

## ORDINANCE NO. 01-O-2020-2021

ORDINANCE AMENDING CHAPTER 3-1 OF TITLE III OF THE CITY CODE OF THE CITY OF STORM LAKE, IOWA, TITLED "GARBAGE STORAGE AND COLLECTION," TO REVISE REQUIREMENTS RELATING TO THE COLLECTION OF GARBAGE AND ITS STORAGE OUT OF DOORS

WHEREAS, the City Council of the City of Storm Lake, Iowa, has determined that Chapter 3-1 of Title III of the City Code of the City of Storm Lake, Iowa should be amended to revise some requirements relating to the collection of garbage and its storage out of doors;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Storm Lake, Iowa, as follows:

Section 1. Chapter 3-1 of Title III of the City Code of the City of Storm Lake, Iowa, is hereby amended as follows:

a. Section 3-1-2, captioned, "Definitions," is deleted and, in lieu thereof, the following new Section 3-1-2, captioned, "Definitions," is inserted:

### **Section 3-1-2 Definitions**

For use within this Chapter the following terms are hereby defined:

(A) "CAN": A container for the storage of garbage or recyclable materials which is provided with a handle and tight-fitting cover; is watertight; is substantially made of galvanized iron, plastic or rubber or other non-rusting material, when feasible; and of a size that may be conveniently handled by the collector.

(B) "COLLECTOR": Any person, specifically including the City of Storm Lake, that picks up and removes garbage, recyclable materials, or yard waste for a fee.

(C) "COMMERCIAL CUSTOMER": Any person owning, controlling, or occupying commercial property

(D) "COMMERCIAL PROPERTY": Property (1) on which garbage is stored or from which garbage is collected by a collector and (2) on which commercial, business, charitable, institutional, industrial, or other non-residential activities are conducted or on which four or more residential units are situated.

(E) "GARBAGE": All animal, fruit, vegetable and other waste material resulting from the preparation of food and drink together with other discarded items that do not fall into the category of recyclable material or yard waste.

(F) "PERSON": Any individual, firm, company, corporation, business entity, private contractor, trust, or other organized group, or any governmental unit.

(G) "RECYCLABLE MATERIAL": Materials which may be designated as recyclable by the Sanitary Disposal Project for Buena Vista County such as cardboard, clean newspapers, magazines, number one and two plastic, tin cans, clear and amber glass; subject to such additional items or deletions of items that the Sanitary Disposal Project for Buena Vista County may make from time to time.

(H) "RESIDENTIAL CUSTOMER": Any person owning, controlling, or occupying residential property.

(I) "RESIDENTIAL PROPERTY": Property on which garbage is stored or from which garbage is collected by a collector and on which three or fewer residential units are situated.

(J) "SHREDDED PAPER": Paper that has been shredded or cross-shredded by a machine designed for such purposes.

(K) "YARD WASTE": Yard waste shall have such definition as is given to it by the Iowa Department of Natural Resources, but, in any case, shall include grass clippings, leaves, garden waste and branches from trees and shrubs.

b. Section 3-1-3, captioned, "Duty to Provide Cans," is deleted and, in lieu thereof, the following new Section 3-1-3, captioned "Duty to Provide Cans or Commercial Containers," is inserted:

### **Section 3-1-3 Duty To Provide Cans or Commercial Containers**

Except as otherwise provided in this Section 3-1-3, each residential customer and commercial customer who shall store garbage or recyclable materials out of doors on residential property or commercial property or who places garbage out of doors in a place readily accessible to the collector for collection shall provide and use cans suitable in capacity for the storage of garbage and recyclable materials accumulating in a normal collection period of seven days. The foregoing shall not be construed as requiring a can of sufficient capacity for the occasional discarded item which is too large for a can if discards of this type are not regularly recurring. All garbage or recyclable materials stored out of doors or placed out of doors for collection, except for the occasional discarded item too large for a can, shall be stored or placed in cans that have a capacity of at least thirty-two (32) gallons. The collector may limit the maximum size of the can provided the limit is not less than thirty-two (32) gallons.

All cans provided shall be kept covered and reasonably clean at all times. They shall be placed in a position readily accessible to the collector outside of buildings but not in alleys or streets; provided, however, that a commercial customer may store garbage and recyclable materials discretely on such commercial property or in an adjoining alley in cans or commercial containers such as dumpsters if such cans or containers are stored immediately adjacent to the adjoining building or, if no building on the commercial property adjoins the alley, stored as close as practical to the lot line of the commercial property adjoining the alley.

If commercial containers such as dumpsters are used by commercial customers for the storage of garbage and recyclable materials, such containers shall be suitable in capacity for the

storage of garbage and recyclable materials accumulating in a normal collection period of seven days. If a commercial customer's commercial containers do not have the capacity to store garbage and recyclable materials accumulating in a normal collection period of seven days, the commercial customer shall arrange with a collector for a shorter collection period so that the storage capacity of the commercial customer's commercial containers is adequate to contain the garbage and recyclable materials. Commercial customers shall employ commercial or industrial balers for the compression of recyclable materials if needed to prevent the blowing and scattering of cardboard and other recyclables and to allow for the storage of such materials as required by this Chapter. Commercial containers used by commercial customers shall (1) be equipped with closeable lids and kept covered; (2) be properly maintained and kept in good repair to ensure fitness for use and prevent garbage or recyclable materials from falling or blowing out, (3) prominently display the name of the owner of the commercial container, and 4) be marked or labeled in such a way as to inform the collector whether the contents of the container are garbage or recyclable materials.

A person who places a can in any city-owned street right-of-way adjacent to a public street, for the purpose of garbage collection, shall not do so earlier than 7:00 a.m. on the day preceding the day scheduled for garbage collection for such person's residence and shall cause the can to be removed from such location by 7:00 a.m. on the day following the day scheduled for garbage collection for such person's residence.

c. Section 3-1-11, captioned, "Collection Equipment," is deleted and, in lieu thereof, the following new Section 3-1-11, captioned "Collection Equipment," is inserted:

### **Section 3-1-11 Collection Equipment**

When transported by collectors, all garbage and recyclable materials as well as yard waste shall be transported in factory-made compaction equipment as recognized by the waste industry. Equipment used in such transport operations shall clearly and prominently display the collector's name and telephone number.

Section 2. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 3. This ordinance shall be in effect January 1, 2021, following its passage, approval, and publication as provided by law.

PASSED AND APPROVED this 19th day of October, 2020.



Michael Porsch, Mayor

ATTEST:



Mayra A. Martinez, City Clerk