



City of Oskaloosa  
City Council Study Session  
Council Chambers  
City Hall, 220 S. Market Street  
Oskaloosa, IA 52577  
Agenda  
July 16, 2018  
5:00 PM

**1. Discussion Of Solid Waste Services For The City Of Oskaloosa;  
Review Of Oskaloosa Municipal Code, Chapter 8.12, Articles I, II, And  
III.**

Documents:

20180716\_STUDY SESSION SOLID WASTE SERVICES.DOCX  
PAGES 42-43 RECOMMENDATION\_WASTE\_HAULING.PDF  
20120604 - SOLID WASTE WORK SESSION 1.1.PDF  
SOLID WASTE CHANGES VERSION 1.3 - 20120530.PDF

**2. Adjourn**

**If you require special accommodations, please contact the City Manager's Office at least 24 hours prior to the meeting at (641) 673-9431.**



## City Council Study Session

Meeting Date: July 16, 2018

Requested By: City Manager's Office

### Item Title:

Discussion of solid waste services for the city of Oskaloosa; review of Oskaloosa Municipal Code, Chapter 8.12, Articles I, II, and III.

### Explanation:

This item is scheduled for the purpose of gathering input from the city council on the various topics surrounding solid waste services for the city of Oskaloosa. This includes a review of past council discussions, current discussions being held by the Mahaska County Landfill Commission, and current code language within the Oskaloosa Municipal Code, Chapter 8.12, Articles I, II, and III. No action will be taken at this meeting as this is a study session.

The last time the city council held discussions about solid waste was in 2012 (see attached council communication sheet and staff presentation). Staff and the city council held at least eight public meetings - six in committee, and two study sessions. The result of those discussions led to no action being taken by the city council, and a consensus that the council and staff needed to be able to move on to other council policy priorities due to the grid lock and unproductive council conversations at the time.

The reason why the staff and the city council were talking about solid waste services in the community was due to a desire to revisit the 2011 Solid Waste Study completed by the University of Iowa, School of Urban and Regional Planning. The study, *First Step Oskaloosa – Solid Waste Recommendations*, included a two part implementation of key findings, found on page 42. The report writers were sensitive to the community's passion surrounding solid waste and potential changes to be recommended. As a result, the study recommended a two-step approach to any change.

First, the report recommended a review of the city's existing ordinances regulating solid waste, establishing performance measurements to ensure satisfactory results, and then an evaluation of the results.

Second, if the ordinance changes, along with enforcement did not achieve the desired outcomes for the city council, further action could be implemented, such as requesting haulers to provide their lowest cost for services via a single hauler contract.

**Budget Consideration:**

No action can be taken during a study session.

**Attachments:**

## RECOMMENDATION

Based on the findings from the *Residential Solid Waste Collection Survey, Community Comparison Analysis, and Impact Analysis*, the recommendation comes in two parts in order to minimize the economic impacts on the city.

### ORDINANCE ENFORCEMENT

The first part of this recommendation is to review, strengthen, and enforce the Oskaloosa Code as it applies to solid waste hauling. Currently, section 8.12.170 states “all solid wastes shall be collected from residential premises at least once per week.” Recyclable materials shall be collected from residential premises at least semi-monthly.

The two revisions that should be made to the Oskaloosa Code are as follows:

1. Require all single family dwellings to enroll in solid waste hauling services
2. Required use of trash containers

According to the *Residential Solid Waste Collection Survey*, only 80 percent of Oskaloosa residents currently have solid waste hauling services. The code is stronger for those residents that are enrolled in waste hauling services; having all residents enrolled should improve aesthetics and public health.

Requiring the use of trash containers will also increase aesthetics and decrease the chance of loose or spilled waste throughout the city. Currently, residents are required to own trash containers but are not required to utilize them.

Enforcement of the clarified ordinance should not take additional manpower or resources; enforcement should be conducted in the same manner as all code enforcement. However, if additional resources are deemed necessary they should come from the general fund. They could potentially be offset by an increase in waste hauler licensing fees or additional appropriate sources.

### PERFORMANCE MEASUREMENT

After a period of no more than two years, the ordinance enforcement phase should be reviewed to ensure efficacy. The best way to monitor this is for an ordinance enforcement officer to record any potential violations. Residential noncompliance with the ordinance revisions would indicate continued public health and aesthetic issues. Additionally, a survey should be conducted with questions similar to those asked in the *Residential Solid Waste Collection Survey*, which would serve as a baseline. The survey should measure perceptions of key concerns such as those involving public health, aesthetics, safety, environmental, consumer cost and road damage. The City should identify an acceptable number of residential solid waste related ordinance complaints as well as targeted positive perception level changes. If these indicators are not realized the first part of the recommendation can be said to have failed.

### SINGLE HAULER

If enforcing the City ordinance does not improve the aforementioned issues, we advise that the City of Oskaloosa change to a citywide single hauler contract system to be determined by a bidding

process on an annual basis. This recommendation should affect all single family homes in Oskaloosa. In addition to curbside garbage collection, we also recommend that the City mandate curbside recycling. For cost containment purposes, each hauler should submit a bid to the City. Inclusion of additional services should be considered for the following:

- Elderly and disabled resident walk-up service
- Bulky item pick-up
- Yard waste removal
- Appliance collection

These are common elements of single hauler contracts in surrounding communities. Johnston and Winterset are evidence that changing from a multiple to a single contract hauling system in Iowa can increase services without an increase in user fees.

**City Council Work Session:**  
Solid Waste Study

June 4, 2012 @ 5:15 p.m.

