and other household waste materials bundled so as not to exceed sixty (60) pounds or four feet in length, and two feet in diameter.

Bundle: Trees, shrubs and brush trimmings, securely tied together forming an easily handled package not exceeding four feet in length, two feet in diameter or sixty (60) pounds in weight, with no individual branch over 3" diameter.

Byproducts: Means and includes:

A. All material produced, developed or generated incidental to the operation of any business, which is not the principal object of production of such business, but which material, due to its nature, can be sold by the producer thereof at a price greater than the cost of hauling such material to the point of delivery;
B. Material which, due to its nature, can be sold by the producer thereof, at the point of production, for a valuable consideration;
C. Material that the owner or producer thereof can, due to its nature, have removed from his or her premises without cost to him or her;
D. The following, but not limited to the following items: Suet, tallow, bones, and meat trimmings; leafy vegetable matter such as lettuce trimmings, cabbage trimmings, carrot tops, and corn husks; stale bread and pastry; fruit or vegetables no longer fit for human consumption; and
E. Any material which the administrative authority determines to be byproducts.

Cart: Containers used for collection of solid waste and recycling provided by the city and/or the city's contractor, with such carts being the only accepted means of storing and transmitting trash to the right of way for pickup. Such carts shall have a capacity of either 48 or 96 gallons, or other capacity as may be determined by the administrative authority. Such carts are assigned to individual property addresses and shall remain with such property when ownership of such property is transferred. General care, maintenance, and security of the cart shall be the responsibility of the household/property owner where the cart is assigned. The total weight of the cart shall not exceed the manufactures design capacity imprinted on the container.

City contract agent: The person, firm, or corporation with which the city has contracted to collect the residential solid waste of its residential customers.

Commercial collection agent: A person, firm, or corporation engaged in the business of collecting solid waste from one or more commercial establishments and/or residential premises for disposal.

Commercial establishment: Any hotel, motel, trailer court or park, restaurant, market, grocery store, hospital, church, school, country club, private club, store, business concern, farm operation, industrial plant, manufacturing facility, processing facility, service establishment, regardless whether operated for profit or not.

Construction debris: Waste building materials resulting from construction, remodeling, repair or demolition operation, including, but not limited to, wood, concrete, brick, glass, plaster, plasterboard, and roofing materials.

Container: A receptacle with handles and with a capacity of greater than twenty (20) gallons but not more than thirty-two (32) gallons constructed of plastic, metal, or fiberglass and having a tight-fitting lid capable of preventing entrance into the container by vectors. The mouth of a container shall have a diameter greater than or equal to that of the base. The weight of a container and its contents shall not exceed sixty (60) pounds. Other containers agreeable to both city and contractor may be used.

Contractor leased carts: Carts of 96-gallon capacity leased to residents/owners by the City's contractor for the purpose of collecting solid waste and recycling over the 96-gallon limits. All fees assessed for extra service for the collection of solid waste shall be set forth in CBMC 2.08.040.

Curbside: That portion of right-of-way immediately adjacent to the curb or to the traveled portion in the case of a street, or immediately adjacent to the traveled portion in the case of a paved or approved alley. Curbside recycling: The weekly collection of recyclable materials at curbside by the city's contract agent.

Dead animals: Animals or portions thereof that have expired from any cause, except those slaughtered or killed for human use.

Disabled: Any person who (by advanced age or otherwise) lacks competent power, strength, or physical or mental ability to move solid waste carts of the type specified in these specifications.

Disposal: The process of removing solid waste from the point of generation and transporting it to an approved disposal site at which it is to be left for permanent keeping or destruction.

Disposal site: A solid waste depository, including, but not limited to, sanitary landfills, transfer stations, incinerators, and waste processing centers licensed, permitted or approved by all governmental bodies and agencies having jurisdiction and requiring such licenses, permits or approval.

Firewood: Any wood cut into a length of not more than thirty (30) inches or a diameter of not more than eight inches and free of any paint, varnish, or other preservative.

Garbage: Every accumulation of waste (animal, vegetable and/or other matter) that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation of, decay or decomposition of meats, including but not by way of limitation putrescible or easily decomposable waste animal or vegetable matter which is likely to attract flies or rodents; except in all cases any matter hereinafter included in the definition of "bulky waste," "construction debris," "dead animals," "hazardous waste," "rubbish," or "stable matter."

