

CHAPTER 105

SOLID WASTE CONTROL

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105.01 PURPOSE. The purpose of the chapters in this Code of Ordinances pertaining to Solid Waste Control is to provide for the sanitary storage, collection and disposal of solid waste and, thereby, to protect the citizens of the City from such hazards to their health, safety and welfare as may result from the uncontrolled disposal of solid waste.

105.02 DEFINITIONS. For use in these chapters the following terms are defined:

1. "Banned substance" means lead, acid batteries, oil, medical waste, explosive materials, rags or materials soaked in volatile or flammable substances, drugs, poisons, radioactive material, highly combustible materials and any other materials prohibited from disposal at a sanitary landfill pursuant to the Code of Iowa.
2. "Biodegradable bags" means any untreated paper bags or biodegradable plastic bags acceptable to the compost station or facility used by the yard waste hauler or collector.
3. "Composting" means a controlled microbial degradation of organic waste to produce a relatively nuisance-free product of potential value as a soil conditioner.
4. "Director" means the director of the State Department of Natural Resources or any designee.

(Code of Iowa, Sec. 455B.101[2b])

5. "Dwelling Unit" means any room or group of rooms located within a structure

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and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking or eating.

6. "Garbage" means all solid and semisolid, putrescible animal and vegetable waste 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 by-products, and includes all such substances from all public and private establishments and from all residences.

(IAC, 567-100.2)

7. "Hauler" or "Collector" means any person authorized by contract with the City to engage in the business, process or any part of the storage, collection, transportation and disposal of solid waste.

8. "Landscape Waste" means any vegetable or plant waste except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.

(IAC, 567-20.2[455B])

9. "Lead acid battery" means any battery which contains lead plates and acid.

10. "Litter" means any garbage, rubbish, trash, refuse, waste materials or debris.

(Code of Iowa, Sec. 455B.361[1])

11. "Medical waste" means any waste of an infectious or poisonous nature, including drugs, poisons, blood, urine, feces, soiled dressings, soiled clothing, soiled bedding and other waste contaminated by infection or contagious diseases, used syringes, or any other materials or apparatus used for medical testing and any waste determined to be infectious by the Iowa Department of Natural Resources.

12. "Oil" means any substance containing petroleum or synthetic oil.

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

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chimney or stack.

(IAC, 567-100.2)

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

(IAC, 567-100.2)

15. "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 joint and several.

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

(IAC, 567-100.2)

17. "Residential Waste" means any refuse generated on the premises as a result of residential activities. The term includes landscape waste grown on the premises or deposited thereon by the elements, but excludes garbage, tires and trade waste.

(IAC, 567-20.0[455B])

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

(IAC, 567-100.2)

19. "Sanitary Disposal" means a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.

(IAC, 567-100.2)

20. "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

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approved by the Director.

(Code of Iowa, Sec. 455B.301)

21. "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 subsection 321.1 of the Code of Iowa.

(Code of Iowa, Sec. 455B.301)

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

105.03 HEALTH AND FIRE HAZARD. It is unlawful for any person to permit to accumulate on any premises, improved or vacant, or any public place, such quantities of solid waste that constitute a health, sanitation or fire hazard.

105.04 OPEN BURNING RESTRICTED. No person shall allow, cause or permit open burning of combustible materials, except that the following shall be permitted:

(IAC, 567-23.2[455B])

1. Disaster Rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists.

(IAC, 567-23[3a])

2. Trees and Tree Trimmings. The open burning of trees and tree trimmings at a City-operated burning site, provided such burning is conducted in compliance with the rules established by the State Department of Natural Resources.

(IAC, 567-23[3b])

3. Flare Stacks. The open burning or flaring of waste gases, provided such open burning or flaring is conducted in compliance with applicable rules of the State Department of Natural Resources.

(IAC, 567-23.2[3c])

4. Landscape Waste. The burning of landscape waste produced in clearing,

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grubbing and construction operations shall be limited to areas located at least one-fourth (1/4) mile from any inhabited building and shall only be conducted when the weather conditions are favorable with respect to surrounding property and property owners. Rubber tires shall not be used to ignite landscape waste. In the event of an emergency, the Mayor may allow open burning for a period not to exceed sixty (60) consecutive days.

