

CHAPTER 105

COLLECTION AND DISPOSAL OF SOLID WASTE, RECYCLABLE MATERIALS, AND YARD WASTE

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105.01 PURPOSE. The purpose of this chapter is to establish a uniform, consistent and comprehensive solid waste, recyclable materials and yard waste collection service for the owners of single-family and multi-family residential properties and office properties. The protection of the health, safety, and welfare of the citizens and the protection of the environment require the safe and sanitary disposal of solid wastes. An effective and efficient solid waste disposal program protects the environment and the public and provides the most practical and beneficial use of the material and energy values of solid waste. By providing solid waste, recyclable material and yard waste collection services for the community at large, the residents will have consistent and accountable solid waste, recyclable material and yard waste collection services.

105.02 DEFINITIONS. For the purposes of the chapter, the following definitions shall apply in this chapter and Chapter 106:

1. “Collection service” contracted service provider collecting or transporting solid waste, recyclable materials and yard waste.
2. “Food scraps” solid, semisolid, and liquid animal and vegetable residuals resulting from the handling, preparing, cooking storing, serving, and consuming of food.
3. “Garbage” all solid and semi-solid, animal and vegetable wastes resulting from the handling, preparing, cooking, storing, serving and consuming of food or material intended for use as food, and all offal, excluding useful industrial byproducts, and includes all such substances from all public and private establishments and from all residences.
4. “Hazardous wastes” waste materials, including, but not limited to, poisons, pesticides, herbicides, acids, caustics, biohazardous wastes, flammable or explosive materials, materials contaminated by infectious

or contagious disease, fly ash or other fine or powdery material, and similar harmful wastes which require special handling and which must be disposed of in a manner as to conserve the environment and protect the public health and safety.

5. “Other compostable materials” napkins, plates, cups, bowls, towels, tissues, and takeout containers made from paper as well as other materials approved by the City Administrator.

6. “Recyclable materials” materials including but not limited to, food containers aluminum, steel (tin) cans, No. 1 and No. 2 plastic bottles, uncontaminated newspapers, and glossy paper (magazines). Newspapers and glossy paper shall be considered uncontaminated if they have not been exposed to substances or conditions rendering them unusable for recycling.

7. “Refuse” wastes including but not limited to all garbage, rubbish, ashes or other substances offensive to sight or smell, dangerous to the public health or detrimental to the best interests of the community.

8. “Rubbish” wastes that includes all other refuse not falling within the term “garbage: except those objects too large to be placed in cans.

9. “Solid waste” garbage, refuse, trash rubbish and other similar discarded solid and semi-solid materials, whether or not resulting from industrial, commercial, agricultural or domestic activities. Solid waste does not include toxic and hazardous wastes as defined by the Iowa Department of Natural Resources or “recyclable materials” or “yard waste.”

10 “Yard waste” organic debris such as grass clippings, leaves, garden wastes, brush and trees as defined by the Iowa Department of Natural Resources. Yard waste does not include tree stumps.

11. “Yard waste bundle” yard waste (trees, shrubs and brush trimmings) securely tied with string or rope, together forming an easily handled package not exceeding four (4) feet in length, and two (2) feet in diameter or sixty (60) pounds in weight.

12. “Yard waste bag” a heavy duty paper lawn bag that the contents will not be spilled or scattered but will stay confined, of a size not to exceed thirty (30) gallons in volume or forty (40) pounds in weight including bag and contents. *(Ord. 3-2023 – May 23 Supp.)*

105.03 DUTIES OF OWNERS AND OCCUPIERS OF PREMISES.

1. All solid waste and/or recyclables shall be drained of liquids and shall be cleaned and dried.

2. All solid waste and/or recyclables shall be placed and stored in a container, except:

A. Hazardous materials shall not be placed in a can but shall be transported and disposed of as required by State and federal law.

B. Solid waste in excess of what fits in a container and may be disposed of with a fifty five (55) gallon garbage, not in excess of forty (40) pounds, provided the same can be manually lifted and placed in the collector's vehicles with reasonable ease and safety by a single person. *(Ord. 3-2023 – May 23 Supp.)*

C. Dirt and construction waste which might be fill aggregate shall be transported and disposed of by the person owning or occupying the premises.

D. Appliances, equipment, furniture and other refuse which cannot be lifted manually and placed in a collector's vehicles with reasonable ease and safety by a single person. Such items shall be transported and disposed of by the person owning or occupying the premises.