# Solid Waste Study

- Purpose of work session:
  - Update city council as a whole on progress to implement study recommendations
  - Seek feedback
  - Discuss next steps for staff
  - Discuss next steps for city council or committee

# Solid Waste Study

- Meetings of the Public Project Committee:
  - 03/05/2012
  - 03/12/2012
  - 03/26/2012
  - 04/23/2012
  - 05/08/2012
  - 05/29/2012
- Three code revisions proposed and discussed



# Solid Waste Study

## Recommendation #1

- *Require all single-family dwellings to enroll in solid waste services from a licensed hauler*

## Committee response:

- **Reject recommendation**
- Reduce nuisance requirements from 30 days to 7 days as a compromise

# Solid Waste Study

## Recommendation #2

- *Require residential use of garbage containers*

## Committee response:

- **Accept recommendation**
- Clarifying language added for use of container
- Solid waste must be placed in a bag and then in container
- Containers a minimum of 30 gallons
- Recycle containers specs added
- Containers must be screened from view
- Containers out by 6pm and in by 11pm next day

# Solid Waste Study

## Recommendation #3

- *Investigate licensing fees to offset ordinance enforcement*

## Committee response:

- **Fees charged not reviewed**
- Each vehicle must be registered with the city to receive a license
- Certificates of insurance required
- Vehicles must have contact info displayed

# Solid Waste Study

## Recommendation #4

- *Conduct a survey of the public to follow up on initial work completed with the report*

## Committee response:

- **Survey not reviewed as part of this discussion.**

# Solid Waste Study

## Recommendation #5

- *Consider a single hauler contract through a bidding process on an as needed basis*

## Committee response:

- **Reject recommendation at this time**
- Haulers need to be given opportunity to work out system on their own without government intervention
- Concern of pressuring current haulers to go out of business; cause additional expenses to haulers
- Noted that additional services could be achieved citywide

# Solid Waste Study

- Other items addressed by Committee:
  - Code clean up and clarification throughout chapter
  - Added hours of collection in residential areas only
    - 10:00pm to 6:00am no collection allowed
  - Added days of collection within the city
    - Monday through Thursday based on location

# Solid Waste Study

- Other items addressed by Committee (continued):
  - Additional provisions for “private haulers”
    - Covered loads
    - Brush and limb transport
  - Added NEW Chapter 17.26.100 solid waste and recycling container screening requirements

# Solid Waste Study

## Next steps?

- Further discussion by city council as a whole on the study
- Enact committee recommendations through ordinance change
- Modify committee recommendations and enact through ordinance change
  - Staff requests adoption of stricter code enforcement language at a minimum
- Do nothing and move on



## Chapter 8.12 - SOLID WASTE CONTROL

### Sections:

- ARTICLE I. - GENERAL PROVISIONS
- ARTICLE II. - COLLECTION AND TRANSPORTATION
- ARTICLE III. - SOLID WASTE DISPOSAL

### ARTICLE I. - GENERAL PROVISIONS

- 8.12.010 - Purpose.
- [8.12.011 - Powers of the city](#)
- [8.12.012 - Solid waste and other services required by the city.](#)
- 8.12.020 - Definitions.
- 8.12.030 - Health or sanitation hazard.
- 8.12.040 - Fire hazard.
- 8.12.050 - Restrictions on open burning.
- 8.12.060 - Littering.
- 8.12.070 - Open dumping and permitted dumping.
- 8.12.080 - Toxic and hazardous wastes.
- 8.12.090 - Waste storage containers.
- ~~8.12.095 - Recyclable material containers.~~
- 8.12.100 - Storage of ~~yard-landscape~~ wastes.
- 8.12.101 - Separation of ~~yard-landscape~~ waste required.
- 8.12.110 - Sanitary disposal required.
- 8.12.120 - Prohibited acts.

#### **8.12.010 - Purpose.**

The purpose of this chapter is to [\(i\) protect the health and safety of the citizens of the city, \(ii\) protect the environment by establishing minimum standards for the safe and sanitary collection, storage, treatment, transportation, processing, and disposal of solid waste and recyclables generated within the City of Oskaloosa](#)~~provide for the sanitary storage, collection and disposal of solid wastes and for recycling of recyclable materials as herein defined, to protect the citizens of the city from such hazards to their health, safety and welfare as may result from the uncontrolled disposal of solid wastes and the wasteful disposal of recyclable materials.~~

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(Ord. 884 §1, 1993: prior code §3-4.0101)

**8.12.011 - Powers of the city.**

The city manager or designee, in order to protect the health and safety of the citizens and the environment of the city, is authorized and directed to implement and enforce the provisions of this chapter to control the storage, collection, treatment, transportation, processing, and disposal of solid waste and recyclables. Nothing in this article is intended or shall be construed so as to infringe or supplant the authority of the Mahaska County Health Department, Iowa Department of Health Services, Iowa Department of Natural Resources or the United States Environmental Protection Agency in this area pursuant to federal and state laws.

**8.12.012 - Solid waste and other services required by the city.**

1. Solid waste services, including recyclable materials are mandatory within the City of Oskaloosa. Every property within the city is required to acquire the services of an authorized collector upon occupancy or dispose of solid waste and recyclable materials at least once a week by private hauler.

**8.12.020 - Definitions.**

For use in this chapter the following terms are defined:

"Approved incinerator" means equipment or facilities for the enclosed burning of refuse having a stack adequate to maintain a draft sufficient for efficient combustion and equipped with a screen sufficiently fine to prevent ejection of particles of burning materials as approved by the Iowa Air Quality Commission.

"Authorized collector" means any contractor with a valid solid waste service permit or license that can gather solid waste from public and private places within the city.

"Backyard burning" means the disposal of residential waste by open burning on the premises of the property where such waste is generated.

"Brush" means tree limbs and shrubbery clippings exceeding three feet in length.

"Bulk waste" means wooden and cardboard boxes, crates, appliances, furniture, machinery, automobile parts and all other nonvegetative matter, which by reason of size and/or shape are not readily containable. Bulk waste also includes tree trunks, branches or limbs, regardless of length, which are ten or more inches in diameter

"City" means the City of Oskaloosa, Iowa.

"Contractor" means any person or entity other than the city, who removes, collects, hauls, or transports within the city any solid waste of another person or entity, including recyclable materials, hazardous materials, or medical waste, or any other types of waste, for disposal, salvage, recycling or any other purpose.

"Curbside collection of recyclables" means semi-monthly collection of recyclable materials set at the curbside by occupants of residential properties.

"Discard" means to place, cause to be placed, throw, deposit or drop.

"Executive director" means the executive director of the Iowa Department of Natural Resources or his designee.

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"Garbage" means all solid and semisolid, putrescible animal and vegetable wastes resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial products, and shall include all such substances from all public and private establishments and from all residences.

"Landscape waste" means any vegetable or plant wastes except garbage. The term includes trees, tree trimmings, tree limbs and branches, stumps, brush, weeds, leaves, grass, shrubbery, flowers, yard trimmings and other organic debris.