Hazardous waste: Any chemical or compound or mixture thereof, substance, or article which, if improperly used, handled, transported, processed, or stored, may constitute a danger to health or may

cause damage to property by reason of being explosive, flammable, poisonous, unstable, irritating or otherwise harmful.

Recyclable materials: Waste that is designated by the city as part of a special collection for processing for reuse, including but not limited to food container glass, aluminum, steel (tin) cans, #1 through #5 plastics, uncontaminated newspapers and glossy paper (magazines) and cardboard shall be considered uncontaminated if they have not been exposed to substances or conditions rendering them unusable for recycling.

Residential customer: The owner or occupant of a residential premises, or of a condominium dwelling, who is required to place his or her residential solid waste for collection by the city.

Residential premises: Any single-family dwelling or any duplex or two-family dwelling within the city as defined by CBMC 15.03.

Residential solid waste: All garbage, rubbish and bulky waste generated by a residential customer at the residence or residential unit where such person normally resides.

Rubbish: All waste wood, wood products, tree trimmings, grass cuttings, dead plants, weeds, leaves, dead trees or branches thereof, chips, shavings, sawdust, printed matter, paper, pasteboard, rags, straw, used and discarded mattresses, tires exclusive of metal rims and not exceeding three feet in diameter, used and discarded clothing, used and discarded shoes and boots, combustible waste pulp and other products such as are used for packaging or wrapping crockery and glass, ashes, cinders, floor sweepings, glass, mineral or metallic substances and any and all other waste materials not included in the definitions of "bulky waste," "construction debris," "dead animals," "garbage," "hazardous waste," or "stable matter."

Rubble: Inorganic construction debris such as, but not limited to, the following items: Brick, concrete, asphalt, stone, concrete block and clay tile.

Solid waste: Means and includes bulky waste, construction debris, dead animals, garbage, hazardous wastes, recyclable materials, rubbish and yard waste. "Solid waste" shall not include byproducts or rubble as defined herein.

Stable matter: All manure and other waste matter normally accumulated in or about a stable, or in any animal, livestock, or poultry enclosure, and resulting from the keeping of animals, poultry or livestock.

Yard waste: Includes grass clippings, leaves, garden foliage, tree trimmings, hedge trimmings, flower trimmings, dead plants, weeds and sawdust.

(Ord. 6001 § 1, 2008)
(Ord. No. 6352, § 1, 10-22-2018)

4.12.020 Legislative Findings

The city council finds as follows:

A. That an exclusive municipal system for the collection of all residential solid waste is necessary for the preservation of the public health, welfare and safety;
B. That the periodic collection of solid waste from all places in the city benefits all occupants of places and premises in the city;

C. Unpaid fees which are more than sixty (60) days delinquent may be certified by the city treasurer and submitted to the treasurer of Pottawattamie County, Iowa, for collection in the same manner as other taxes, as provided for in the Iowa Code, Chapter 384.84. An administrative assessment fee shall be imposed as set forth in the prevailing schedule of fees at the time of certification as set forth in CBMC 2.08.040; and
D. That there is variation in the amount of solid waste produced at single-family or duplex residential locations. With the implementation of curbside recycling, such deviation does justify the limitations of quantities at such residential location by limiting the quantities produced, participation in the curbside recycling program will be enhanced.

(Ord. 6001 § 2, 2008)
(Ord. No. 6200, § 1, 2-10-2014; Ord. No. 6352, § 1, 10-22-2018)

4.12.030 Burying Of Solid Waste Prohibited

No person, firm or corporation shall bury solid waste within the city except in an approved landfill; nor shall any person, firm or corporation allow his, her, or its solid waste to be disposed of by another by burying in other than an approved landfill; nor shall any person, firm or corporation use or allow his, her, or its property, or property under his, her, or its control, to be used for such burying of solid waste, unless such property has been approved and licensed as a disposal site. The following items may be buried upon the following terms and conditions:

A. Inorganic construction debris (rubble) buried pursuant to appropriate city permit;
B. Materials, such as sludge, which are allowed to be buried pursuant to state statute or regulation; and
C. Leaves and garden and lawn trimmings may be composted and buried on the premises upon which they are generated.

