

ORDINANCE NO.

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, by repealing Sections 98-26, 98-58 thereof and enacting new Sections 98-26 and 98-58, and adding a new paragraph (f) to Section 98-54(3) and new paragraphs (e) and (f) to Section 98-55 relating to collection and disposal of solid waste.

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,

is hereby amended by repealing Sections 98-26, 98-58 thereof and enacting new Sections 98-26 and 98-58, and adding a new paragraph (f) to Section 98-54(3) and new paragraphs (e) and (f) to Section 98-55 relating to collection and disposal of solid, as follows:

**Sec. 98-26. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Appliances* include, but are not limited to, refrigerators, freezers, kitchen ranges, air conditioning units, dehumidifiers, water heaters, furnaces, thermostats, clothes washers, clothes dryers, dishwashers, microwave ovens, and fluorescent light fixtures (excluding bulbs). These items may contain Polychlorinated Biphenyl (PCB), capacitors, refrigerants and components containing mercury which are restricted by law from being disposed of at a landfill.

*Authority* means the Metro Waste Authority, successor agency to the Des Moines Metropolitan Area Solid Waste Agency.

*Capacitor* means a device for accumulating and holding a charge of electricity that consists of conducting surfaces separated by a dielectric fluid.

*Director* means the director of public works or any authorized employee or representative who shall have responsibility for administering and enforcing this chapter.

*Disposal site* means a sanitary landfill transfer station or other facility for receiving or disposing of solid waste.

*Hazardous substance* has the same meaning and definition as appears in I.C. § 455B.381 and includes but is not limited to explosive materials, rags or other wastes soaked in volatile and inflammable materials; drugs, poisons; radioactive materials; highly combustible materials; and other materials which may present a special hazard to collection or disposal personnel or equipment or to the public.

*Hazardous waste* has the same meaning and definition as appears in I.C. § 455B.411 and includes but is not limited to fly ash or other fine or powdery material and other material which may present a special hazard to collection or disposal personnel or equipment or to the public.

*Multifamily residential premises* means a multiple-family dwelling building, an apartment building, a condominium, or a complex of such buildings, containing five or more individual living units.

*Multiple chamber incinerator* means any incinerator used to dispose of combustible refuse by burning, consisting of three or more refractory lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned, the refractories having a pyrometric cone equivalent of 31, tested according to the method described in the American Society for Testing and Materials, method C-24-56.

*Owner* means and includes, the record titleholder, or 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 imposed in this chapter shall be joint and several.

*Person* means and includes an individual or group or association of individuals; a firm or any member thereof; a corporation, or any executive officer, manager, person in charge or employee thereof; and the use of a pronoun specifying one gender shall include both genders.

*Recyclable materials* means newspaper, corrugated containers, magazines, catalogs, junk mail, kraft bags, bimetal and ferrous cans, aluminum cans, clear glass containers, and recyclable plastics, whether alone or in combination.

*Residential premises* means and includes single-family dwellings and any multiple-family dwelling up to and including four separate living units or family quarters. Garden-type apartments and row-type housing units shall be considered residential premises regardless of the total number of such apartments or units which may be included in a given housing development.

*Rubble* means dirt, stone, brick, or similar inorganic material, or street sweepings.

*Solid waste* means useless, unwanted or discarded materials resulting from commercial, industrial, domestic and agricultural operations and other normal community activities. Wastes which are solid or semisolid containing insufficient liquid to be free-flowing are considered to be solid wastes and include in part the following: garbage; rubbish; ashes and other residue of incineration; street refuse or sweepings; dead animals; solid animal waste; decrepit automobiles and parts thereof; agricultural, commercial and industrial wastes; construction and demolition wastes; sewage treatment solid residue. For purposes of sections 98-74 and 98-75, the term "solid waste" shall have the meaning prescribed by this section except that it shall not include solid waste resulting from residential, farming, manufacturing, mining, or commercial activities on land owned or leased by the person conducting such activities if the dumping or depositing of such on that land does not violate other sections of this Code or city ordinances or statutes or regulations adopted by the state or federal government, but it shall include such solid waste which has come into the possession or control of a person because of the operation by that person of a collection, hauling, disposal, or other waste disposition service. For purposes of sections 98-74 through 98-76, the term "solid waste" shall not include rubble or a reasonable amount of organic material gathered and suitably contained for purposes of composting or fertilizing agricultural or floral plots.