"Litter" means any garbage, rubbish, trash, refuse, waste material or debris.

"Open burning" means any burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack.

"Open dumping" means the depositing of solid wastes on the surface of the ground or into a body or stream of water.

"Owner" means, in addition to the record titleholder, 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 hereinafter imposed shall be joint and several.

"Private hauler" means any person who hauls solid waste, feedstock, and/or recyclable materials from his or her own premises, including independent contractors engaged in any type of construction or repair within the City and hauling waste therefrom.

~~"Recyclable materials" means glass, no. 1 and no. 2 plastic, newsprint, and tin cans as acceptable by the re-cycle center.~~ "Recyclable materials" means solid waste that has been set aside or separated from other solid waste for the purpose of being collected and recycled, and which is, at the city manager's discretion, acceptable recyclable material. "Acceptable recyclable material" may include the following materials if clean and dry: paper, cardboard, chipboard, plastic containers made from polyethylene terephthalate ("PETE") or high density polyethylene ("HDPE"), clear glass, green glass, brown glass, steel food cans, aluminum cans, disposable aluminum bakeware and aluminum foil and other materials determined by the city manager as being marketable.

"Recycle center" means the ~~Mahaska Recycle Center or other recycle center operated~~ facilities designated by the Mahaska County Solid Waste Management Commission to receive, process and market recyclable materials ~~brought to the center~~ produced or originating within the City.

"Refuse" means putrescible and nonputrescible wastes, including but not limited to, garbage, rubbish, ashes, incinerator residues, street cleanings, market and industrial solid wastes and sewage treatment wastes in dry or semisolid form.

"Residential waste" means any refuse generated on the premises as a result of residential activities. The term excludes landscape wastes grown on the premises or deposited thereon by the elements, and excludes garbage, tires and trade wastes.

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"Rubbish" means nonputrescible solid waste consisting of combustible and noncombustible wastes, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass bedding, crockery or litter of any kind.

"Rubble" means stone, brick or similar inorganic material.

"Salvage operation" means any business, industry or trade engaged wholly or in part in salvaging or reclaiming any product or material, including, but not limited to, chemicals, drums, metals, motor vehicles or shipping containers.

"Sanitary disposal" means a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.

"Sanitary disposal project" means all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the executive director.

"Solid waste" means [all wastes \(except body wastes\), including](#) garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to, such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste may include vehicles, as defined by subsection one of Section 321.1 of the code of Iowa.

"Toxic and hazardous wastes" means waste materials, including but not limited to, poisons, pesticides, herbicides, acids, caustics, pathological wastes, flammable or explosive materials and similar harmful wastes which require special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

(Ord. 1154 §§2, 3, 2003)

**8.12.030 - Health or sanitation hazard.**

It is unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste, either in containers or not, that shall constitute a health or sanitation hazard.

(Prior code §3-4.0103)

**8.12.040 - Fire hazard.**

It is unlawful for any person to permit to accumulate quantities of solid waste within or close to any building, unless the same is stored in containers in such a manner as not to create a fire hazard.

(Prior code §3-4.0104)

**8.12.050 - Restrictions on open burning.**

No person shall allow, cause or permit open burning of combustible materials, including landscape waste, except that the following shall be permitted subject to a permit being issued by the fire department:

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- A. Disaster Rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition, as declared by the mayor, city manager or fire chief, exists;
- B. Diseased Trees. The open burning of diseased trees. However, when the burning of diseased trees causes a nuisance, appropriate action may be taken to require re-location of the burning operation. Rubber tires shall not be used to ignite diseased trees;
- C. Flare Stacks. The open burning or flaring of waste gases, provided such open burning or flaring is conducted in compliance with applicable rules of the Iowa Department of Natural Resources;
- D. Recreational Fires. Open fires for cooking, heating, recreation and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the Iowa Department of Natural Resources, do not require a permit;
- E. Backyard Burning. Backyard burning of residential waste at dwellings of four-family units or less;
- F. Training Fires. Fires set for the purpose of bona fide training of public or industrial employees in firefighting methods, provided that the executive director of the Iowa Department of Natural Resources receives notice in writing at least one week before such action commences;
- G. Limbs and Brush. Brush and limbs without leaves burnt pursuant to the limitations set forth herein and issuance of a permit;
- H. Prairie Grass Burn. Fires set for the purpose of controlling growth of prairie grass areas, provided said burns are under the direction of the Director of the Mahaska County Conservation Commission.
- I. Time Restriction. Open burning, except as set forth in paragraph D above, shall be allowed only during the period between sunrise and sunset and no live embers shall be allowed to remain after sunset.
- J. Permit. A permit to burn approved items may, in the discretion of the fire chief or the chief's designee, be issued with and under the following restrictions:
  - 1. No burning within two hundred feet of any building located on adjacent property;
  - 2. No burning within fifty feet of a structure, utilities, sidewalks, streets or alleys;
  - 3. Burning on lots of one acre or larger;
  - 4. No leaves may be burned;
  - 5. A responsible adult identified in the permit application must be present at all times;
  - 6. The permit is valid for a seven-day period, however the person doing the burning must call the fire department at the time the burning is to commence and receive permission to burn at that time on that day. The fire chief may extend the permit beyond seven days as warranted;
  - 7. The fee for the permit will be established by resolution of the council;
  - 8. The city and/or fire department reserve the right to terminate the burning if for any reason it

creates a nuisance to neighbors and/or citizens of the general public.

(Ord. 1196 §2, 2005)

**8.12.060 - Littering.**

No person shall discard any litter onto or in any water or land, except that nothing in this section shall be construed to affect the authorized collection and discarding of such litter in or on areas or receptacles provided for such purpose. When litter is discarded from a motor vehicle, the driver of the motor vehicle shall be responsible for the act in any case where doubt exists as to which occupant of the motor vehicle actually discarded the litter.

(Prior code §3-4.0106)

**8.12.070 - Open dumping and permitted dumping.**

A. Open Dumping. No person shall dump or deposit or permit the open dumping or depositing of any solid waste except rubble at any place other than a sanitary waste disposal project approved by the Executive Director of the State Department of Environmental Quality.

B. Permitted Dumping. The eCity of Oskaloosa may establish sites for its ~~citizens~~ residents to dump brush, limbs, and leaves during daylight hours. No person shall dump any other solid waste, including grass clippings, upon such sites, and no person shall dump any items at the site or deposit approved items at the site in a manner that is not in compliance with the ordinance codified in this section or in compliance with posted signs at the site.

