

**Title 6**  
**HEALTH AND SANITATION\***

Title 6 HEALTH AND SANITATION\* ..... 1

    Chapter 6.04 SOLID WASTE DISPOSAL ..... 3

        6.04.010 Purpose. .... 3

        6.04.020 Definitions. .... 3

        6.04.030 Storage—Containers—Duty of owner and tenants to provide. .... 5

        6.04.040 Storage—Residential solid waste containers—Specifications and contents.  
                ..... 5

        6.04.050 Storage—Containers—Location. .... 6

        6.04.060 Storage—Containers—Garbage to be wrapped. .... 6

        6.04.070 Storage—Tree trimmings. .... 6

        6.04.080 Yard waste site. .... 6

        6.04.090 Storage—Maintenance of area and containers. .... 6

        6.04.100 Storage—Unauthorized accumulation. .... 7

        6.04.110 Storage—Depositing material other than garbage and rubbish prohibited.  
                ..... 7

        6.04.120 Collection—Provision. .... 7

        6.04.130 Collection—Solid waste—Mandatory. .... 7

        6.04.140 Collection—Yard waste. .... 8

        6.04.150 Collection—Other bulky wastes. .... 8

        6.04.160 Collection—Right of entry. .... 8

        6.04.170 Collection—Frequency and time. .... 8

        6.04.180 Collection—Responsibility. .... 8

        6.04.190 Collection—Transfer—Approval vehicles. .... 9

        6.04.200 Collection—Transporting construction and demolition wastes and  
                excavation materials. .... 9

        6.04.210 Transfer stations. .... 9

        6.04.220 Disposal—Public site designated. .... 9

        6.04.230 Disposal—Rules and regulations. .... 9

        6.04.240 Disposal—Open dumping prohibited. .... 10

        6.04.250 Disposal—Prohibited materials. .... 10

        6.04.260 Disposal—Payment of charges. .... 10

        6.04.270 Disposal—Incineration prohibited—Exception. .... 11

Chariton, Iowa, Code of Ordinances  
Title 6 HEALTH AND SANITATION\*

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6.04.280 Permit—Required. ....	11
6.04.290 Permit insurance coverage.....	11
6.04.300 Permit—Application—Information required. ....	11
6.04.310 Permit—Application—Fee. ....	12
6.04.320 Permit—Application—Denial. ....	12
6.04.325 Permit—Monthly reports and fees. ....	12
6.04.330 Permit—Annual renewal. ....	13
6.04.335 Permit—Collector's obligations.....	13
6.04.340 Permit—Right of inspection. ....	13
6.04.350 Permit—Suspension and revocation.....	13
6.04.360 Permit—Provision for appeals. ....	14
6.04.370 Permit—Display.....	14
6.04.380 Rules and regulations. ....	14
6.04.390 Prohibited practices. ....	14
6.04.400 Service charge—Dwelling units. ....	15
6.04.410 Service charge—Collection.....	15
6.04.420 Service charge—Billing. ....	16
6.04.430 Service charge—Commercial establishments. ....	16
6.04.435 Recycling services—Reducing waste from landfills.....	16
6.04.440 Enforcement.....	16
6.04.445 Penalty for violation. ....	16
Chapter 6.08 MILK REGULATIONS.....	17
6.08.010 Sale of adulterated milk unlawful. ....	17
6.08.020 State license required. ....	17
6.08.030 Retailer—Permit required. ....	17
6.08.040 Producer—Permit required—Inspections.....	17
6.08.050 Sanitary requirements.....	17
6.08.060 Milk inspector—Appointment—Duties.....	19
Chapter 6.12 FLUORIDATION OF WATER .....	19
6.12.010 Authorized.....	19
6.12.020 Records required. ....	19
6.12.030 Report by health officer. ....	19
6.12.040 City nonliability.....	19
Chapter 6.16 WEEDS AND TALL GRASS .....	20
6.16.010 Noxious weeds enumerated. ....	20

6.16.020 Weeds to be destroyed .....	20
6.16.030 Time for cutting weeds and assessment of costs.....	20
6.16.040 Notice to owners.....	20
6.16.050 Billing.....	21
Chapter 6.20 TREES .....	21
6.20.010 Planting regulated.....	21
6.20.020 Removal.....	21
6.20.030 Duty to trim.....	21
6.20.040 Dutch Elm Disease.....	21
6.20.050 Notice of removal.....	22
6.20.060 Interference with city.....	22

## **Chapter 6.04 SOLID WASTE DISPOSAL**

### **6.04.010 Purpose.**

The purpose of this chapter is to protect the health, safety and welfare of all citizens of the city by establishing approved practices for solid waste management.