(Ord. 4506 § 2 (part), 1983; Ord. No. 6352, § 1, 10-22-2018)

4.12.040 Storage Of Solid Waste Prohibited

No person, firm or corporation owning, controlling or occupying any residential premises, commercial establishment, apartment or condominium shall permit the storage on such premises, or on other private or public property, of any garbage, rubbish, bulky waste, dead animals, stable matter, construction debris, hazardous waste, rubble, sewage effluent, byproducts, stagnant water, or any other substance that would constitute a hazard to health or property, with the following exceptions:

A. The storage of firewood on residential premises for use by the owner/occupant thereof. Firewood needs to be neatly stacked and kept at least six inches off the ground to prevent rodent harborage; and
B. The storage of any material in connection with a business, wherein the storage of such material is customarily incidental to such business, provided such storage is not contrary to zoning ordinances pertaining to outdoor storage. For purposes of this section, "storage" means the keeping of any item on a premises for other than immediate use, sale or disposal.

(Ord. 6001 § 3, 2008)
(Ord. No. 6352, § 1, 10-22-2018)

4.12.050 Collection And Disposal Of Solid Waste Required

A. Every person, firm or corporation owning, occupying, controlling or renting a residential premises which fronts upon or abuts a public street or alley upon which the city's contract agent maintains a solid waste collection route, and wherein residential solid waste is generated or accumulates, shall cause such solid waste to be placed for collection, either by the city or by the city's contract agent, pursuant to the collection/disposal rules and regulations.

B. Every person, firm or corporation owning, occupying, controlling or renting a condominium dwelling, as defined in CBMC 15.03, of three units or more, or a single unit within said dwelling, wherein residential solid waste is generated or accumulated, shall, in the discretion of and upon direction by the administrative authority, cause such solid waste to be placed for collection, either by the city or by the city's contract agent, pursuant to the collection/disposal rules and regulations.

   The director may require or allow the person or persons owning, occupying, controlling or renting individual dwelling units within a condominium dwelling of three units or more to place the residential solid waste which is generated or accumulates therein for collection by the city's contract agent if he or she determines:

   1. That the collection of solid waste from such units is necessary in the interests of public health, welfare and safety;
   2. That city solid waste collection service can efficiently be provided to all of the individual units therein without undue risk of harm to the equipment of the city's contract agent or to the private roads or streets serving the condominium; and
   3. That a horizontal property regime has been appropriately filed in the office of the county recorder such as would permit valid liens for unpaid solid waste collection service bills to be filed against any and all individual units within said condominium.

C. Every person, firm or corporation owning or managing the premises of a multifamily dwelling or apartment house, as defined in CBMC 15.03.220, wherein individual units are not separate properties pursuant to a horizontal property regime, and every person, firm or corporation owning, occupying, renting or managing a condominium dwelling not serviced by city solid waste collection service pursuant to paragraph B of this section, wherein solid waste is generated or accumulates shall cause such solid waste is to be placed for collection by a commercial collection agent, or shall cause the employees of such establishment to collect and dispose of said solid waste, pursuant to the collection/disposal rules and regulations.

D. Every person, firm or corporation owning, occupying or managing the premises of a commercial establishment wherein solid waste is generated or accumulates shall cause such solid waste to be placed for collection by a commercial collection agent, or shall cause the employees of such establishment to collect and dispose of said solid waste, pursuant to the collection/disposal rules and regulations.

(Ord. 4940 § 2, 1990)
(Ord. No. 6352, § 1, 10-22-2018)

4.12.060 Collection And Disposal - Rules And Regulations

A. Collection from Residential Customers at Residential Premises.

   1. Residential solid waste shall be placed for collection in carts or bags as herein defined, or shall be properly bundled. Bags and carts shall not exceed the size and weight specified in their respective definitions. Bags must be securely tied or sealed. Materials placed

within the cart shall not rise above the rim of the cart and shall not be compressed so tightly as to prevent the material from being dumped upon tipping of the cart.