C. Violations.

1. Any person or corporation violating this section shall be guilty of a misdemeanor with punishment as set forth in Section 1.20.010, General penalty, of this code.

2. The city may enforce any provision of this section by use of the ordinance or municipal infraction and nuisance against any owner, lessee, lessor, occupant, or renter. A person or business violating the ordinance codified in this section shall be guilty of a municipal infraction punishable by a civil assessment of five hundred dollars per occurrence, first offense, seven hundred fifty dollars per occurrence for repeat offenses or punishable by any other injunctive remedies the court may impose.

(Ord. 1235 §§1, 2, 2006)

**8.12.080 - Toxic and hazardous wastes.**

The collection, storage and disposal of toxic and hazardous wastes shall be subject to the following:

A. Labeling. All containers used for the storage, collection or transportation of toxic or hazardous wastes shall be plainly marked so as to provide adequate notice of the contents thereof;

B. Vehicles and Containers. All vehicles and containers used for the storage, collection and transportation of toxic and hazardous wastes shall be so constructed that they can be loaded, moved and unloaded in a manner that does not create a danger to public health or safety and in compliance with federal and state laws, rules and regulations;

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C. Disposal. No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous wastes. Such materials shall be transported by the owner, responsible person or his agent, to a place of safe deposit or disposal as prescribed by the Executive Director of the State Department of Environmental Quality.

(Prior code §3-4.0108)

**8.12.090 - Waste storage containers.**

Every person owning, managing, operating, leasing or renting any premises, dwelling unit or any place where refuse is generated shall place or cause to be placed all solid waste accumulating es on the premises in suitable containers. ~~shall provide and at all times maintain in good order and repair portable containers for refuse in accordance with the following:~~

All materials prepared for collection shall be stored in a city-approved container until removed by an authorized collector, unless those materials are properly prepared for a bulk waste collection service, if provided.

A. Container Specification. Waste storage containers shall comply with the following specifications:

1. Residential. Residential waste containers shall be of not less than ~~twenty gallons nor more than thirty-five~~ thirty (30) gallons in nominal capacity; may have wheels for ease of hauling and transport; shall be leakproof, waterproof and fitted with a fly tight lid which shall be kept in place except when depositing or removing the contents thereof. They shall have handles, bails or other suitable lifting devices or features and be of a type originally manufactured for the storage of residential wastes ~~with tapered sides for easy emptying.~~ They shall be of lightweight and sturdy construction ~~with the total weight of any individual containers and contents not exceeding seventy five pounds. Galvanized metal containers, rubber or fiberglass containers and plastic containers which do not become brittle in cold weather may be used. Disposable containers or other containers as approved by the city may also be used.~~

2. Commercial. Every person owning, managing, operating, leasing or renting any commercial premises where excessive amounts of refuse accumulates and where its storage in portable containers as required above is impractical, shall maintain metal bulk storage containers approved by the city.

3. Alleys in Central Business District. Every person owning, managing, operating, leasing or renting any residential or commercial property in the central business district where refuse accumulates and where its storage in portable containers as required above is impractical, shall maintain bulk solid waste storage containers approved by the city.

4. Landscape waste storage containers. The use of plastic bags for landscape waste is prohibited. Landscape waste containers for residential properties shall be determined by the authorized collector providing the service by selecting a reusable plastic, biodegradable paper bags or a combination of the two.

B. Recyclable material containers. Recyclable storage containers shall comply with the following specifications

1. Every Recyclable material container shall be maintained in good order and repair. Such

containers shall meet the following specifications:

2. Recyclable material containers shall have handles, bales or other suitable lifting devices or features and be of the type originally manufactured for the storage and collection of solid waste and/or recyclable materials from public and private places.

C. Location of Containers.

1. Residential ~~solid~~-waste and recyclable containers shall be stored upon the residential premises.
2. Commercial ~~solid~~-waste and recyclable containers shall be stored upon private property, unless the owner shall have been granted written permission from the city to use public property for such purposes.

3. Residential waste and recyclable containers shall be screened from view at all times 24 hours prior to and after collection and as otherwise required in Chapter 17.26.100.

~~34.~~ Residential or commercial ~~bulk-solid~~-waste and recyclable containers in the central business district shall not be placed on a public alley without the written permission of the city and shall only be placed at locations and in a manner approved by the city. ~~Bulk-s~~Solid waste containers in an alley shall be placed only upon a concrete, metal or other base as approved by the city.

~~45.~~ No grease containers shall be placed on any city alley or property without the written permission of the city and shall only be placed at locations and in a manner approved by the city.

~~56.~~ The storage site shall be well drained; fully accessible to collection equipment, public health personnel and fire inspection personnel.

D.C. General Requirements for Containers.

1. All containers, both residential and ~~bulk~~commercial, shall have a lid which must be closed except when loading and unloading waste and which shall keep all waste and recyclables deposited in the container from being scattered by the elements.

2. All containers located in the alleys in the central business district, shall be maintained in good repair ~~and shall be a color approved by the city.~~ These containers shall be provided by the authorized hauler and include a contact name and phone number of the authorized hauler prominently displayed on the container not less than two (2) inches in height, but not to exceed six (6) inches in height. ~~have a sticker, supplied by the city, placed and maintained thereon, which shall contain the following information: date and location approved by city, name and address of the hauler, name and address of the property owner using the container and the address served by the container.~~

3. The property owner using any container referenced in this section shall be held personally responsible if the container or its use does ~~s~~not comply with this section.

