

TITLE 13 – PUBLIC UTILITIES
CHAPTER 3 – GARBAGE AND RECYCLING COLLECTION

SECTIONS:

- 13-3-1 Definitions
- 13-3-2 Sanitation District
- 13-3-3 Deposit, Accumulation, and Burning
- 13-3-4 Preparation of Refuse and Recycling for Collection
- 13-3-5 Refuse Containers
- 13-3-6 Removal of Container Lids
- 13-3-7 Cleaning of Containers
- 13-3-8 Prohibited Materials
- 13-3-9 Containers - Location
- 13-3-10 Collection of Refuse and Recycling
- 13-3-11 Collection Fees
- 13-3-12 Notice of Multiple Dwellings
- 13-3-13 Violation Declared Nuisance
- 13-3-14 Responsibility of Owner to Terminate Service
- 13-3-15 Assessment of Unpaid Charges
- 13-3-16 Preparation of Delinquent List

13-3-1 Definitions. As used in this Chapter, the following terms shall have the meanings ascribed to them:

- A. "Ashes" shall mean and include the ashes of wood, paper, coal, coke, or charcoal and the residue resulting from the combustion of any material or substance.
- B. "Curbside" shall mean at the lot line abutting a public alley if the property is served by such an alley and shall mean within three feet (3') of the edge of the paved portion of a public street (a public sidewalk shall be excluded from the calculation of said three feet (3')).
- C. "Domestic refuse" shall mean garbage, ashes, and miscellaneous rubbish originating from a building or buildings containing exclusively dwelling units or accessory uses to a dwelling unit and shall be divided into the following three (3) classes:
 - 1. Class I-Domestic (single family and multi-family up to five (5) units) refuse permitted to be stored in trash cans.
 - 2. Class II-Domestic (six (6) or more dwelling units) and commercial refuse permitted to be stored in trash cans.
 - 3. Class III-Domestic refuse consisting entirely of miscellaneous rubbish.
- D. "Dumpster" shall mean any container with at least a two (2) cubic yard capacity and a maximum of four (4) cubic yard capacity and shall be equipped with a hinged lid, wheels, and such other equipment as is needed for mechanical dumping.
- E. "Garbage" means all solid and semisolid, putrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material 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.

(Iowa Admin. Code r. 567-100.2[455B,455D])

- F. "Hazardous materials" shall include explosive materials; drugs; poisons; radioactive materials; highly combustible materials; solid dressings, clothing, bedding, or other wastes which are contaminated by infection or contagious disease; other wastes which present an unreasonable risk of injury to collection personnel or equipment or to the public; and material as defined by the Iowa Department of Environmental Quality as hazardous.
- G. "Household hazardous waste" shall mean toxic and/or corrosive products, e.g. oil-based paints, insecticides, thinners, solvents, cleaners, turpentine, furniture stripper, nail polish remover, etc.
- H. "Industrial waste" shall mean wastes such as acids, oils, chemicals, grease, tires, vehicle and aircraft parts, ashes, cinders, and other wastes, including construction wastes, such as earth, plaster, metals, wood, plastics, tile, brick, concrete, terra cotta, slate, marble, minerals, and other similar wastes.
- I. "Miscellaneous rubbish" shall mean materials or substances discarded as worthless, such as paper, rags, cardboard, wearing apparel, excelsior, sticks, chips, leaves, straw, bottles, crockery, metals, plastics, tin cans, and other household items.
- J. "Recycling" means any process by which waste, or materials which would otherwise become waste, are collected, separated, or processed and revised or returned to use in the form of raw materials or products. "Recycling" includes but is not limited to the composting of yard waste which has been previously separated from other waste, but does not include any form of energy recovery.

(Code of Iowa, Section 455D.1)

- K. "Refuse" means putrescible and non-putrescible wastes including but not limited to garbage, rubbish, ashes, incinerator ash, incinerator residues, street cleanings, market and industrial solid wastes and sewage treatment wastes in dry or semisolid form.