2. Residential customers shall place residential solid waste including yard waste, with the exception of bulky wastes, as defined herein, for regular weekly collection by the city or the city's contract agent. Residential customers shall be limited to one, ninety-six (96) gallon cart for collection on any collection, but such customer may only place for collection the residential solid waste actually generated by that resident at that residential premises. Residential customers shall be responsible for leasing additional waste and recycling carts from the City's contracted hauler or purchasing a bag tag for each additional bag placed at curbside on a weekly basis that is over the collection limit totaling ninety-six (96) gallons. The fees are to be assessed for extra service for the collection of solid waste as set forth in CBMC 2.08.040.
    a. Residential customers may place separated residential yard waste for regular weekly collection by the city or city's contract agent. For six weeks in the spring and six weeks in the fall, an unlimited amount of yard waste may be placed for collection on any collection day. Such dates are generally defined as the periods April 15 - May 31 and October 15 – November 30, but may change at the direction of the city. Such customer may only place for collection the yard waste actually generated by the resident at the residential premises.
    b. Residential customers may place recyclable material for bi-weekly collection by the city or city's contract agent. Residential customers shall be limited to one, ninety-six (96) gallon cart for collection, but such customer may only place for collection the residential recycling actually generated by that resident at that residential premises. Residential customers shall be responsible for purchasing extra bag tags or leasing additional recycling carts from the City's contracted hauler on a bi-weekly basis that is over the collection limit totaling ninety-six (96) gallons of recycling. The fees are to be assessed for extra service for the collection of solid waste as set forth in CBMC 2.08.040."
3. Each residential customer shall place properly prepared residential solid waste for collection at curbside immediately in front of his or her residence. A residential customer whose residence is on the corner of two intersecting streets upon which the city or the city's contract agent operates a residential collection route may, with the concurrence of the administrative authority, designate which street they will place their residential solid waste for collection, regardless of the street address of such residence. Properly prepared residential solid waste must be placed within five feet of the curb on a paved street, or within five feet of the traveled portion on an unpaved street. In those instances where alley collection has been authorized by the administrative authority properly prepared residential solid waste must be placed within five feet of the paved or traveled portion thereof. Where site conditions would make it unduly difficult for the residential customer to place properly prepared residential solid waste within five feet of the curb or traveled way as specified, or where due to such conditions, the city or the city's contract agent cannot pick up properly prepared residential solid waste therefrom without undue difficulty, the administrative authority may approve an alternate site for collection. Both the residential customer and the city's contract agents shall thereafter be required to use said alternate site for the placement and collection of residential solid waste. When weather or street conditions prevent the collection of residential solid waste on any collection route or portion thereof on any particular regular collection day, the administrative authority may temporarily waive the placement and collection of such solid waste until the next regular collection day for that collection route. After collection

has occurred, residential customers shall be required to remove empty containers from the right-of-way for storage until the next collection.

4. In no event, shall the customer allow bags, carts or containers to remain at the point of collection, or within the City's right of way or front yard setback of the property, past midnight on the day of collection. Exceptions regarding the placement of bags, carts or containers may be granted in accordance with Section 4.12.120 where there is an impracticable hardship with the property that prevents compliance with the siting requirements stated above. Bags, carts or containers shall be stored in such a manner that water will not collect therein.
5. Each residential customer shall be required to place all properly prepared residential solid waste for collection between the hours of 7:00 p.m. on the day preceding collection and 7:00 a.m. on the day of collection for said residence. The collection day for a particular residence shall be determined by reference to the sector within which it is located. The city shall promulgate to each residential customer a schedule indicating in which sector his or her residence is located and indicating when collections will occur in each of the sectors into which the city is divided for collection purposes.
6. Bulky wastes, as defined herein, will be collected only upon prior arrangement made by the residential customer with the city's contract agent. Bulky waste collections from a residential customer's premises will be made by appointment. To arrange for collection of bulky waste items, the residential customer shall be required to contact the city's contract agent. There shall be a limit of two bulky waste and two appliance collections per year per residential address. The placement of bulky waste items for collection shall, in all other respects, be subject to the same regulations as all other residential solid waste. The volume of bulky waste material collected shall not exceed four feet by eight feet by four feet on any given collection day.
7. At residential premises or other residential units served by city solid waste collection service wherein a disabled person resides and wherein there is no able-bodied resident available to place properly prepared residential solid waste for collection at curbside, the city will arrange to collect such waste at the residence, provided such are clearly visible from the street at the time of collection. The determination of the administrative authority as to whether or not a person is disabled for purposes of this provision shall be binding upon such person. Such collections will be made on the regular residential collection day for the sector within which such resident is located and subject to all other collection rules and regulations.
8. Duty to provide/use carts. It shall be the duty of every resident/owner in possession, charge or control of any residential premises covered under this chapter where solid waste is created to keep or cause to be kept carts conforming to the provisions of this chapter for the deposit of solid waste. Cart lids must remain closed at all times except during deposit or collection of solid waste.
9. Nonconforming or dangerous carts. Any solid waste cart that, in the sole discretion of the City, does not conform to the provisions of this chapter, or that may have ragged or sharp edges or any other defect liable to hamper or injure the general public or the persons collecting the contents thereof, must be promptly replaced by a cart as defined under this chapter. Any nonconforming or defective cart may be collected and disposed of by the city as solid waste, after reasonable effort has been made to provide written notice to the resident/owner.
10. Carts for solid waste collection provided by the city or the city's contractor must be maintained for the safe collection of waste. Residents/owners must report wear and tear, incidental, or negligent damage of the carts that affects the safe use of the cart. Typical