~~D.—Nonconforming Containers. Solid waste containers which are not adequate will be collected together with their contents and disposed of after due notice to the owner.~~

E. Violations.



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1. Any person or corporation violating this section shall be guilty of a misdemeanor with punishment as set forth in Section 2.10.010, General penalty.
2. The city may enforce any provision of this section by use of the ordinance or municipal infractions and nuisance against any owner, lessee, lessor, occupant or renter. See Chapter 8.08
3. It shall be a violation of this Code for any person not authorized by the city to remove, collect or disturb the solid waste and recyclables stored in such containers or to remove from a container any solid waste or recyclables set out for collection and disposal by an authorized collector. This prohibition does not apply to law enforcement officers acting within the scope of their official duties.
4. It shall be a violation of this Code for any person to utilize the solid waste or recycling containers or receptacles assigned to other persons for the disposal of solid waste or recyclables without their permission. This does not apply where residents share the use of common containers
5. All solid waste and recyclables shall be stored in a manner that does not present a health or safety hazard or public nuisance, including but not limited to, the breeding of insects. No person shall place, deposit or allow to be placed or deposited on his or her premises or private property or any public street, alley or right-of-way any solid waste or recyclables except in a manner prescribed in this article. In the event that the violation is not corrected, the violation is considered a public nuisance that may be abated.
6. It is the container users' and responsible parties' responsibility to properly contain solid waste or recyclables generated on their premises and to keep the area around the container continuously clear and free of all debris. If the property has alley solid waste service, the term "area" includes the alley.

(Ord. 1102 §2, 2001: prior code §3-4.0109)

~~**8.12.095—Recyclable material containers.**~~

~~A.—Licensed collectors as provided in this chapter shall make available to every person owning, managing, operating, leasing or renting any residential premises or dwelling unit recyclable material containers to be maintained in good order and repair by such persons. Such persons shall segregate their recyclable materials into separate containers. Such containers shall meet the following specifications:~~

~~Recyclable material containers shall be of not less than eighteen gallons or more than thirty-five gallons in nominal capacity, shall have handles, bales or other suitable lifting devices or features and be of the type originally manufactured for the storage and collection of solid waste and/or recyclable materials from public and private places.~~

~~B.—Alternatively, collectors may provide such persons bags for recyclables of similar size and quality.~~

~~(Ord. 884 §3, 1993)~~

**8.12.100 - Storage of yard-landscape wastes.**

All yard-landscape wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public

rights-of-way. Tree limbs less than four inches in diameter and brush shall be securely tied in bundles not larger than forty-eight inches long and eighteen inches in diameter when not placed in storage containers. ~~The weight of any individual bundle or container shall not exceed seventy five pounds.~~

(Prior code §3-4.0110)

**8.12.101 - Separation of ~~yard~~ landscape waste required.**

All ~~yard~~ landscape waste shall be separated by the owner or occupant from all other garbage and refuse accumulated on the premises and shall be composted on the premises or placed in biodegradable bags, containers, bundles or packages and set out for collection as determined by authorized collector.

(Ord. 826 §2, 1990)

**8.12.110 - Sanitary disposal required.**

It shall be the duty of each owner to provide for the sanitary disposal of all refuse accumulating on his premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than ~~thirty-seven~~ (7) days shall be deemed a nuisance and the city may proceed to abate such nuisances in accordance with the provisions of Article II of this chapter, or by initiating proper action in District Court.

(Prior code §3-4.0111)

**8.12.120 - Prohibited acts.**

It is unlawful for any person to:

A. Unlawful Use of Containers. Deposit refuse in any solid waste containers other than his own without the written consent of the owner of such containers;

B. Failure to use leak-proof plastic bag. Place or cause to be placed in a solid waste container any garbage, waste, rubbish, containable rubbish, filth or dead animal which is not contained within a securely fastened leak-proof plastic bag, unless otherwise exempted by this article

C. Interfere with Authorized 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 other authorized waste collection service;

~~D~~. Unlawful Disposal. Dispose of refuse at any facility or location which is not an approved sanitary disposal project;

~~E~~. Unlawful Collection. Engage in the business of collecting, transporting, processing or disposing of refuse within the city without a contract therefor with the city or a valid permit therefor;

~~F~~. Incinerators. Burn rubbish or garbage except in approved block, brick or vented metal incinerators approved by the fire chief and so maintained and operated as to prevent the emission of objectionable odors or particulate matter. Wire mesh incinerators are specifically excluded as acceptable incinerators;

~~G~~. Fire Emergency. Burn anything whatsoever during such periods of time as may be specified by the chief of the fire department during dry weather or other fire emergencies.

H. Landscape Waste. The raking of leaves or other landscape waste onto City streets or alleys is specifically prohibited.

I. Each day, any violation of this article that exists shall constitute a separate violation or offense.

(Prior code §3-4.0112)

## ARTICLE II. - COLLECTION AND TRANSPORTATION

8.12.125 - Hours of collection

8.12.126 - Days of collection

8.12.130 - Definitions.

8.12.140 - License required.

8.12.150 - Collection vehicles.

8.12.160 - Loading.

8.12.170 - Frequency of collection.

8.12.180 - Location of containers.

8.12.190 - Collection of ~~bulky rubbish~~ bulk trash.

~~8.12.200 - Tree limbs and brush.~~

8.12.210 - ~~Yard-Landscape~~ wastes.

~~8.12.220 - Right of entry.~~

8.12.230 - License-Generally.

8.12.240 - License-Application.

~~8.12.250 - License-Fee.~~

8.12.260 - License-Issuance.

8.12.270 - License-Renewal.

8.12.280 - License-Nontransferability.

8.12.285 - License Vehicle Fee

8.12.290 - License-Exemption for transport by owner.

8.12.300 - License-Exemption for grading or excavation.

### 8.12.125 - Hours of collection

Hours of collection of solid waste or recyclables by any authorized collector shall be regulated by the city. In order to prohibit the disturbance of the public peace and welfare, it shall be unlawful to collect or remove or to cause, permit, facilitate, aid or abet the collection or removal of residential solid waste or residential recyclables between the hours of 10:00 p.m. and 6:00 a.m. if the collection point or container location is within 300 feet of any residential dwelling unit unless reasonable accommodations are approved by the city.

### 8.12.126 - Days of collection

Days of collection of solid waste or recyclables by any authorized collector shall be regulated by the city. In order to prohibit the disturbance of the public peace and welfare the following collection zones are hereby

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established

- A. “Oskaloosa Service Area North” shall be defined as any property north of A Avenue East (Highway 92) within the city. Collection by authorized collectors for solid waste or recyclables shall only occur on Tuesday or Thursday of each week. This excludes special scheduled collections such as bulk trash and emergency pickups authorized by the city for abatement or health and safety purposes.
- B. “Oskaloosa Service Area South” shall be defined as any property south of A Avenue East (Highway 92) within the city. Collection by authorized collectors for solid waste or recyclables shall only occur on Monday or Wednesday of each week. This excludes special scheduled collections such as bulk trash and emergency pickups authorized by the city for abatement or health and safety purposes.

