

ORDINANCE NO. 13,702

AN ORDINANCE to amend the Municipal Code of Des Moines, 1991, adopted by Ordinance No. 11,651, passed April 15, 1991, and amended by Ordinance No. 11,900, passed October 19, 1992, and amended by Ordinance No. 13,254, passed October 23, 1995, and amended by Ordinance No. 13,350, passed June 24, 1996, by repealing Sections 16-96 and 16-119.08 thereof and enacting new Sections 16-96 and 16-119.08, relating to charges for collection service and sale of bags for yard debris.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of Des Moines, 1991, adopted by Ordinance No. 11,651, passed April 15, 1991, and amended by Ordinance No. 11,900, passed October 19, 1992, and amended by Ordinance No. 13,254, passed October 23, 1995, and amended by Ordinance No. 13,350, passed June 24, 1996, is hereby amended by repealing Sections 16-96 and 16-119.08 thereof and enacting new Sections 16-96 and 16-119.08, relating to charges for collection service and sale of bags for yard debris, as follows:

16-96. CHARGES FOR COLLECTION SERVICE.

(a) Effective as to all billings mailed on or after July 1, 1999 a fee of \$10.25 per month shall be charged by the city of Des Moines, Iowa and collected from each family unit or owner of a "residential premise" as defined in section 16-94 of this code served by refuse collection service as provided in section 16-95 of this code, except as to those for which or from whom a special fee is established in subsection (c) hereof. Said charge or fee shall be in payment for collection and disposal of solid waste as defined.

(b) The \$10.25 per month charge or fee aforementioned shall be billed to the "owner" as herein defined every month, payable in advance within 30 days from date of such billing.

(c) Effective as to all billings mailed on or after July 1, 1999 a special fee of \$9.25 per month shall be charged by the city of Des Moines, Iowa and collected from each family unit or owner of a "residential premise" as defined in section 16-94 of this code served by refuse collection service as provided in section 16-95 of this code represented in the billing processes of the city as an "owner" who (1) has filed claim for tax reimbursement and has

established eligibility as such a claimant under the provisions for Property Tax Relief for Elderly and Disabled contained in the Iowa Code, sections 425.16 - 425.39, with reference to such residential premise; (2) has waived any right to confidentiality relating to all income tax information obtainable through the state department of revenue; (3) has filed an application with the city of Des Moines, Iowa reciting such facts and asking for the benefits of this provision subject to verification by the state department of revenue; and (4) has received notification by the city that such application has been approved by the city director of finance or his or her designee.

(1) Such special fee entitlement shall be on a 12 month period basis, shall commence on the first day of the first month of the first monthly billing period following approval of the application therefor and shall be valid thereafter for a 12 month period unless the applicant is for any reason disqualified as a claimant under the Iowa Code, sections 425.16 - 425.39. In event of such disqualification, the entitlement to special fee shall terminate at the termination of the billing period in which such disqualification occurs and unless and until his or her qualification is relieved and entitlement to such special fee re-established by a new application to the city the subject premises shall be billed at the rate prescribed by subsection (a) of this section. In any event, each such application must be reviewed at least 30 days before the end of the 12 month period aforesaid and approved as aforesaid in order for such entitlement to be effective for a succeeding 12 month period, and annually upon such schedule thereafter failing which the entitlement shall automatically cease at the end of the current 12 month period. Forms for such applications shall be made available to all would-be applicants at city hall in such form, manner and location as the city manager shall direct without any undue delay so as to best serve the objects of this provision. Such applications shall be as informal as possible and may be by any person or institution reasonably expected to act in accordance with the wishes of the applicant or in his or her interest.

(2) Termination of city allowance of entitlement to such special fee for any cause other than that attendant to loss of status of qualified claimant for reimbursement under said act or by lapse of time as aforesaid shall be accomplished only by the city council after reasonable notice and hearing. Notice in such event shall be served in the manner of service of original notice at least ten days before date of hearing. Appeal to the courts shall be permitted the applicant in any manner allowed by

the Iowa Rules of Civil Procedure within time limitations as therein stated.

(d) The \$9.25 per month charge of fee aforementioned shall be billed to the "owner" as herein every month, payable in advance within 30 days from date of such billing.

16-119.08. SALE AND ISSUANCE OF BAGS AND STICKERS DESIGNATED FOR YARD DEBRIS.

(a) The city will procure degradable paper bags, in both a standard 30 gallon configuration and in a custom shaped configuration, for the collection of yard debris. All such bags will bear the logo of the city of Des Moines.

(b) The city manager shall direct the wholesale distribution of such bags to wholesalers and retailers under such distribution and auditing procedures as the city manager shall establish upon the advice of the finance director. Such bags shall be made available to members of the public at retail outlets at a unit cost not exceeding \$.75 for each standard yard debris bag and \$.75 for each custom shaped yard debris bag. The city manager shall sell said bags only to wholesalers and retailers who agree to market same at the above indicated retail prices. The city manager shall sell bags to wholesalers and retailers at wholesale prices determined by the city manager to be sufficient to compensate wholesalers for the costs of distribution and retailers for the costs of retail sale.

(c) The provisions of subsection 16-99(a) to the contrary notwithstanding, the net proceeds from the sale of stickers and yard debris bags shall, after payment of the costs of procuring same, be directed toward payment of the costs of administering the yard debris compost program.

(d) The provisions of subsection 16-99(a) to the contrary notwithstanding, the charge to the public for such bags and stickers is not a charge to defray the costs of collection of solid waste, or the costs for its disposal at the Metro Waste Authority landfill, and funds collected from such sales shall not be directed to those purposes.

(e) The city shall procure and make available to the public stickers for attachment to 30 gallon solid waste containers, designating such containers for the collection of yard debris. Stickers for thirty (30) gallon waste containers shall be issued for a calendar year. Stickers shall be sold for \$12.50 each, and

may be sold on a pro-rated basis if purchased after September 1st in any year. Proration shall be calculated as of the first of the month in which the sticker is purchased.

(f) The city shall procure and make available to the public single use stickers for attachment to approved, non-city paper bags and cardboard boxes, designating such bags or boxes for the collection of yard debris. Such stickers shall be made available to the public at retail outlets at a unit cost not exceeding \$.50 per sticker. The city manager shall sell said stickers to whole-salers and retailers who agree to market same at the above indicated retail price. The city manager shall sell stickers to wholesalers and retailers at wholesale prices determined by the city manager to be sufficient to compensate wholesalers for the costs of distribution and retailers for the cost of retail sale.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Terrence L. Timmins

City Solicitor