(IAC, 567-23.2[3d])

5. Recreational Fires. Open fires for cooking, heating, recreation and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the State Department of Natural Resources.

(IAC, 567-23.2[3e])

6. Training Fires. Fires set for the purpose of bona fide training of public or industrial employees in fire fighting methods, provided that written notification is postmarked or delivered to the Director at least ten (10) working days before such action commences. All asphalt roofing and materials containing asbestos shall be removed prior to the training fire.

(IAC, 567-23.2[3fg])

7. Variance. Any person wishing to conduct open burning of materials not permitted herein may make application for a variance to the Director.

(IAC, 567-23.3[2])

105.05 LITTERING PROHIBITED. No person shall 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.

(Code of Iowa, Sec. 455B.363)

105.06 OPEN DUMPING PROHIBITED. No person shall dump or deposit or permanently dispose of solid waste of any kind upon any land within the corporate limits of the City unless such land has been designated by the City as a licensed private landfill site or a designated public landfill site. However, this section does not prohibit the use of dirt, stone, brick or similar inorganic material for fill, landscaping, excavation,

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or grading at places other than a sanitary disposal project.
(Code of Iowa, Sec. 455B.307)

105.07 SEPARATION AND DISPOSAL OF BANNED SUBSTANCES.

1. All banned substances shall be separated by the owner or occupant from all other solid waste accumulated on the premises.
2. All solid waste picked up by any hauler or collector within the City limits for disposal at any area landfill shall not contain banned substances.
3. If banned substances have not been separated from other solid waste prior to collection and transportation, the hauler of the waste shall be responsible for separation and disposal. Banned substances shall be disposed of at the appropriate collection site or approved facility as prescribed by the Director.
4. Each authorized hauler or collector collecting or transporting banned substances or solid waste within the City limits shall:
 - A. Provide the City with a detailed description of the manner in which the collector intends to separately collect and haul away banned substances.
 - B. Submit an annual written report to the City detailing the type and amount of banned substances which were collected and delivered during each month of the reporting year.
 - C. Deliver any solid waste, including banned substances, to the appropriate disposal location in a sealed or watertight container. All vehicles used for delivering any solid waste or banned substances shall not dump or unload in a manner so as to cause any spillage, leakage, overflow or other loss of cargo in non-dumping areas. All vehicles used for the hauling of solid waste or banned substances must have leak-proof bodies and be completely covered or enclosed by canvas or other means so that solid waste or banned substances do not fall or spill from the vehicle. Once the hauler arrives at the appropriate facility, said hauler is responsible for insuring that all of the solid waste or banned substances are removed from the vehicle at the appropriate disposal facility.

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5. Nothing in this chapter is intended to prevent the owner from transporting solid waste or banned substances accumulating on the premises of the owner to an appropriate collection or disposal site as long as it is done in compliance with the provisions of this chapter and State law.

6. Any violator of this chapter may be required by the City to properly remove any accumulation or spillage of solid waste or banned substances at the violator's expense. In addition, the City may have any accumulation or spillage of solid waste or banned substances cleaned up at the violator's expense if the violator fails to move such solid waste or banned substance after ten (10) day written notice, or immediately if the Mayor deems the accumulation or spillage constitutes an immediate health hazard to the residents of the City.

105.08 WASTE STORAGE CONTAINERS. Every person owning, managing, operating, leasing, or renting any premises, dwelling unit or any place where refuse accumulates shall provide and at all times maintain in good order and repair portable containers for refuse in accordance with the following:

1. Container Specification. Waste storage containers shall comply with the following specifications:

A. Residential. Residential waste containers shall be of not less than ten (10) gallons or more than thirty (30) gallons in nominal capacity, except where only one container is used, in which case the container may be less than ten (10) gallons in capacity. The containers shall be leak proof, water proof and fitted with a fly tight lid which shall be kept in place except when depositing or removing the contents thereof. They shall have handles, bails or other suitable lifting devices or features and be of a type originally manufactured for the storage of residential waste with tapered sides for easy emptying. They shall be of light weight and sturdy construction with the total weight of an individual container and contents not exceeding sixty five (65) pounds. Galvanized metal containers, rubber or fiberglass containers and plastic containers which do not become brittle in cold weather may be used. Disposable containers or other containers as approved by the City may also be used.