E. Solid waste burned pursuant to Chapter 106.

3. It is unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantity or quality of solid waste, recyclable materials and/or yard waste that constitutes a health, sanitation or fire hazard.

4. It is the duty of owners and occupiers of the premises to utilize the City provided service and containers for refuse and recycling. If containers are not used, contractor may refuse pick up and City may assess additional fees for pick up.

105.04 DUTIES OF COLLECTORS.

1. Collection service shall only be collectors licensed by the City.

2. No person shall collect or transport refuse, recycling materials or yard waste from residential premises, except the property owner or tenant, unless under contract with the City.

3. The collector is responsible to collect and transport refuse, recyclable materials and yard wastes that are placed upon the streets or public places of the City via a vehicle or container equipped to prevent escape of the contents.

4. The collector shall not allow refuse to accumulate so as to constitute a health, fire or sanitation hazard.

105.05 COLLECTION SERVICE. The City shall provide for the collection of solid waste, recycling material, and yard waste material from single-family and multi-family residential properties. The owners or operators of commercial, or institutional premises shall provide for the solid waste and recyclable materials produced upon such premises. However, the Council may, upon separate application and consideration therefor, include commercial premises in the City collection service under the terms and conditions place thereon.

The City shall conduct a competitive bid process to contract a waste hauling/recycling service provider for the collection of solid waste and recyclable materials.

105.06 CITY TO PROVIDE COLLECTION CONTAINERS. Containers, vessels, or vehicles used for the collection and transportation of garbage, refuse, rubbish, solid waste or recyclable materials, containing such materials shall be leakproof, durable and of easily cleanable construction. They shall be cleaned by the property owner to prevent nuisances, pollution or insect breeding and shall be maintained in good repair. Each property owner shall be provided an initial container for refuse, and an additional recycling container, at no individual cost. Each container will be labeled “Refuse” and/or “Recycling Only” and is labeled with a serial number that is assigned to the property address. Containers are required to remain with the property. Any container that is lost, stolen, damaged, or removed from the property or otherwise does not meet the standard set forth above, will be replaced at the property owner’s expense.

105.07 LOADING OF CONTAINERS. Containers, vessels, or vehicles used for the collection and transportation of any garbage, refuse, rubbish, solid waste, recyclable materials or yard waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be covered to prevent blowing or loss of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and then are properly cleaned. Solid waste that does fit within a container, or excess bagged solid waste, shall be treated as bulky rubbish as define below.

105.08 ADMINISTRATION OF COLLECTION.

1. Each unit shall be assigned a day of the week for collection as City Council designates by resolution.
2. On collection day such container(s) shall be placed at the curb by 6 a.m. and taken back in at the end of the day. In the event the collection service serves a unit on its assigned day and the container(s) have not

been placed at the curb at the time of service, the collection service shall have no obligation to return to the unit at a later time during that day or week and collection services will be resumed on the next weekly scheduled collection day. *(Ord. 10-2023 – Nov. 23 Supp.)*

3. The container(s) shall be placed adjacent to the street or the same will not be collected. Containers shall be placed approximately two (2) feet apart and away from parked vehicles or equipment.
4. Refuse and recycling shall always be placed, stored and collected in a container.
5. Refuse and recycling containers shall be stored in the interior garage or exterior side or rear yard.

105.09 BULKY RUBBISH. Bulky rubbish is too large or heavy to be collected in the normal manner of other solid waste may be collected by the collector upon request in accordance with procedures therefor established by the service level agreement with the waste hauling/recycling service provider. (Appliances, equipment, furniture and other refuse which cannot be lifted manually and place in collector's vehicle with reasonable ease and safety by a single person.) Such items shall be transported and disposed of by the person owning or occupying the premise.

105.10 RECYCLING REQUIRED. Whether recyclable materials are placed for curb-side collection or transported by a property owner to a recycling facility, all residents are required to separate recyclable materials from solid waste.

105.11 YARD WASTE.

1. All yard waste shall be separated by the owner or occupant from all solid waste or recyclable materials accumulated on the premises and shall be composted on the premises or placed in yard waste bags or bundles as defined in Section 105.01.
2. Each yard waste bag or of bundle of yard waste shall have one yard waste tag attached to it.
3. Yard waste bags or bundles shall be placed at curbside for pickup on the assigned a day of the week for collection as City Council designates by resolution.
4. Only yard waste bags or bundles tagged with City of Asbury yard waste tags are eligible for collection. Yard waste which cannot be lifted manually and placed in the collector's vehicle with reasonable ease and safety by a single person shall be transported and disposed of by the person owning or occupying the premises.