**8.12.130 - Definitions.**

For use in this article the following terms are defined:

- A. “Authorized ~~C~~ollectors” means any contractor ~~person authorized~~ with a valid solid waste service permit or license ~~by this article to that can~~ gather solid waste from public and private places within the city.
- B. “City” means the City of Oskaloosa, Iowa.
- C. “Contractor” means any person or entity other than the city, who removes, collects, hauls, or transports within the city any solid waste of another person or entity, including recyclable materials, hazardous materials, or medical waste, or any other types of waste, for disposal, salvage, recycling or any other purpose.
- D. “Dwelling unit” means any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.
- E. “Landscape waste” means any vegetable or plant wastes except garbage. The term includes trees, tree trimmings, tree limbs and branches, stumps, brush, weeds, leaves, grass, shrubbery, flowers, yard trimmings and other organic debris.
- F. “Multiple-family dwelling” means a structure containing more than one dwelling unit.
- G. “Private hauler” means any person who hauls solid waste, feedstock, and/or recyclable materials from his or her own premises, including independent contractors engaged in any type of construction or repair within the City and hauling waste therefrom.
- H. “Property served” means any property which is being used or occupied and is eligible to receive solid waste collection and disposal service as provided herein.
- A.I. “Residential premises” means a single-family dwelling and any multiple-family dwelling up to and including four separate 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.

~~B.J.~~ "Single-family dwelling" means a structure containing one dwelling unit only.

(Prior code §3-4.0201)

#### **8.12.140 - License required.**

Collection of solid waste ~~and~~ recyclable materials, landscape waste and bulk trash within the city shall be only by authorized collectors ~~licensed by the city. Private haulers are excluded from licensing requirements.~~ Authorized collectors are required to provide curbside collection of solid waste, and recyclables ~~for to~~ each of their customers, ~~and to comply with the state mandated reduction in volume of solid waste disposed of at the sanitary land fill. Said mandates require twenty five percent reduction by January 1, 1994 and fifty percent reduction by January 1, 2000.~~

(Ord. 884 §4, 1993: prior code §3-4.0202)

#### **8.12.150 - Collection vehicles.**

Solid waste collection ~~v~~ehicles ~~or containers~~ used for the collection and transportation of garbage and similar putrescible waste or solid waste containing such materials shall be leakproof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution or insect breeding and shall be maintained in good repair.

(Prior code §3-4.0203)

#### **8.12.160 - Loading.**

Solid waste collection ~~v~~ehicles or containers used for the collection and transportation of any solid 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 authorized collector or transporter and returned to the solid waste collection vehicle or container and the area properly cleaned.

(Prior code §3-4.0204)

#### **8.12.170 - Frequency of collection.**

All solid wastes and recyclable materials shall be collected from all residential premises at least once per week by an authorized collector. ~~Recyclable materials shall be collected from residential premises at least semi-monthly.~~

(Ord. 884 §5, 1993: prior code §3-4.0205)

#### **8.12.180 - Location of containers.**

A. Containers set out for collection must be placed within two (2) feet of the street in front of the property to which they are assigned. Containers will not be collected from private property, or when placed within fifteen (15) feet of a vehicle, mailbox or other obstruction safe for collection as determined by the authorized collector. At no time may containers be left on the sidewalk. ~~A. Containers for the storage of solid wastes and~~

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~~recyclable materials awaiting collection shall be placed out of doors at some easily accessible place by the owner or occupant of the premises served. With regard to recyclable materials, they shall be placed at curbside at a place designated by the licensed collector. Solid waste collection vehicles will not be permitted to use unsurfaced residential alleys for solid waste collection.~~

B. Solid waste collection vehicles shall not be permitted to use unsurfaced residential alleys for solid waste collections.

CB. Variances. Upon proper application, property owners adjoining alleys may seek a variance from the city council to allow ~~garbage trucks~~solid waste vehicles to use unsurfaced residential alleys.

1. Property owners seeking a variance shall submit a written petition for same to the city ~~clerk~~engineer. The petition shall request that a particular alley be opened for ~~garbage truck~~solid waste vehicle use and that the signers thereof agree to perform and pay all future costs of maintenance and repairs to the alley. The petition must contain the signatures of all property owners adjoining the alley to be opened, their addresses and phone numbers. The petition shall contain a statement that by signing the petition, the signatories, should they fail to pay all costs voluntarily, consent to any and all costs of maintenance and repair of the alley being assessed against their property. The petition shall have attached to it a map showing the alley to be opened to solid waste vehicle ~~garbage truck~~ traffic and the names of all owners of real estate adjacent thereto. In addition, each petition shall have attached to it when filed an affidavit executed by the circulator certifying the number of signatures, that he or she personally circulated it, that the signatures were affixed in his or her presence, that he or she believes them to be genuine signatures of the persons whose names they purport to be, and that each signer had the opportunity before signing to read the petition.

2. Upon receipt of a proper written petition as described above, the city ~~engineer-clerk~~ or ~~his~~-designee shall review the petition and present same to the city council. Unless unusual circumstances exist and if all the requirements of subsection (B)(1) of this section have been met, the city council may grant the variance. It is the responsibility of the city ~~engineer-clerk~~ to inform the council of any unusual circumstances or any deficiencies in the petition.

DC. To ensure containers are placed out on time for service, containers may be placed at the curb after 6:00 p.m. on the day preceding collection. Containers must be removed prior to 11:00 p.m. of the day of collection. It shall be a violation of this Code to place or permit containers to remain adjacent to the curb except upon regular collection days. Containers shall be stored, between collection days, on the user's property so as not to interfere with pedestrian or vehicular traffic.~~If containers are placed at curbside by the owner or occupant of the premises served, said containers shall not be allowed to remain at curbside for more than twenty-four consecutive hours. Placement of containers at curbside for more than twenty-four consecutive hours shall constitute a nuisance and be enforceable in accordance with the nuisance provisions of this code.~~

~~(Ord. 913 §1, 1994; Ord. 908 §1, 1993; Ord. 892 §1, 1993; Ord. 884 §6, 1993; prior code §3 4.0206)~~

**8.12.190 - Collection of ~~bulky rubbish~~-bulk trash.**

~~Bulky rubbish~~Bulk trash which is too large or heavy to be collected in the normal manner of other solid waste may be collected by ~~the~~-an authorized collector upon request.