B. Commercial. Every person owning, managing, operating, leasing or

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renting any commercial premise where an excessive amount of refuse accumulates and where its storage in portable containers as required above is impractical, shall maintain metal bulk storage containers approved by the City.

2. Location of Containers. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner has been granted written permission from the City to use public property for such purposes. Beginning on June 1, 1997, commercial solid waste containers must not be visible from any City street or City sidewalk. The commercial solid waste containers must be screened from view from any City street or City sidewalk by a screen constructed of either wood or brick, and the screen must not be less than one foot higher than the height of the commercial solid waste containers and not more than two feet higher than the commercial solid waste containers.
3. Nonconforming Containers. Solid waste containers which are not adequate will be collected together with their contents and disposed of after due notice to the owner.
4. Books and Newspapers. It is not necessary to place books, boxes, magazines or newspapers in containers, provided they are securely tied in bundles not larger than 48 inches long and 18 inches in diameter and weighing not more than 65 pounds.

105.09 SANITARY DISPOSAL REQUIRED. It is the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner's premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than thirty (30) days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Chapter 50 or by initiating proper action in district court.

105.10 PROHIBITED PRACTICES. It is unlawful for any person to:

1. Unlawful Use of Containers. Deposit refuse in any solid waste containers not owned by such person without the written consent of the owner of such containers.

2. Interfere with Collectors. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors be those of the City, or those of any other authorized collection service.
3. Radioactive Material. Dispose of radioactive material in a sanitary disposal project. Luminous timepieces are exempt.

105.11 INCINERATORS.

1. Incinerators Prohibited. It is unlawful for any person to sell or offer for sale or install or offer to install any device intended for use as a household solid waste burner or incinerator, except when the intended user of such device has secured permission to operate or use such device from the City, or where the device will be operated by or for the City or beyond the corporate limits of the City.
2. Incineration Prohibited. It is unlawful for any person to burn or incinerate or permit the burning or incineration of any solid waste within the City except as provided under Section 105.04 of this chapter. This section applies to all solid waste as defined in this chapter and specifically includes all waste paper, boxes, market waste, garden waste, trees, tree limbs, automobiles and parts thereof and any and all material other than materials used as fuel in a furnace or boiler. This section does not apply to any incinerator operated under a permit granted by the City or any incinerator operated by or for the City or any burning conducted under the direction of the Fire Department of the City.
3. Incinerator Permits. The Clerk shall issue annual permits for the operation of incinerators otherwise prohibited in this chapter, upon payment of an annual fee of ten dollars (\$10.00) to defray the costs of administration and upon submission of annual proof by the applicant therefore, acceptable to the Health Officer, of operational performance at least equal to the standards outlined below. Such regulations shall apply to all incinerators, except those located in areas where the existing land use is agricultural and the sites upon which they are located or are to be located are tracts of ten acres or more, and such incinerators are used or to be used exclusively to dispose of solid waste originating on the same premises. The Health Officer shall use the following criteria and those set out in

Section 105.11 (4 and 5) to determine whether the proposed incinerator meets the criteria identified in Iowa Code Section 455B.305A(2).

A. The burning capacity of an incinerator shall be the manufacturer's or designer's guaranteed maximum rate or such other rate as may be determined by the City Health Officer, in accordance with good engineering practice. In case of conflict the findings of the Health Office shall govern.

B. No incinerator shall be used for the burning of solid waste unless such incinerator is a multiple chamber incinerator. Existing incinerators may be altered, modified or rebuilt as may be necessary to meet this requirement. The Health Officer may approve any other alteration or modification to an existing incinerator if such is found by the Health Officer to be equally effective for the purpose of air pollution control as a modification or alteration which would result in a multiple chamber incinerator. All new incinerators shall be multiple chamber incinerators, provided that the Health Officer shall approve any other kind of incinerator if it can be shown in advance of construction or installation that such other kind of incinerator is equally effective for the purposes of air pollution control as an approved multiple chamber incinerator.

C. Within fifteen (15) days after the date on which construction of an incinerator is completed, the operator shall file a request with the Health Officer to schedule the performance tests provided in subsection 5 of this section. If the results of the performance tests indicate that the incinerator is not operating in compliance with subsection 4 of this section, no person may cause or permit further operation of the incinerator except for additional tests as outlined in subsection 5, until approval is received from the Health Officer.

