

ORDINANCE NO. 14,733

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 14,064 passed March 18, 2002, and Ordinance No. 14,144 passed October 7, 2002, and Ordinance No. 14,228 passed May 5, 2003, and Ordinance No. 14,448 passed May 23, 2005 by amending Sections 98-55, 98-115 and 98-118 thereof, relating to charges for collection service, disposal of yard debris and sale and issuance of bags and stickers for yard debris.

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

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 14,064 passed March 18, 2002, and Ordinance No. 14,144 passed October 7, 2002, and Ordinance No. 14,228 passed May 5, 2003, and Ordinance No. 14,448 passed May 23, 2005 is hereby amended by amending Sections 98-55, 98-115 and 98-118 thereof, relating to charges for collection service, disposal of yard debris and sale and issuance of bags and stickers for yard debris, as follows:

**Sec. 98-55. Charges for collection service.**

- (a) A monthly collection fee shall be charged by the city and collected from each owner or occupant of a "residential premises" as defined in section 98-26 of this Code served by solid waste collection service as provided in section 98-54 of this division, except as to those owners or occupants of residential premises for which whom a fee reduction is established in subsection (c) of this section. Said monthly fee shall be in payment for collection and disposal of solid waste as defined, and shall be collected in full each month from all owners or occupants of residential premises except as to those owners or occupants

for whom a fee reduction is allowed as provided in subsection (c) of this section. The fee per month for city-owned containers assigned to a residential premises shall be as follows:

\$12.00 per month for one city-owned 96-gallon wheeled container, \$11.00 per month for one city-owned 64-gallon wheeled container, \$10.00 per month for each additional city-owned 96-gallon wheeled container, and \$9.00 per month for each additional city-owned 64-gallon wheeled container.

- (b) The solid waste collection fee shall be billed to the "owner" as herein defined every month, payable in advance within 30 days from date of such billing.
  - (c) A fee reduction of \$1.00 per month from the rates shown in 98-55(a) for the first container assigned to a residential premises (no reduction will be allowed for each additional container) shall be allowed and authorized by the city for each owner of a residential premises served by solid waste collection service who (1) has filed claim for tax reimbursement and has established eligibility for such reimbursement under the provisions for property tax relief for elderly and disabled contained in the I.C. §§ 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 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 fee reduction 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 I.C. §§ 425.16--425.39. In event of such disqualification, the owner's eligibility for fee reduction shall terminate at the termination of the billing period in which such disqualification occurs and shall be billed at the rate prescribed by subsection (a) of this section, unless and until the owner's qualification is reviewed and eligibility for such fee reduction is re-established pursuant to a new application to the city for the subject premises. 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 fee reduction to be effective for a succeeding 12-month period, and annually upon such schedule thereafter, failing which the eligibility for fee reduction shall automatically cease at the end of the current 12-month period. Fee reduction application forms shall be available at city hall in such form, manner and location as the city manager shall direct. Such applications shall be as informal as possible and may be made by the owner of a residential premises, or may be made on behalf of such owner by any person or institution reasonably expected to act in accordance with the wishes and best interests of the owner.

- (2) Termination of city allowance of fee reduction for any cause, other than loss of status as a qualified claimant for reimbursement under said act or by lapse of time as aforesaid, shall occur only by action of the city council after reasonable notice and hearing. Said notice shall identify the reason for loss of eligible status and 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 \$1.00 fee reduction per month aforementioned shall be shown each month on the owner's billing statement for solid waste collection service.
- (e) A fee of \$1.00 shall be charged for each extra trash item sticker and a fee of \$5.00 shall be charged for each large item sticker.
- (f) A fee of \$35.00 (7 - \$5.00 stickers) shall be charged for the sale of an appliance disposal sticker to cover the cost of collection, demanufacturing, and disposal of appliances as defined in section 98-26.
- (g) Appliance disposal stickers, extra trash stickers, and large item stickers shall be made available at multiple retail locations, a listing of which shall be available at the Public Works Department's 24 hour Customer Service Center. The city manager shall direct the distribution of appliance disposal stickers, extra trash stickers, and large item stickers to retailers under such distribution and auditing procedures as the city manager shall establish upon the advice of the finance director. Such stickers shall be made available to members of the public at retail outlets at a cost not exceeding \$35.00 for appliance

disposal, \$1.00 for extra trash, and \$5.00 for large items. The city manager shall make said stickers available only to retailers who agree to market same at the above indicated retail price.