Bulk trash may be placed outside for pick up after 6:00 p.m. on the day preceding collection. Bulk trash must be

removed within twenty four (24) hours.

(Prior code §3-4.0207)

~~8.12.200 - Tree limbs and brush.~~

~~Tree limbs of less than four inches in diameter and brush will be collected provided they are placed at the curb or alley line, securely tied in bundles not more than forty eight inches long or eighteen inches in diameter when not in approved containers and weigh no more than seventy five pounds.~~

~~(Prior code §3-4.0208)~~

**8.12.210 - ~~Yard~~ Landscape wastes.**

A. Yard Landscape wastes ~~will~~ may be collected by an authorized hauler provided they are stored in a city approved containers so as to prevent the dispersal of such wastes upon the premises served or upon adjacent property or public rights-of-way. ~~The weight of any individual container shall not exceed seventy five pounds.~~

B. Tree limbs of less than four inches in diameter and brush may be collected provided they are placed at the curb, and secured as deemed necessary by the authorized hauler.

(Prior code §3-4.0209)

~~8.12.220 - Right of entry.~~

~~Solid waste collectors are authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this article, however, solid waste collectors shall not enter dwelling units or other residential buildings.~~

~~(Prior code §3-4.0210)~~

**8.12.230 - License-Generally.**

No person shall engage in the business of collecting, transporting, processing or disposing of solid waste, recyclable materials, landscape waste and bulk trash as part of a monthly sanitation service other than ~~his own~~ private haulers within the city without first obtaining from the city an annual license in accordance with the provisions set forth in Sections 8.12.240 through 8.12.300.

(Prior code §3-4.0211(part))

**8.12.240 - License-Application.**

Application for a solid waste collector's license shall be made to the city clerk and provide the following:

- A. Name and Address. The full name and address of the applicant, and if a corporation, the names and addresses of the officers thereof;
- B. Equipment. A complete and accurate listing of the number and type of collection and transportation equipment to be used;
- C. Collection Program. A complete description of the frequency, routes and method of collection and

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transportation to be used;

D. Disposal. A statement as to the precise location and method of disposal or processing facilities to be used.

E. Insurance. a certificate of insurance must be presented to the city clerk, along with information on the applicant pertaining to the principals of the business, address, phone number and a signed hold harmless agreement with the City, to protect and indemnify the City from any and all claims, damages, causes of actions of whatever kind arising out of issuance of a license to do business within the City

(Prior code §3-4.0211(1))

~~**8.12.250 - License Fee.**~~

~~A license fee in the amount of one hundred dollars shall accompany the application. In the event the requested license is not granted, one half of the fee paid shall be refunded to the applicant.~~

~~(Ord. 884 §7, 1993: prior code §3-4.0211(2))~~

**8.12.260 - License-Issuance.**

If investigation finds the application to be in order and it is determined that the applicant will collect, transport, process or dispose of solid waste, ~~and~~ recyclable materials, landscape waste and bulk trash without hazard to the public health or damage to the environment and in conformity with all applicable laws, rules and regulations, the license shall be issued by the city clerk to be effective from July 1st of the year of issuance to June 30th of the following year.

(Ord. 884 §8, 1993: prior code §3-4.0211(3))

**8.12.270 - License-Renewal.**

An annual license may be renewed upon payment of the required fee and the filing of an application for renewal containing the same information required in Section 8.12.240 for the initial issuance of a license.

(Ord. 884 §9, 1993: prior code §3-4.0211(4))

**8.12.280 - License-Nontransferability.**

No license authorized by this article may be transferred to another person.

(Prior code §3-4.0211(5))

**8.12.285 - License Vehicle Fee**

A. Each vehicle used by an authorized collector and which is used to transfer solid waste or recyclable materials within the City shall be licensed by the City. Upon inspection and approval of the vehicle by the Public Works Department, and upon payment of the designated annual license fee of one hundred dollars (\$100.00) to the City Clerk, a vehicle license shall be issued. The annual license fee shall be due on July 1. The license is not



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transferable from vehicle to vehicle or collector to collector. The license sticker shall be affixed to the vehicle in the appropriate location on the day of issuance or within five (5) business days thereafter.

B. Prior to issuance of a vehicle license, a certificate of insurance must be presented to the city clerk, along with information on the applicant pertaining to the principals of the business, address, phone number and a signed hold harmless agreement with the City, to protect and indemnify the City from any and all claims, damages, causes of actions of whatever kind arising out of issuance of a license to do business within the City.

C. Each applicant for a solid waste vehicle license shall be the titleholder, lessee or principal owner of the vehicle. Minimum equipment standards shall be:

1. The solid waste or recyclable material containment area shall be so constructed as not to drop or eject materials when the vehicle is in motion.

2. Tailgates shall be at least thirty (30) inches in height or one-half the height of the sideboards, whichever is less. Tailgates shall at all times be in good repair.

3. All vehicles shall be equipped or supplied with covers for the containment area. Such covers shall be so constructed as to completely contain the solid waste, feedstock, or recyclable payload within the containment area during all operations prior to unloading.

4. All vehicles shall have the name and phone number of the hauler prominently displayed on the side of the truck in lettering not less than two (2) inches in height.

**8.12.290 - License-Exemption for transport by ~~owner~~private hauler.**

A. Nothing herein is to be construed as to prevent ~~the a private hauler owner~~ from transporting solid waste, ~~and~~recyclable materials, landscape waste and bulk trash accumulating upon premises owned, occupied or used by him or her at least once every seven (7) days, provided such refuse is disposed of properly in an approved sanitary disposal project and provided that recyclable materials are transported by the owner to a recycle center and not to the sanitary landfill. Disposal of such refuse and recyclable materials shall be in conformance with the terms of this chapter.

B. Private haulers using cars, pickup trucks or utility trailers shall contain and cover all loads securely. Private haulers using vehicles larger than cars, pickup trucks or utility trailers shall use vehicles which meet all of the minimum equipment standards for authorized collectors.

C. Trees, brush and all other woody herbaceous materials shall be so contained as to not extend beyond the sideboards. Such materials may be hauled without a tailgate so long as the complete load is secure when no tailgate is in place. No materials shall extend beyond the containment area to the rear such that any materials drag or make contact with the roadway.