4. Restriction of Emissions. No person may cause or permit the emission of particulate matter from the chimney, stack or vent of any incinerator in excess of the following:

A. Incinerators with a solid waste burning capacity of two hundred or more pounds per hour: 0.2 grains of particulate matter per standard dry

cubic foot of exhaust gas, corrected to twelve percent (12%) carbon dioxide.

B. All other incinerators: 0.3 grains of particulate matter per standard dry cubic foot of exhaust gas, corrected to twelve percent (12%) carbon dioxide.

All incinerators shall be designed and operated so that all gases, vapors and entrained effluents shall, while passing through the final combustion chamber, be maintained at a temperature adequate to prevent the emission of objectionable odors. Provided, however, the Health Officer shall approve any other method of odor control which is equally effective.

5. Performance Testing. Solid waste burned in conjunction with the performance tests specified in this subsection shall be a representative sample of the solid waste normally generated by the operation which the incinerator is intended to serve. The amount of particulate matter emitted from any incinerator shall be determined according to the American Society of Mechanical Engineers Power Test Codes—PTC—27, dated 1957 and entitled "Determining Dust Concentration in a Gas System" or any more recent edition. In addition to the requirements above specified, each such incinerator shall not emit smoke of a density of dense smoke and a performance test to determine compliance shall be performed by the Health Officer or a designated representative on each new incinerator. The performance test specified in this subsection may be required on any incinerator, and shall be required for each new incinerator having a burning capacity of one thousand pounds per hour or greater. The initial and annual performance test shall be performed at the expense of the vendor or operator by an independent testing organization, or by other qualified person subject to the approval of the Health Office or designated representative. The performance test may be observed by the Health Officer or designated representative.

105.12 SANITARY DISPOSAL PROJECT DESIGNATED. The sanitary landfill facilities operated by the Des Moines Metropolitan Solid Waste Agency are hereby designated as the official "Public Sanitary Disposal Project" for the disposal of solid waste produced or originating in the City.

105.13 DISPOSAL SITE REQUIREMENTS. No person shall haul or cause to be hauled or receive any solid waste or yard waste material of any kind to any disposal place or site or area within the corporate limits of the City unless such place, site or area is first licensed by the City and complies with applicable health and zoning ordinances of the City. The Clerk shall supply applications to any solid waste or yard waste disposal applicant that wishes to apply or reapply for a license to operate such disposal or compost site within the City limits. In addition to the information requested in the application, the applicant shall supply the following:

1. A detailed description of the disposal site including a drawing showing the dimensions, topography, structure, surfacing and drainage of the site.
2. A current permit to operate the facility from the State Department of Natural Resources, Environmental Protection Commission and/or any other appropriate State regulatory agency.
3. An operational manual specifying details with regard to the manner in which solid waste or yard waste is to be processed or composted, the hours that the facility will be open, the manner in which material is to be received for processing or composting, the manner in which the site is to be monitored to ensure that air and water pollution is maintained on the site, the procedures that will be taken to prevent spills and the manner in which spills will be controlled, and the procedure to be used by the disposal site operator to clean up any solid waste or yard waste litter that may accumulate on the City streets as a result of haulers' activities in traveling to or from the site.
4. If the applicant is seeking a license renewal for an existing disposal site, the application must include the records of operation for the site during the previous year, including the types and weights of materials received, the amount of lime added to the compost material, and the results of leachate testing or monitoring.
5. The Council shall not approve the license application unless the applicant demonstrates that the disposal site complies with any and all requirements of this section and with all requirements adopted by the Environmental Protection Commission under Iowa Administrative Code Chapters 567-100 through 567-105 which are in effect at the time of the passage of the ordinance codified in this section. Such Iowa Administrative Code provisions are incorporated herein by

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reference. Copies of the Iowa Administrative Code provisions referred to in this section are on file with the Clerk and available to members of the public or any applicant who is interested in the provisions.

6. The annual license fee is \$1,000.00 per year, payable to the Clerk at the time the license is issued. If a new license is subsequently requested on an existing disposal site, the license fee is \$1,000.00 plus an additional \$1.00 per ton for each ton of material received by the disposal site during the previous year of operation, payable to the Clerk when the new license is issued.