- (h) The owner of a multiple-family dwelling with four separate living units or family quarters may, upon prior arrangement with the director with respect to day and location of collection, verification of number of units, and execution of a hold harmless agreement in favor of the city, arrange for city collection and disposal of solid waste placed by residents of such multiple-family dwelling in one or more dumpsters of not more than two (2) cubic yards capacity each. Such placement and collection of solid waste shall in all other respects be conducted as provided in section 98-54 of this division. A fee of \$9.00 per dumpster per month shall be charged by the city and collected from the owner or owners of such multiple-family dwelling, which fee shall be in addition to the per unit solid waste collection and disposal fee charged as provided in (a) above.
- (i) The owner or occupant of a residential premises may request a one-time container exchange for a change in container size free of charge. Such free of charge exchange will be allowed for both a solid waste container and a yard waste container. For each additional exchange, there will be a \$25.00 service fee.
- (j) Upon request of the owner, the director of public works is authorized and empowered to except from city solid waste collection a residential premises that is adjacent to a multifamily residential premises if such dwellings are commonly owned, are not separated by a street or public alley, and were being served by private solid waste collection as of January 1, 2005. When either the multifamily residential premises or the adjacent residential premises change ownership the residential premises shall be served by city solid waste collection.

**Sec. 98-115. Disposal of yard debris.**

- (a) The provisions of subsection 98-54(5) of this article to the contrary notwithstanding, yard debris will be collected from residential premises only in bags, containers, boxes, or bundles designated for that purpose as provided in this section. All persons owning or residing in residential premises shall dispose or provide for the disposal of yard debris by placing the yard debris for curbside collection by the city in separate bags, solid waste containers, or boxes designated as provided in subsection (b) of this

section for the collection of yard debris, or in bundles, or, for single-family residences, by composting the yard debris upon such premises as provided in this section.

- (b) Yard debris may be placed for collection at curbside on any regular collection day along with other solid waste in:
  - (1) A degradable bag bearing the Compost It! logo of the Metro Waste Authority and sold for that purpose by the Metro Waste Authority;
  - (2) A 64 or 96 gallon solid waste container issued by the public works department and bearing a sticker issued by the public works department designating such container for use for collection of yard debris;
  - (3) A cardboard box not larger than 24 x 24 x 36 inches or degradable store brand yard waste paper bag bearing a sticker issued by the Metro Waste Authority designating such box or bag for use for collection of yard debris; or
  - (4) A bundle of tree limbs or brush no larger than 48 inches long and 18 inches in diameter secured by twine or cord and Christmas trees each bearing a Metro Waste Authority yard debris sticker.

Such bags, containers, boxes, or bundles, when placed for collection, shall not contain more than 40 pounds of yard debris.

- (c) There shall be no limit on the number of bags, containers, boxes, or bundles of yard debris that may be placed for collection on a single collection day, unless a limit is temporarily imposed by the city manager in an emergency situation.
- (d) As an alternative to the placement of yard debris in bags, containers, boxes, or bundles for curbside collection, persons owning or residing in single-family residences may dispose of yard debris by composting, if such composting meets the following requirements:
  - (1) Composting may be conducted on the premises of a single-family residence only if the lot upon which the residence is located has an area of not less than 5,000 square feet.
  - (2) A compost pile shall not be located less than 50 feet from any neighboring dwelling.
  - (3) Each compost pile shall be fenced to screen it from view from neighboring residences and to prevent wind from scattering debris.
  - (4) Compost piles shall be established and maintained in accordance with recognized guidelines or those provided to the city's solid waste collection customers or otherwise published by the public works

department; provided, however, that household food waste, scrap food or garbage shall not be composted with or added to a yard debris compost pile.

- (5) Compost piles which are not properly fenced resulting in the dispersal of debris or which create odors resulting in complainants by neighboring residents or which, in the judgment of the public works department sanitation superintendent or the office of environmental health, create a risk of fire or other threat to public health, safety, or welfare shall, when so ordered by the sanitation superintendent or the office of environmental health, be removed from the premises and disposed of by curbside collection as provided in this section.
- (6) Yard debris that did not originate upon or which was not collected from the residential lot upon which a compost pile is established shall not be added to such compost pile; provided, however, that a communal compost pile may be established and shared by two or more single-family residences upon approval by the sanitation superintendent.
- (e) The city may refuse to collect any bag or container of yard debris if it contains material other than yard debris or if it contains more than 65 pounds of yard debris.

**Sec. 98-118. Sale and issuance of bags and stickers designated for yard debris.**

The Metro Waste Authority shall be responsible for the sale and issuance of bags and stickers designated for yard debris for cardboard boxes and tree limb or brush bundles. The public works department shall be responsible for the sale and issuance of the 64 and 96 gallon solid waste container stickers for yard debris. The annual charge for yard debris stickers for each 64 gallon container is \$100 (billed at \$8.34 per month) and \$125 for each 96 gallon container (billed at \$10.42 per month) plus a one time fee of \$25.00 for container processing, billed pursuant to sections 98-55, 98-56, and 98-57 of this chapter.

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

FORM APPROVED:

Ann DiDonato, Assistant City Attorney

T.M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 07-2400), passed by the City Council of said City at a meeting held December 17, 2007 signed by the Mayor on December 17, 2007 and published as provided by law in the Business Record on December 31, 2007, Authorized by Publication Order No.5893.

Diane Rauh, City Clerk