*Transfer station* means an intermediate solid waste disposal facility, the principal business of which is the transferring of loads of solid waste, with or without reduction of volume, from one transportation unit to another for ultimate disposal at a solid waste disposal site. The term includes an

intermediate facility, as described in this definition, at which materials of a like or similar kind are also isolated, segregated, or otherwise gathered as an incident to such activities for salvage and reutilization by recycling through one or more commercial facilities; the term shall not include junkyards or salvage yards.

*Yard debris* means grass clippings, leaves, garden wastes, brush, or tree branches or trimmings two inches or less in diameter.

**Sec. 98-54. Collection.**

The city proposes to provide solid waste collection service to remove solid wastes from residential premises subject to the following conditions, prohibitions and requirements:

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f. No person shall place an appliance for collection unless such person shall have affixed to said appliance an appliance disposal sticker in a clearly visible location, and shall have scheduled the collection of said appliance in advance through the Public Works Department at it's 24-hour Customer Service Center. Appliances shall not be placed for collection more than 12 hours prior to the scheduled collection time established by the Public Works Department.

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

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(e) A fee of \$35.00 shall be charged for the sale of appliance disposal stickers to cover the cost of collection, demanufacturing, and disposal of appliances as defined in section 98-26.

(f) Appliance disposal 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 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. The city manager shall sell said stickers only to retailers who agree to market same at the above indicated retail price. The city manager shall sell appliance disposal stickers to retailers at wholesale prices determined by the city manager to be sufficient to compensate retailers for the costs of retail sale.

**Sec. 98-58. Container specifications.**

(a) Solid waste containers designed to serve residential premises shall not be more than 30 gallons nor less than ten gallons in nominal capacity. However, if only one container is used, it may be less than ten gallons in capacity. Containers shall be waterproof, ratproof, and fitted with a tight lid. Lids shall not be attached to containers by any means, including but not limited to ropes or chains. Containers shall have handles, bails or other suitable lifting devices or features, shall be of a type originally manufactured for solid wastes, with tapered sides for easy emptying, and shall be of lightweight and sturdy construction. The weight of any individual container and contents shall not exceed 65 pounds. Galvanized iron and similar metal containers, rubber or fiberglass containers, and plastic containers which do not become brittle in cold weather may be used.

Disposable bags manufactured for solid waste disposal shall be acceptable for solid wastes other than animal or vegetable matter, which would be attractive to rats, dogs or other animals, and other than broken glass, sharply pointed or edged metal objects or like materials with a potential to lacerate or protrude through such bags to the hazard of solid waste collectors. Oil or grease drums, paint cans, and similar salvaged containers shall only be acceptable as disposable containers.

(b) All solid waste shall be placed in suitable containers as defined in subsection (a) of this section. It shall not be necessary to place books, boxes, magazines, or newspapers in containers, provided they are securely tied in bundles or completely contained in disposable boxes not larger than 24 by 24 by 36 inches, no bundle of which shall weigh more than 65 pounds. Tree limbs and brush may be securely tied in bundles not larger than 48 inches long and 18 inches in diameter and weighing not more than 65 pounds.

(c) Baskets, boxes, and noncomplying solid waste containers shall be considered disposable refuse and shall be removed by the collection crews if they are the proper size and otherwise acceptable for collection, or they shall be left uncollected if they are larger than the allowable size or unacceptable for collection.

(d) Large bulky items such as furniture, large tree limbs, automobiles and major parts

thereof and appliances that cannot be reduced to fit approved containers shall not be collected; provided that special arrangements can be made for the collection of appliances as provided in Section 98-54 (3) f.

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, Deputy City Attorney