(Iowa Admin. Code r. 567-100.2[455B,455D])

- L. "Residential premise" shall mean a single-family dwelling, a multiple family dwelling consisting of up to and including five (5) units, or a property used by the City of Muscatine.

- M. "Rubbish" means non-putrescible solid waste consisting of combustible and noncombustible wastes, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind.

(Iowa Admin. Code r. 567-100.2[455B,455D])

- N. "Solid waste" means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by Section 321.1 of the Code of Iowa, Subsection 90. This definition does not prohibit the use of rubble at places other than a sanitary disposal project. Solid waste does not include toxic and hazardous wastes as defined by the Iowa Department of Natural Resources.

(Code of Iowa, Section 455B.301)

- O. "Trash cart" shall mean the City provided roll out container with either a thirty-five (35) gallon, sixty-five (65) gallon, or a ninety-five (95) gallon capacity. Residents are to utilize plastic trash bags for trash disposal inside their trash cart.
- P. "Yard waste" means debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

(Iowa Admin. Code r. 567-100.2[455B,455D])

- Q. "Yard waste bag" shall mean a special degradable bag supplied by the City with not less than fifteen (15) gallon capacity nor more than twenty-five (25) gallon capacity. This bag shall be capable of decomposing within 60 days of exposure to aerobic bacteria or ultraviolet light.

13-3-2 Sanitation District. There is hereby established in the City a sanitary district, such district to comprise and embrace all the area within the Corporate Limits of the City, for the collection and disposal of garbage and such other waste material as may become dangerous to the public health or detrimental to the best interests of the community, such provision being in compliance with the Code of Iowa.

13-3-3 Deposit, Accumulation, and Burning.

- A. Unless otherwise provided, no person shall burn, place, throw, deposit, drop, dump, spill, or store, or cause to be burned, placed, thrown, deposited, dropped, dumped, spilled, or stored on any public or private property any refuse or hazardous material.
- B. Unless otherwise provided, no owner shall allow to be accumulated on their premises any refuse or hazardous material.

13-3-4 Preparation of Refuse and Recycling for Collection. No person shall place refuse out for collection unless properly prepared for collection. Garbage shall be thoroughly drained and wrapped or placed in disposal containers before being placed into containers for collection. Recycling should be placed in the recycling container provided for collection. Yard waste that is not composted on the premises shall be prepared as follows:

- A. Grass clippings shall only be placed in specially marked yard waste bags that are distributed by the City through retail outlets.
- B. Tree limbs and trimmings, clippings, and other similar waste from shrubs or trees shall be bundled with degradable string or cord in four foot (4') lengths.
- C. Leaves not collected by the City's leaf vacuum units shall be placed in yard waste bags distributed by the City through retail outlets.
- D. Other yard wastes shall be placed in yard waste bags distributed by the City through retail outlets.

13-3-5 Refuse Containers. It shall be unlawful for any person to keep refuse on his premises except in the appropriate containers as prescribed in this Section. The required containers shall be as follows:

A. Type of Building.

- 1. Residential Buildings of Five (5) Units or Less. The owner or agent of the owner shall provide or shall require the occupant of each dwelling unit to provide a minimum of

two (2) trash cans for a building containing five (5) or fewer dwelling units. The owner or the agent of the owner can request each tenant be billed at the residential rate for refuse collection services. The number of roll out carts will be based on the number of units. Each individual billing unit will be eligible for one City supplied cart.

2. Commercial and Industrial Buildings. The owner, agent of the owner, or the occupant of any multi-family units of six (6) units or more or commercial or industrial building shall provide a sufficient number of dumpsters or trash cans so that all commercial rubbish can be contained therein during the interval between collections.