wear and tear repairs or replacement will be the responsibility of the city or the city's contractor. The City will determine the type, size, quantity, frequency of collection and location of said solid waste containers and determine whether said solid waste containers are serviceable.

11. Replacement carts. In the event of loss or theft, a one-time replacement city-owned cart shall be provided to the resident/owner at no cost. Additional replacements of city-owned carts shall be provided to the resident/owner at their cost. Repair or replacement of any cart for any other reason will be at the expense of the resident/owner to which the cart(s) are assigned. The cost for such repair and replacement is established by the contract between the city and the city's solid waste contractor and are set forth in CBMC 2.08.040.
12. Cart Exchanges. The resident/owner may request a one-time cart exchange for a change in cart size at no cost. Such exchange will be allowed for both a solid waste cart and a recycling cart. For each additional exchange within one calendar year, there shall be an exchange fee as set forth in CBMC 2.08.040.
13. In the event that the administrative authority determines that a residential premises is not conveniently accessible for collection by the collection vehicles of either the city or its contract agent, the administrative authority may decline to provide residential collection service to such residence. In that event, the owner or occupant of that residence shall be required to obtain solid waste collection services from a commercial collection agent and provide proof of contract to the City.
14. Provision, Waiver and Denial of City Collection Service. Where there is a mixed commercial and residential use located upon a parcel of property under single ownership and control, the administrative authority may either deny or waive the provision of city collection services to the residential portion thereof if it is determined that such mixed commercial and residential use can be conveniently serviced and will be continuously serviced by a commercial collection agent, or if it is determined that the city's collection services would likely be overburdened by attempting to provide collection services to that parcel.
15. Failure to place residential solid waste for collection in appropriate bags, bundles or cart, or in the required location, or at other than the required time on the collection day shall constitute a misdemeanor. However, residential solid waste which is not placed for collection in appropriate bags, bundles, or cart, or in the required location, or during the required time on the collection day, need not be collected by the city or the city's contract agent. In the event that residential solid waste is not collected for appropriate cause, the residential customer involved shall be required to immediately remove such solid waste from curbside and either dispose of it or securely and safely store it for collection on the next collection day. Failure to so remove and either dispose of or store residential solid waste shall constitute a misdemeanor.
16. In the event that the residential solid waste which a residential customer places for collection spills from the bags, bundles or cart prior to its collection, the city's contract agent will not be required to collect same, and the residential customer shall be required to clean up and place said solid waste for collection on the next collection day. In the event that the city's contract agent spills residential solid waste while collecting or transporting same, such agent shall immediately inform the administrative authority thereof and immediately clean-up said spill.

B. Collection from the Premises of a Commercial Establishment, Apartment or Condominium.

1. The person, firm or corporation owning or operating: (i) a commercial establishment, (ii) an apartment house or complex of three or more units which are not separate properties pursuant to a horizontal property regime, or (iii) a condominium dwelling which is not

served city solid waste collection service shall arrange for the weekly collection and disposal of all solid waste generated therein by either a licensed commercial collection agent or by the employees of such commercial establishment, apartment or condominium, provided that the hauling vehicle is covered by a tarp to prevent spillage and subject to the following rules and regulations.

