

ORDINANCE NO. 02-O-2018-2019

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 STORAGE OF GARBAGE OUT OF DOORS BY RESIDENTIAL CUSTOMERS

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 storage of garbage 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; and of a size that may be conveniently handled by the collector.

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

(C) "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.

(D) "PERSON": Any individual, firm, corporation, trust or other organized group, or any governmental unit.

(E) "RECYCLABLE MATERIAL": Materials which may be designated as recyclable by the Buena Vista County Recycling Center 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 Recycling Center may make from time to time.

(F) "RESIDENTIAL CUSTOMER": Any property involving three or fewer residential units.

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

(H) "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," is inserted:

Section 3-1-3 Duty To Provide Cans

Except as otherwise provided in this Section 3-1-3, each person who shall store garbage or recyclable materials out of doors on premises owned or occupied by that person 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 persons storing garbage in commercially zoned districts or residential complexes of 4 or more units may store garbage and recyclable materials discretely on their own property or in the alley in cans or other commercial containers if such cans or containers are stored immediately adjacent to the adjoining building.

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 3-1-4, captioned, "Accumulation And Deposit of Garbage Or Recyclable materials Prohibited," is deleted and, in lieu thereof, the following new Section 3-1-4,

captioned "Accumulation And Deposit of Garbage Or Recyclable Materials Prohibited," is inserted:

Section 3-1-4 Accumulation And Deposit Of Garbage Or Recyclable Materials Prohibited

No person shall permit garbage or recyclable materials to accumulate upon premises owned or occupied by him or her if such accumulation would violate the purpose of this Chapter as set out in 3-1-1 nor shall any person deposit any garbage or recyclable materials upon any other premises except the premises of the Sanitary Disposal Project for Buena Vista County, which is the transfer station and recycling center of the Buena Vista County Solid Waste Commission, unless such person has been authorized by the owner of the premises to deposit such materials there.

d. Section 3-1-9, captioned, "Bagging of Recyclable Materials," is deleted and, in lieu thereof, the following new Section 3-1-9, captioned "Duty to Bag Garbage and Shredded Paper; and Prohibition of Bagging Recyclable Materials Other Than Shredded Paper," is inserted:

Section 3-1-9 Duty to Bag Garbage and Shredded Paper; and Prohibition of Bagging Recyclable Materials Other Than Shredded Paper

All persons residing in residential units intending to have garbage collected shall bag such garbage in plastic bags and place and store such bags in cans when and as required by Section 3-1-3; provided, however, that any single item that is a part of the garbage to be collected and too large for a thirty-two (32)-gallon can need not be bagged. All persons residing in residential units intending to have shredded paper collected as recyclable materials shall bag the shredded paper only in clear or color transparent plastic bags so that the collector can readily identify the contents of the bags as recyclable materials. The shredded paper, so bagged, shall be placed and stored in cans when and as required by Section 3-1-3. All persons residing in residential units intending to have recyclable materials, other than shredded paper, collected shall not bag those recyclable materials in bags of any sort but shall place and store them in cans when and as required by Section 3-1-3.

e. Section 3-1-13, captioned, "Disposal," is deleted and, in lieu thereof, the following new Section 3-1-13, captioned "Disposal," is inserted:

Section 3-1-13 Disposal

All persons collecting garbage, recyclable materials and yard waste by contract or under permit shall utilize the Sanitary Disposal Project for Buena Vista County, which is the transfer station and recycling center of the Buena Vista County Solid Waste Commission, for the deposit of such collected garbage, recyclable materials and yard waste.

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, 2019, following its passage, approval, and publication as provided by law.

PASSED AND APPROVED this 17th day of Septmeber, 2018.



Michael Porsch, Mayor

ATTEST:


Mayra A. Martinez, City Clerk