B. Type of Refuse.

1. Garbage, Ashes, and Commercial Rubbish. This type of refuse shall be placed in either trash cans or dumpsters as required in (A) above.
2. Miscellaneous Rubbish. Miscellaneous rubbish shall be placed in suitable containers for handling and shall not exceed a loaded weight of fifty (50) pounds. Large discarded household articles shall be less than ten (10) cubic feet in volume and shall not weigh more than fifty (50) pounds. Yard waste shall be prepared and placed for collection as set forth in Section 13-3-4.

- C. Separation of Yard Wastes Required. All yard wastes shall be separated by the owner or occupant from all other garbage and refuse accumulated on the premises and shall be composted on the premises, collected by leaf vacuum units, or placed in degradable bags supplied by the City and set out for collection by the City.

- D. Recycling. All items set out for recycling shall be placed in the recycling container provided to each resident.

13-3-6 Removal of Container Lids. No person shall remove a container lid or allow to remain uncovered a trash can or dumpster except for the purpose of depositing refuse therein, for collection thereof, or for the cleaning thereof.

13-3-7 Cleaning of Containers. The owner of a trash can, recycling container, or dumpster shall clean and maintain such in a sanitary condition.

13-3-8 Prohibited Materials. No person shall place or cause to be placed in containers for refuse any of the following materials:

- A. Material contaminated by infectious or contagious disease. Such materials may be disposed of only according to applicable State and/or Federal Law.
- B. Hazardous materials. Such materials may be disposed of only according to applicable State and/or Federal Law. However, household hazardous wastes are exempted.
- C. Waste motor oil. Such material shall only be disposed of at drop-off points designated by the City or applicable State and/or Federal Agencies.
- D. Lead acid batteries. Such materials shall only be disposed of at drop-off points designated by the City or applicable State and/or Federal Agencies.
- E. Tires. Such materials shall only be disposed of at drop-off points designated by the City or in accordance with applicable State and/or Federal regulations.
- F. Appliances. Such material shall only be disposed of at drop-off points designated by the City or in accordance with applicable State and/or Federal regulations.

13-3-9 Containers—Location

- A. Refuse and recycling containers shall be placed for City collection pursuant to Subsections (B) and (C) at or before 5:00 o'clock A.M. on collection days, but in no case, earlier than 4:00 o'clock P.M. the day before collection. Empty containers on curb setouts shall be returned to the container storage area within twelve (12) hours after collection. The storage area shall be either within a building or to the rear or side of the residence. The owner and tenant/occupant are jointly and severally responsible for compliance with this Chapter.
- B. Where City collections are made from alleys, refuse and recycling containers shall be placed adjacent to and in back of the property line abutting the alley. Special arrangements may be made with the City to permit containers or dumpsters in the alley if the owner's building is on the property line.
- C. Where City collections are made from streets, refuse and recycling collection containers shall be placed within three feet (3') of the back of the curb line or the shoulder of the street without causing the container to be placed on any public street or sidewalk.
- D. Recycling containers must be three (3') from any structure.
- E. Owners who have requested a curbside pickup prior to their trash pickup day, may set out refuse to be collected in bags if the bags are completely intact and tightly sealed. Each household is allowed three (3) curbside pickups per calendar year for bulky items. Five (5) to seven (7) bulky items are allowed per pickup.
- F. Any handicapped or senior citizen owner who is unable to set out their refuse containers pursuant to Subsections (B) and (C) may petition the Solid Waste Manager to collect their refuse at their regular storage area. The Solid Waste Manager may grant the request if reasonable grounds for the request exist.

13-3-10 Collection of Refuse and Recycling.