105.14 PRIVATE LANDFILL OPERATIONS. Any person desiring to operate a private landfill in the City must first apply for and receive a license to do so. The issuance of the license shall be pursuant to application in writing to the Council, shall be on an annual basis only and shall be subject to all other applicable ordinances of the City and the following provisions:

1. Application. The application shall be set forth how the landfill will be operated; the land to be used, showing location, drainage, fencing, screening and access; plans or other suitable evidence of adequate fire protection and provision for control of rodents, insects and litter; and agreement to operate the disposal area as a sanitary landfill only; a description of the method of filling and the equipment to be used; the source of earth or other suitable cover; an agreement to compact and completely cover solid waste deposited each day and conduct no burning of any material whatsoever and to promptly extinguish any fires or combustion which may accidentally occur to be started by other; and an agreement to maintain the landfill site and the vicinity in a safe and sanitary manner, and to allow no public nuisance.

2. Supervision. A responsible person shall be in constant attendance during the hours of active operation of the landfill, and the landfill shall be operated in accordance with all local, County, State and Federal regulations. The applicant agrees to provide access to the landfill site by any health officer or governmental representative or agent who may have jurisdiction for the purposes of inspection.

4. Closure and Postclosure Plans. Any application for a license pursuant to this chapter shall also include appropriate closure and postclosure plans

A. Standards.

(1) Closure standards shall include plans by the owner to minimize the costs of further maintenance after the facility has closed and such a plan shall articulate the requirements necessary to protect human health and the environment, including preventing the escape of any waste into or on the land, water, air or groundwater. The owner shall also certify that upon closure, the facility shall no longer be used to store waste or that no such waste is left in the facility at the time of closure and that the threat to human health and the environment has been minimized. The owner shall, simultaneous with the application for a license to operate such a facility within the corporate boundaries of the City, include a detailed description of the steps necessary to remove or decontaminate all waste residues, equipment, structures and soils during the final closure of the facility. Such plan shall also include the methods for sampling and testing the surrounding soils and provide a criteria for determining the extent of decontamination required to satisfy the closure performance standards. Furthermore, such plan shall also include a schedule for closure of the facility including a timetable which will show the total time required to close the site. A closure plan shall also include an estimated year when closure procedures will begin.

Within 180 days of the initiation of closure procedures, the owner shall notify the City Administrator of the owner's intent to commence closure procedures under this section. Within 60 days of the completion of the final closure, the owner of such site shall certify to the City that such site has been closed in accordance with the specifications set out in the closure plan and that requirements of this chapter have been met. Certification must be signed by the owner and by an independent professional engineer.

(2) An owner of a site licensed pursuant to this chapter shall include postclosure care of the site in any closure plan. A postclosure plan shall identify the remaining care of the site such that the integrity of any liners, covers, or any other components of

the containment system of the facility's monitoring systems will not increase the potential hazard to human health or the environment. The plan shall identify what planned maintenance activities will be performed to ensure the integrity of the containment systems and the monitoring equipment, if any. Such plan shall also provide the name, address and phone number of the person to contact regarding the facility during the postclosure care period.

(3) An application at the time of application for a license for the facility shall estimate in current dollars the cost of closing the facility and the costs in current dollars of any postclosure care. The estimate shall be based on the cost of hiring an independent contractor to close the facility.

The applicant, upon receiving City approval for the license, but as a precondition to the receipt of such license, shall post suitable security in the form of a surety bond, trust or irrevocable letter of credit in an amount to cover closure and postclosure clean-up costs in current dollars. At the time of renewal of the license, the estimate of the current dollars shall be adjusted and the security adjusted accordingly.

The security must be in a form payable to the City and approved by the Council.

105.15 CONDITIONS SUBJECT TO ABATEMENT. If any private disposal operation within the corporate limits of the City is found to be conducted in a way detrimental to the health and welfare of the public or contrary to provisions of this chapter, the City shall notify the owner of the land upon which such operation is being carried on and the operator thereof in writing of the objectionable conditions and give them a reasonable time, not less than ten (10) days, to correct said condition. In the event of the failure of such owner or operator to correct such conditions within said time, the Clerk is authorized to seek abatement of such conditions pursuant to Chapter 50 of this Code of Ordinances or by initiating proper action in district court.
