

★ Roll Call Number

Agenda Item Number

52

Date July 14, 2014

An Ordinance entitled, "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, as heretofore amended, is hereby amended by amending Sections 98-63 and 98-63.5, relating to waste hauler's permit requirements and fees",

which was considered and voted upon under Roll Call No. 14- of June 23, 2014; again presented.

Moved by that this ordinance be considered and given second vote for passage.

(Second of three required readings)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
GATTO				
GRAY				
HENSLEY				
MAHAFFEY				
MOORE				
TOTAL				
MOTION CARRIED			APPROVED	
_____ Mayor				

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

City Clerk

★ Roll Call Number
14-0985

Agenda Item Number
⁵²
51

Date June 23, 2014

An Ordinance entitled, "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, as heretofore amended, is hereby amended by amending Sections 98-63 and 98-63.5, relating to waste hauler's permit requirements and fees",

presented.

Moved by Hensley that this ordinance be considered and given first vote for passage

FORM APPROVED:

(First of three required readings)

Ann DiDonato
 Ann DiDonato
 Assistant City Attorney

(Council Communication No. 14-299)

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				✓
COLEMAN	✓			
GATTO				✓
GRAY	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MOORE	✓			
TOTAL	5			2


MOTION CARRIED APPROVED
T. M. Franklin Mayor

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Diane Rauh City Clerk

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date: June 23, 2014
	Agenda Item No. 51 Roll Call No. [14-0985] Communication No. 14-299 Submitted by: Patrick J. Kozitza, Public Works Director

AGENDA HEADING:

Amending waste hauler permit requirements and fees.

SYNOPSIS:

Approving amendments to waste hauler permit requirement and fee ordinance by deleting the amount of the annual permit and per vehicle fee in Municipal Code Sections 98-63 and providing that such fees will be established per council resolution in a schedule of fees. Additionally, haulers will now be required to validate that their vehicles meet code requirements by providing a statement of compliance, precluding the need for individual vehicle inspections by City sanitation personnel. This action required no fee increase.

FISCAL IMPACT: NONE

ADDITIONAL INFORMATION:

This amendment corrects an inconsistency in Chapter 98 related to charges for solid waste hauler permits. Municipal Code 98-63(b) requires vehicles to be inspected by supervisory personnel of the sanitation division. Municipal Code Sec. 98-63(c) requires permit applicants to pay an annual fee of \$20.00 and an additional \$10.00 for each vehicle. However, in December 2002, Section 96-63.5 was added to the Municipal Code, which provided for fees to be set by a schedule of fees to be adopted by council resolution. The proposed ordinance amendment deletes Section 98-63(c) and clarifies that all related waste hauler permit fees will be established in the schedule of fees. This amendment also required that permit applications contain a sworn statement that the licensee shall faithfully observe all Chapter 98 code requirements.

PREVIOUS COUNCIL ACTION(S):

Date: December 18, 2002

Roll Call Number: 02-3007

Action: Adoption of Schedule of Fees for Various City Services, For the Use of City Property and Equipment, and For Various Permits and Licenses Issued by the City, as Authorized by the Municipal Code.

Date: December 16, 2002

Roll Call Number: 02-2964

Action: Adoption of Amendment to Chapter 98 by adding and enacting new Section 98-63.5 regarding solid waste schedule of fees.

BOARD/COMMISSION ACTION(S): NONE

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

For more information on this and other agenda items, please call the City Clerk's Office at 515-283-4209 or visit the Clerk's Office on the first floor of City Hall, 400 Robert D. Ray Drive. Council agendas are available to the public at the City Clerk's Office on Thursday afternoon preceding Monday's Council meeting. Citizens can also request to receive meeting notices and agendas by email by calling the Clerk's Office or sending their request via email to cityclerk@dmgov.org.

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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, as heretofore amended, is hereby amended by amending Sections 98-63 and 98-63.5, relating to waste hauler's permit requirements and fees.

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, as heretofore amended, is hereby amended by amending Sections 98-63 and 98-63.5, relating to waste hauler's permit requirements and fees, as follows:

Sec. 98-63. Waste hauler's permit requirements.

- (a) An application for a permit required by section 98-62 of this division shall be filed with the city clerk and shall contain the following information:
- (1) The name and address of the applicant.
 - (2) The vehicles to be used.
 - (3) General information concerning the routes to be traveled and places to be served.
 - (4) A statement by the applicant that all of the requirements of this section 98-63, as well as other applicable requirements of this chapter, shall be complied with at all times during the period of the permit.
- (b) No permit shall be issued or renewed unless the vehicles to be used ~~have been inspected by supervisory personnel in the sanitation division of the public works department.~~ The vehicles must meet the following requirements:
- (1) Construction of the vehicles shall be such that rubbish or bulk material loaded therein or transported thereby shall be securely contained. A truck with open sides, such as a stake-body truck, must have some type of paneling installed on the interior of the stakes so as to prevent the loss of any rubbish or bulk material. Plywood or hardboard may be used to line the interior; however, large sections of cardboard will not be acceptable.

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- (2) All vehicles shall be equipped with a permanently attached covering over the bed of the vehicle or with a suitable tarpaulin. The tarpaulin must be constructed in such a manner so that both sides and the end of the tarpaulin can be securely tied down or loaded so as to prevent the rubbish or bulk material from being blown or allowed to escape.
- (3) All vehicles other than stake-body types must be equipped with a tailgate of rigid construction of at least 1 1/2 feet which, when closed, shall securely hold and contain all rubbish and bulk material. Acceptable paneling as indicated in this subsection may be used in lieu of a tailgate only on stake-body vehicles.
- (4) Any compaction-type vehicle must be equipped with a tightfitting tarpaulin or other means to prevent rubbish or other material from being blown or allowed to escape from the hopper area.
- ~~(c) The applicant shall pay at the time of application an annual permit fee of \$20.00, as well as \$10.00 for each vehicle to be inspected.~~
- ~~(cd) All vehicles inspected and licensed under this section shall prominently display the permit number on the upper or lower left corner of the windshield of the vehicle upon a decal to be furnished by the city.~~

Sec. 98-63.5. Permit fees.

- (a) An applicant for a waste hauler's permit shall submit ~~a fee~~ the annual permit fee and the fee for each vehicle to the city clerk at the time of filing the application.
- (b) An applicant who files for renewal less than thirty (30) days prior to the date of permit expiration shall pay a late fee at the time of filing the application.
- (c) If the application is denied or if the application is withdrawn before final action is taken by the city clerk, a portion of the application fee shall be retained by the city clerk for the cost of administration.
- (d) The permit fee, its nonrefundable portion, the fee for each vehicle, and the late fee for a waste hauler's permit shall be in the amounts set in the schedule of fees adopted by the city council by resolution.

Section 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