- A. The City of Muscatine shall collect and dispose of weekly only Class I and Class III domestic refuse, but only if said domestic refuse is properly prepared for collection and disposal, is within an authorized container (if required), and is at curbside or adjacent to the alley.
- C. The City of Muscatine will collect and dispose of Class II domestic and commercial refuse upon request by the owner, provided such refuse is within authorized containers.
- D. The City shall adopt rules and regulations concerning what materials within Class III domestic refuse cannot practically be collected as part of the weekly scheduled City collection. Those rules and regulations shall be filed with the City Clerk. All such materials listed as not practical for weekly collection shall be collected by the City by special collection arranged through the Solid Waste Manager during the City's "cleanup" week in the spring.
- D. All refuse other than Class I, II, and III domestic and commercial refuse picked up by the City of Muscatine shall be collected and disposed of at the expense of the occupant, tenant, owner, or agent of the owner of the premises upon which the refuse is located. The collection and disposal shall be performed by a licensed refuse hauler pursuant to Title 5, Chapter 15 of the City Code, or by equipment owned by the occupant, tenant, owner, or the agent of the owner of the premises upon which the refuse is located. Said collection and disposal shall be in accordance with this Code, all other ordinances of the

City, and with state and federal laws and regulations and shall be performed or done as often as the need requires but in no case less often than once per week.

- E. Recycling is collected on a biweekly basis as determined by the Solid Waste Manager and contracted vendor. An updated schedule will be published annually.
- F. Collection schedules for refuse and recycling may vary from one another during holiday schedules. The Solid Waste Manager will publish the holiday schedule prior to the holiday.

13-3-11 Collection Fees. The City Council shall establish by resolution monthly collection fees for Class I and III domestic waste and establish the guidelines for collection fees for Class II domestic and commercial accounts. The fees shall be set by resolution of City Council and are set out in the Schedule of Fees and Charges in Appendix C to this Code of Ordinances.

The City Council hereby delegates the billing of all refuse collection charges to the Board of Water, Electric, and Communications Trustees, except those customers without a utility account with the Board of Water, Electric, and Communications Trustees. The authority to accept payment of the same is also delegated to the Board of Water, Electric, and Communications Trustees of the City of Muscatine, Iowa.

As part of the duties delegated to the Board of Trustees, an accurate and complete record of such collections will be maintained and at least once each week, all funds so collected shall be deposited in a bank or banks specified by the Finance Director in the Refuse Collection Fund. The City Council authorizes that the Board of Trustees shall charge to the City a service charge for the cost of billing and collecting the refuse collection charges. As a part of the duties delegated to the Board of Trustees, an accurate and complete list of delinquent accounts shall be sent to the Finance Director on at least a monthly basis, in addition to regular monthly refuse collection revenue reports.

13-3-12 Notice of Multiple Dwellings. It shall be the duty of the owners of multiple dwellings to notify the City of the persons occupying the premises for which the services of this Chapter shall be required. The City shall keep a list of all persons occupying multiple dwellings and shall notify all owners thereof of delinquent accounts owed by the occupants of such premises, when such account shall be delinquent for more than three (3) months.

13-3-13 Violation Declared Nuisance. The presence on any premises of any garbage or refuse in violation of any Section of this Chapter is hereby declared a nuisance and it is hereby provided that either the owner or occupant, or both, of such premises shall be subject to the provisions as set forth in Title 9, Chapter 3 of the City Code.

13-3-14 Responsibility of Owner to Terminate Service. Charges shall be made against all premises and it shall be the responsibility of the owner or occupant to notify the City when service is not desired when the building is vacant.

13-3-15 Assessment of Unpaid Charges. The collection of garbage and refuse by the City, as provided by this Chapter, is hereby declared a benefit to the property so served and in case of failure to pay the monthly collection fee heretofore provided, then the monthly charge shall be assessed against the property benefited in the manner provided by special assessment.

(Code of Iowa, Section 364.12[3][h])

13-3-16 Preparation of Delinquent List. On or before April 1st of each year, the Director of Finance shall prepare a delinquent list of persons failing to pay the monthly charge required by this Chapter, which list shall show the property to which the service was rendered and the

amount due therefrom. The City Clerk shall thereupon prepare a resolution assessing the delinquent charges to the property so benefited, and which resolution having passed by an affirmative vote of the Council, shall be certified for collection as provided by law in cases of special assessment.