5. Only authorized representatives of the City of Asbury shall remove yard waste bags and/or bundles.
6. The fee for each yard waste tag is \$2.50. One yard waste tag is good for one (1) pickup for one (1) bag and/or bundle of yard waste. Yard waste tags may be purchased at City Hall or at private businesses designated by resolution of the City Council.
7. The City will allow twenty-four (24) free yard waste tags per season/year per property. Free tags must be picked up at Asbury City Hall during normal business hours.
8. Yard waste is limited to ten (10) bag(s) and/or bundles per week.

(Section 105.11 – Ord. 3-2023 – May 23 Supp.)

105.12 RIGHT OF ENTRY. Solid waste and recyclable collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste or recyclable materials, therefrom as required by this chapter, however, solid waste and recyclable collectors shall not enter residential buildings.

105.13 PROHIBITED PRACTICES. It shall be unlawful for any person to:

1. **Unlawful Use of Containers.** Deposit refuse in any solid waste containers other than the container of the property owner without the written consent of the owner of such container.
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 authorized waste collection service.
3. **Unlawful Disposal.** Dispose of any refuse, recyclable materials or yard waste at any facility or location which is not an approved location.
4. **Unlawful Collection.** Engage in the business of collection, transporting, processing, or disposing of refuse, recyclable materials, or yard waste with the City without a contract with the City or a valid permit from the City.
5. **Anti-Scavenging.** It shall be a violation of the Code for any person to sort through, scavenge or remove any garbage, waste, refuse, rubbish, or recycling material that has been placed in a designated garbage or recycling container. Unauthorized collection, removal or scavenging or material placed in a garbage or recycling container shall be in violation of this Code and punishable as a municipal infraction under Chapter 3 of this Code of Ordinances.

105.14 ENFORCEMENT. Enforcement of this chapter shall be by the City Council or by a City employee designated by City Council.

105.15 RULES AND REGULATIONS. The City Council, may be resolution provide rules and regulations for the collection and disposal of solid waste, recyclable materials and/or yard waste, including but not limited to rules regarding containers, collection vehicles, routes, manner of transportation, disposal, and terms and conditions for obtaining and retaining permits. Such rules and regulations shall be kept in the office of the City Clerk and available for public inspections.

105.16 RATES. The collection and disposal of refuse, recyclable materials and/or yard waste materials as provided by this chapter are declared to be beneficial to the property served or eligible to be served and there shall be levied and collected fees therefor.[†]

1. The following charges for solid waste and/or recyclable materials collections shall be assessed each month by the City:

A. From each owner or occupant of a residence served by a curb pickup collection at such property each week, whether the service is utilized or not, \$12.50 for one refuse container and one recyclable container.

B. From the occupant of each apartment one collection at such property each week, whether the service is utilized or not, \$12.50 for one refuse container and one recyclable container. The apartment owner shall be liable if the occupant does not pay the fee.

C. For each apartment building receiving common refuse container service and pickup collection once per week, whether the service is utilized or not, \$12.50 per apartment unit.

D. For each apartment building receiving common refuse container service and pick up collection that needs an extra pick up per week, the charge is \$260.00.

E. The fee for each additional garbage tag is \$1.25. One garbage tag is good for one (1) pickup for one (1) container/garbage bag/miscellaneous small item. Garbage tags may be purchased at City Hall or at private businesses designated by resolution of the Council.

F. The fee for non-utilization of containers is \$35 per week.

[†] **EDITOR'S NOTE:** Rates established in Section 105.16 were adopted with Ordinance No. 3-2023 and are effective July 1, 2023.

(Section 105.16 – Ord. 3-2023 – May 23 Supp.)

105.17 PAYMENT OF BILLS. All charges are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 90.17 of this Code of Ordinances. Solid waste and/or recyclable service may be discontinued in accordance with the provisions contained in Section 90.18 if the combines service account becomes delinquent, and the provisions contained in Section 90.19 relating to lien notices shall also apply in the event of a delinquent account.

105.18 LIEN FOR NONPAYMENT. The owner of the premises served shall be liable for solid waste collection service charges to the premises. Solid waste and/or recyclable collection service charges remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

105.19 PENALTIES. Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a municipal infraction. Violation is a municipal infraction punishable under Chapter 3 of this Code of Ordinances. Each day a violation continues shall constitute a separate offense.

(Ch. 105 – Ord. 2-2021 – Jul. 21 Supp.)

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