ORDINANCE NO. 6438

AN ORDINANCE TO AMEND TITLE 4-HEALTH AND SANITATION, CHAPTER 4.12 SOLID WASTE CONNECTION AND DISPOSAL, SECTION 4.12.110 "COLLECTION FEES - RESIDENTIAL" OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

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

SECTION 1. That Title 4-Health and Sanitation of the 2020 Municipal Code of Council Bluffs, Iowa, is hereby amended by amending Chapter 4.12 – Solid Waste Connection and Disposal, Section 4.12.110 "Collection Fees - Residential" to read as follows:

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 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)

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 final passage and publication, as by law provided.

PASSED
AND January 25, 2021.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

First Consideration: 1-11-21
Second Consideration: 1-25-21
Public Hearing: 1-25-21
Third Consideration: _____