(Ord. 884 §10, 1993: prior code §3-4.0211(6))

**8.12.300 - License-Exemption for grading or excavation.**

No license or permit shall be required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities, however, all such materials shall be conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported shall spill upon the public rights-of-way.

(Prior code §3-4.0211(7))

**ARTICLE III. - SOLID WASTE DISPOSAL**

- 8.12.310 - Definitions.
- 8.12.320 - Sanitary disposal required.
- 8.12.330 - Open dumping prohibited.
- 8.12.340 - Exceptions.
- 8.12.350 - Toxic and hazardous wastes.
- 8.12.360 - Radioactive materials.
- 8.12.370 - Sanitary disposal project designated.

**8.12.310 - Definitions.**

For use in this article the following terms are defined:

~~A. "Operator" means the person or agency authorized to conduct disposal operations at a public sanitary disposal project or licensed private sanitary disposal project.~~

**B.A.** "Processing facility" means the site and equipment for the preliminary and incomplete disposal of solid waste, including but not limited to transfer, open burning, incomplete land disposal, incineration, composting, reduction, shredding and compression.

~~C. "Resident" means in addition to any person residing in the city, any person occupying or using any commercial, industrial or institutional premises within the city.~~

~~D. "Scavenging" means the uncontrolled removal of materials from the unloading or working area of a sanitary disposal project.~~

~~E. "Site" means any location, place or tract of land used for collection, storage, conversion, utilization, incineration or burial of solid wastes.~~

(Prior code §3-4.0301)

**8.12.320 - Sanitary disposal required.**

All solid wastes generated or produced within the city shall be disposed of at a sanitary disposal project designated by the city and approved by the executive director of the Iowa State Department of Environmental Quality.

(Prior code §3-4.0302)

**8.12.330 - Open dumping prohibited.**

No person shall cause, allow or permit the disposal of solid wastes upon any place within the jurisdiction of the city owned or occupied by him unless such place has been designated by the city as a licensed sanitary disposal project, public sanitary disposal project or an approved processing facility.

(Prior code §3-4.0303)

**8.12.340 - Exceptions.**

Nothing in this article shall prohibit the filling, leveling or grading of land with earth, sand, dirt, stone, brick, gravel, rock, rubble or similar inert wastes provided these materials are not contaminated or mixed with combustible, putrescible or other waste materials, nor to the disposal of animal and agricultural wastes on land used or operated for farming.

(Prior code §3-4.0304)

**8.12.350 - Toxic and hazardous wastes.**

Toxic or hazardous wastes shall be disposed of only upon receipt of and in accordance with explicit instructions obtained from the Executive Director of the State Department of environmental Quality.

(Prior code §3-4.0305)

**8.12.360 - Radioactive materials.**

Materials that are radioactive shall not be disposed of in a sanitary disposal project. Luminous timepieces are exempt.

(Prior code §3-4.0306)

**8.12.370 - Sanitary disposal project designated.**

Sanitary landfill facilities operated by the Mahaska County Solid Waste Management Commission are designated as the official public sanitary disposal project for the disposal of solid waste produced or originating within the city. The ~~Mahaska Recycle Center or other~~ recycle centers approved by the Mahaska County Solid Waste Management Commission ~~is~~ are hereby designated as the official public recycle centers for the disposal of recyclable materials produced or originating within the city.

(Ord. 884 §11, 1993: prior code §3-4.0307)

## **NEW SECTION OF CODE TO DISCUSS – 17.26.100**

### **17.26.100 - Solid waste container screening required in multifamily residential and commercial zones.**

A. All solid waste containers located in multifamily residential or commercial zones shall be screened from abutting properties and public rights-of-way by a 100 percent sight-obscuring fence, wall, or other enclosure. Such solid waste container enclosure may be permanent or portable.

B. The community development director may waive the requirements of this section upon written findings that undue hardship and results inconsistent with the intent of this chapter would result. The method by which such screen is achieved is left to the discretion of the property owner, although the city encourages compatibility with building and site characteristics, such as repetition of main building materials, color and texture, except the zoning administrator may require specific design features as are necessary to meet the intent of this chapter.

### **17.26.110 - Area for solid waste containers required.**

Area for solid waste containers shall be provided in all commercial and multifamily developments. Planned unit developments designed for individual dwelling solid waste service are excluded from this requirement. Area for containers for both garbage and recyclable materials shall be provided. The zoning administrator may develop administrative guidelines regarding the size and location of areas for solid waste containers.

### **17.26.120 - Location of private solid waste containers.**

A. No solid waste container in multifamily or commercial zones shall be located upon a public right-of-way or within a designated driveway or private access street.

B. Parking spaces shall not be used for solid waste containers, except the zoning administrator is authorized to permit the dedication of one parking space on developed sites for a solid waste enclosure pursuant to the screening standards stated in Oskaloosa Municipal Code 18.41.100 when the property owner can demonstrate that no other practical location for the enclosure exists.

### **17.26.120 - Location and screening of public solid waste containers.**

Solid waste containers placed for the purpose of supporting waste reduction and/or the health and sanitation needs of the general public shall be located, screened, and/or designed in such a manner as to employ a maximum of screening commensurate with utility and convenience of use by the public populations that the containers serve. When sight-obscuring screening methods are impractical, the containers shall be so screened and/or designed to minimize unsightliness, to blend with the surroundings, and with special consideration given to public liability and prevention of vandalism or theft.

**17.26.120 - Exemptions.**

Solid waste container screening shall not be required for the following:

- A. Single-family residences when solid waste containers 65 gallons or less are used;
- B. Mobile home parks when individual solid waste containers 65 gallons or less are used and such containers are located adjacent to the dwelling unit they serve;
- C. Temporary construction solid waste containers during the period of land clearing, grading, and construction;
- D. Temporary solid waste containers used for a period not exceeding 30 days;
- E. Containers that are owned by the city or a nonprofit corporation whose objectives are the beautification of the city or improvement of the business climate of the city, which receptacles have been placed as street furniture or otherwise with the permission of the city and with the approval of the zoning administrator as to design and location; and
- F. Containers, including street furniture, in commercial and multifamily zones that have been approved by the zoning administrator as to design and location.