2. Each such commercial establishment, apartment or condominium shall place its solid waste for collection in containers or bulk containers as defined in this chapter. Such containers or bulk containers shall be provided either by the owners or operators of the commercial establishment, apartment or condominium, or by their commercial collection agent.
3. Containers for solid waste from such a commercial establishment, apartment or condominium may be placed for collection at curbside on the date of collection, provided that said collection day does not coincide with the city's residential collection day in that zone. After collection has occurred, all containers must be removed from the right-of-way. Containers may not be stored in the right-of-way or the front yard setback of a commercial establishment for purposes of collection or storage. The location for placement of containers and bulk containers for collection and storage purposes shall be determined by the commercial establishment and its solid waste collection agent, but shall be subject to the approval of the administrative authority. Containers and bulk containers must be stored and maintained in such a manner that water will not collect therein.
4. Every person, firm or corporation owning, occupying or operating the premises of such a commercial premises, apartment or condominium, and each tenant or occupant of an individual unit in such apartment or condominium, shall cause all solid waste generated or accumulating therein to be collected and disposed of at least once each week, either by the employees of such commercial establishment, apartment or condominium or by a commercial collection agent, unless collection at a longer interval is authorized by the administrative authority, or unless weekly collection thereof is temporarily waived by the administrative authority due to weather or street conditions.
5. Byproducts maybe collected by someone other than a commercial collection agent, if the byproducts so collected are to be used in the manufacture of another product or in another legally permissible manner.
6. In the event that a commercial collection agent, or any other person, firm or corporation engaged in the collection or transportation of solid waste, spills such solid waste while collecting or transporting same, such agent, person, firm or corporation shall immediately inform the administrative authority thereof and shall be required to immediately clean up such spill.
7. All vehicles utilized by any person, firm, commercial collecting agent or corporation for the purpose of solid waste collection and/or transportation must be equipped with a box that is of metal construction or other impervious material, fully enclosed, and leak proof, with the following exception:
    a. The administrative authority may make exceptions to these rules and regulations when undue hardship would result from their literal application, and may also impose further conditions and requirements when necessary to protect the public health, welfare, safety and convenience. The administrative authority is further authorized to make, and from time to time, amend as the need arises, such rules not inconsistent with the provisions of this chapter as may be necessary, reasonable and proper, to affect the proper, expedient, economical and efficient collection and removal of solid waste by either the city or its contract agent, by a commercial establishment, or by a commercial collection agent.

(Ord. 6001 § 4, 2008)
(Ord. No. 6352, § 1, 10-22-2018)

4.12.061 Waste Preparation Practices

1. Garbage. All garbage placed in containers for collection shall have drained from it all free liquid and shall be wrapped, bagged or enclosed in plastic material.
2. Yard waste. All loose grass, leaves and other small particles not placed into carts shall be bagged in accordance with this chapter. All trees, shrubs, brush trimmings or other yard waste must be bundled in accordance with this chapter.
3. Dangerous/Hazardous Waste Items. All dangerous waste items and/or waste material of an injurious or hazardous nature, including, but not limited to, broken glass, light bulbs, sharp pieces of metal and fluorescent tubes, shall be securely wrapped to prevent injury to the collection crews. Unwrapped dangerous waste items shall not be placed in multi-ply kraft paper bags or polyethylene plastic bags and placed for collection by the City.
4. Separation of Recyclable Materials Required. Recyclable material must be clean and separated from other garbage.

4.12.063 Abandoned Appliances

It is unlawful for any person to leave or permit to remain outside of any building or other structure, or within any unoccupied or abandoned building, dwelling, or other structure under their control, in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator, freezer, or other appliance or container which has an airtight door or lid, snap lock, or other locking device which may not be released from inside, without first removing the door or lid, snap lock, or other locking from device from the ice box, refrigerator, freezer, appliance or container.

(Ord. 5593 § 1, 2001)
(Ord. No. 6352, § 1, 10-22-2018)
(Ord. 5012 § 2, 1991)
(Ord. No. 6352, § 1, 10-22-2018)

4.12.070 Supervision

The administrative authority shall enforce the regulations of this chapter relating to the collection and removal of all solid waste by the city or by the city's contract agent, by employees of commercial establishments, or by commercial collection agents.

(Ord. 4506 § 2 (part), 1983)
(Ord. No. 6352, § 1, 10-22-2018)

4.12.080 Solid Waste - Persons Permitted To Collect

No person, firm or corporation shall gather, collect or remove any solid waste from any place or premises in the city or convey or transport the same over the public streets thereof except:

A. The city or its contract agents, or the servants and employees of either while acting as such;
B. A commercial collection agent holding a permit and acting as such pursuant to the provisions of this chapter;
C. Employees of a commercial establishment, apartment or condominium not served by city solid waste collection service when engaged in the collection and disposal of solid waste from that commercial establishment, apartment or condominium;
D. Owners/occupants of a residential premises, while engaged in the cleanup of such premises, and those assisting such owners/occupants without remuneration; and

E. Any owner or operator of a sanitary disposal project as defined in the Iowa Code, 1989 edition, § 455B.301 which has a facility in Council Bluffs, Iowa, shall pay to the city a monitoring and inspection fee for all solid waste generated outside the city limits of Council Bluffs, Iowa, which is accommodated by said facility. This fee shall be as set forth in the city's prevailing schedule of fees. It shall be paid monthly by the fifteenth (15th) day of the month following its accrual. In addition to this fee, the owner/operator shall pay for any tests deemed necessary by the administrative authority to adequately monitor said facility.

(Ord. 4997 § 2, 1991)
(Ord. No. 6352, § 1, 10-22-2018)

4.12.090 Commercial Collection Permit Required

A. No person, firm or corporation shall arrange or contract with any commercial establishment or residential premises for the collection of solid waste therefrom, or make any such collections, without first obtaining a commercial collection permit from the administrative authority. The applicant for such permit must submit all vehicles proposed as collection vehicles for inspection to determine if the bodies of such vehicles comply with the requirements of CBMC 4.12.060 Paragraph B,7, given the type of solid waste which the applicant proposes to haul therein. Application shall be on such forms as are prescribed from time to time by the administrative authority. The application shall contain an indemnity and hold harmless agreement which must be executed by the applicant. The application shall be accompanied by a certificate of insurance evidencing public liability insurance for vehicles and collection operations in the amount of one million dollars ($1,000,000.00), and by a permit fee for each vehicle covered thereby as set forth in the prevailing schedule of fees. Such fee shall be for the city's expense in inspecting collection vehicles and in processing the application, and shall be nonrefundable regardless whether or not a permit is issued. The permit shall indicate the type or types of solid waste which may be hauled in each collection vehicle, and a commercial collection agent may haul only that type of solid waste in his or her vehicle(s) which is indicated on the permit.
B. The administrative authority may impose such conditions as in its opinion are necessary for the preservation of the public health, welfare and safety and no person holding such permit shall violate any of the conditions imposed by the administrative authority.
C. All commercial collection permits issued by the administrative authority shall expire on January 1st of each year.

(Ord. 4506 § 2 (part), 1983)
(Ord. No. 6352, § 1, 10-22-2018)

4.12.100 Disposal

The city and its contract agents, all commercial collection agents, and the haulers of any type of solid waste produced in the city or hauled through the city over city streets shall dispose of all solid waste at a disposal site approved by the administrative authority. Clean rubble such as brick, concrete, stone, concrete block and clay tile may be disposed of at other locations within the city approved by the administrative authority as a rubble dump, or may be utilized as fill at a site within the city, if a proper permit has been obtained therefor.

(Ord. 4940 § 4, 1990)
(Ord. No. 6352, § 1, 10-22-2018)

4.12.110 Collection Fees - Residential

A. The standard residential collection and disposal fee shall be as provided in the prevailing schedule of fees, shall be billed as set out in the schedule of fees, shall not be transferable to another property, and shall not be refundable unless the account is terminated.

B. A late fee shall be applied to accounts for which payment is not received by the due date as set forth in CBMC 2.08.040.

C. A special residential collection and disposal fee is established at one-half the standard residential collection and disposal fee created by paragraph A of this section. The special residential collection and disposal fee shall be payable annually in advance. Failure to timely pay the special fee as provided in this paragraph shall forfeit eligibility for the special fee, and shall reinstate the standard fee established in paragraph A of this section. A family unit or owner-occupant of residential premises may be eligible for the special fee if the applicant:

1. Has an annual combined gross household income which does not exceed the U.S. Department of Health and Human Services poverty guidelines for a two-person household;
2. Has timely filed an application with the city of Council Bluffs, Iowa, reciting such facts and requesting the benefits of this provision;
3. Has waived any right to confidentiality relating to the information referenced in such application and authorizes or executes a limited power of attorney to the city of Council Bluffs, Iowa, to verify such information from the records of the Iowa Department of Revenue and/or Pottawattamie County social services department;
4. Has received notification by the city that such application has been approved by the administrative authority;
5. Submits payment of the annual fee on or before the first day of December following the July billing, effective with the July, 2008 billing; and
6. Entitlement to the special fee shall be on an annual basis coinciding with the city's fiscal year commencing July 1st of each calendar year through June 30th of the subsequent calendar year. Application for the fiscal year special fee entitlement must be received by the city on or before June 1st of the preceding fiscal year in order to be considered for approval. The form of application shall be approved by the mayor, and such forms shall be made available in city hall. This special fee shall be transferable and refundable.

C. The administrative authority is authorized to make, and from time to time amend as the need arises, such rules not inconsistent with the provisions of this chapter as may be reasonable, necessary and proper to permit the equitable application of the collection fees in all circumstances. The administrative authority shall have the authority to make such adjustments to fees as are necessary and equitable.

(Ord. 6001 § 5, 2008)
(Ord. No. 6352, § 1, 10-22-2018)
HISTORY: *Amended by Ord. 6438 on 1/25/2021*

4.12.120 Appeals

The administrative authority is authorized to establish an appeal procedure, under such rules as the administrative authority may from time to time prescribe, for appeals by parties aggrieved by the application of the provisions of this chapter, or by the application of any rules adopted by the administrative authority pursuant to this chapter.

(Ord. 4506 § 2 (part), 1983)
(Ord. No. 6352, § 1, 10-22-2018)

4.12.130 Penalty

Any person found guilty of a violation of any of the provisions of this chapter shall, upon conviction, be subject to the penalty provisions of CBMC 8.02.020. Each day that a violation is allowed to continue shall constitute a separate and distinct violation. At the discretion of the city attorney, any violation of the provisions of this chapter may be pursued as a municipal infraction according to the terms of CBMC 1.95 in lieu of criminal prosecution.

(Ord. 5593 § 2, 2001)
(Ord. No. 6352, § 1, 10-22-2018)

4.12.140 Nuisance

The storing of solid waste on private property for more than three days in violation of CBMC 4.12.040 is a nuisance.

(Ord. 5219 § 1, 1995)
(Ord. No. 6352, § 1, 10-22-2018)

4.12.150 Notice

The adoption of the ordinance codified in this code section by the city council shall be notice to the public of the requirements of this chapter. However, upon the finding of a nuisance as set out in CBMC 4.12.140, the administrative authority shall give the additional notice of violation and opportunity to cure in the following manner:

A. By causing a dated and signed placard to be posted in a conspicuous place on the parcel of property found to be in violation of this chapter. The placard shall state that the parcel is in violation of this chapter, and that the failure of the owner to abate the nuisance within three days of the date stated on the placard will result in the city abating the nuisance and assessing the actual costs and an administrative fee against the property. It shall also advise the property owner of the appeal rights which were established pursuant to CBMC 4.12.120; and
B. By regular mail to the owner of the property as shown by the records of the county auditor. The notice shall state that the subject parcel of land is in violation of the requirements of this chapter, and that failure of the owner to abate the nuisance within three days of posting will result in the city abating the nuisance and assessing the actual cost and an administrative fee against the property. It shall also state the appeal rights which were established pursuant to CBMC 4.12.120.

(Ord. 5219 § 2, 1995)
(Ord. No. 6352, § 1, 10-22-2018)

4.12.160 Payment Or Assessment Of Costs

A. Upon completion of the abatement of a nuisance under the authority of this chapter, the property owner shall be charged a fee to cover the costs of abatement. The fee shall be as set forth in the prevailing schedule of fees of the city of Council Bluffs as most recently adopted by the city council, and shall be based on actual costs to the city to have the nuisance abated.
B. The administrative authority shall demand payment of such fee from the property owner by mailing a statement of the fee to the last known address of the owner and/or person in possession by ordinary mail. Such statement shall be due and payable upon mailing and shall be delinquent if not paid within ten (10) days of mailing.
C. Any fees for the abatement of the nuisance which are delinquent may be assessed against the property for collection in the same manner as a property tax, pursuant to the provisions of Iowa

Code § 364.12. An additional administrative fee shall be added to each delinquent account if it is certified for collection by the county auditor. The additional administrative fee shall be as set forth in the prevailing schedule of fees of the city of Council Bluffs as most recently adopted by the city council.

(Ord. 5219 § 3, 1995)
(Ord. No. 6352, § 1, 10-22-2018)

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its publication and beginning July 1, 2023, as by law provided.

PASSED
AND June 12, 2023.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

First Consideration: 5-22-23
Second Consideration: 6-12-23
Public Hearing: n/a
Third Consideration: _____