(Ord. 668 § 2 (part), 1993)

### **6.04.020 Definitions.**

For the purpose of this chapter, the following terms shall be deemed to have the meaning indicated below:

- (1) "The agency" means the South Central Iowa Solid Waste Management Association.
- (2) "Approved incinerator" means an incinerator which complies with all current regulations of the responsible local and state air pollution control agencies.
- (3) "Authorized collector" means a person with whom the city has contracted for the collection, removal of garbage and rubbish, or whom the city has issued a permit for the same.
- (4) "Bulk containers" means metal containers of one to eight cubic yard capacity with lids, normally manufactured for solid waste storage and capable of being dumped mechanically by packer trucks or other special trucks.
- (5) "Bulky rubbish" means nonputrescible solid waste consisting of combustible and/or noncombustible waste materials from dwelling units, commercial, industrial, institutional, or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors, with the equipment available therefor.
- (6) "Business establishment" means stores, restaurants, hotels, motels, offices, wholesale establishments, retail establishments, hospitals, plants, shops, manufacturing establishments, schools and churches. (The term shall not be construed to include apartments, flats, private dwellings, trailer courts or boardinghouses.)
- (7) "City" means the city of Chariton, Iowa, or its duly authorized representative.

Chariton, Iowa, Code of Ordinances  
Title 6 HEALTH AND SANITATION\*

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- (8) "Collection" means removal of solid waste from its place of storage to the transportation vehicle.
- (9) "Curbside" means not more than ten feet from but outside the traveled portion of any street adjacent to the residence generating the solid or yard waste.
- (10) "DEQ" means the Iowa Department of Environmental Quality.
- (11) "Demolition and construction waste" means waste materials from the construction or destruction of residential, industrial or commercial structures.
- (12) "Disposable solid waste container" means a container that is not leaking and has a lid to ensure no water can run through the container. The sizes can be thirty- to ninety-five-gallon containers.
- (13) "Garbage" means putrescible animal or vegetable waste resulting from the handling, preparation, cooking, serving, or consumption of food. Garbage shall not include bodily wastes from animals or humans or dead animals.
- (14) "Hazardous wastes" includes but is not limited to, pathological wastes, explosive wastes, pesticides, pesticide containers, toxic or radioactive materials.
- (15) "Household unit" means any room or grouping of rooms located within a building or mobile home park and forming a single housekeeping unit with facilities which are used or intended to be used for living, sleeping, cooking and eating by any number of individuals living together as a single housekeeping unit.
- (16) "Multiple housing facility" means a housing facility containing more than one housing unit under one roof.
- (17) "Occupant" means any person who, alone or jointly or severally with others, shall be in actual possession of any housing unit or of any other improved real property, either as owner or as a tenant.
- (18) "Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, or organization of any kind, or their legal representative, agent or assigns.
- (19) "Processing" means incinerating, storage for transfer, composting, baling, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.
- (20) "Refuse" means solid waste.
- (21) "Residential solid waste" means garbage and rubbish as herein defined in subsections 13 and 22.
- (22) "Rubbish" means refuse such as wastepaper, rags, cartons, boxes, excelsior, leather, cloth, materials, shrub trimmings tied in bundles, not to exceed four feet in length, yard trimmings, tin cans, glass, crockery, ashes, and clinkers from heating plant furnaces, or other materials light in weight and easily handled or a combination of any two or more of the foregoing types of materials. Rubbish shall not include ashes or cinders from other than household or small heating plants, tree limbs, street sweepings, catch basin murk, concrete, dirt, concrete mortar or plaster mortar, stones, bricks, scrap metal or other similar construction materials, or materials resulting from the erection or destruction of buildings. Furthermore, rubbish shall not include bodily wastes from humans or animals or dead animals.
- (23) "Rubble" means stone, brick or similar inorganic matter.
- (24) "Solid waste" means unwanted or discarded waste materials in a solid or semisolid waste, including but not limited to garbage, ashes, street refuse, rubbish, dead animals, animal and agricultural wastes, yard

wastes, discarded appliances, special wastes, industrial wastes, and demolition and construction wastes.

- (A) "Commercial solid waste" means solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment.
- (B) "Residential solid waste" means solid waste resulting from the maintenance and operation of dwelling units.
- (25) "Solid waste container" means a receptacle used by any person to store solid waste during the interval between solid waste collections.
- (26) "Solid waste disposal" means the process of discarding or getting rid of unwanted material, in particular the final deposition of solid waste by man.
- (27) "Solid waste management" means the entire solid waste system of storage, collection, transportation, processing, and disposal and management thereof.
- (28) "Storage" means keeping, maintaining or storing solid waste from the time of its production until the time of its collection.
- (29) "Transfer station" means a facility designed, constructed and operated to accept and store solid wastes from relatively small vehicles such as private autos, pickup trucks or collection vehicles until such solid waste is hauled to the disposal site.
- (30) "Transportation" means the transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.
- (31) "Yard waste" means organic debris (e.g., glass clippings, leaves, tree limbs, bark, branches, flowers, etc.) which is produced as part of yard and garden development and maintenance.

(Ord. 668 § 2 (part), 1993)

(Ord. No. 923, § 2, 9-7-2021)

#### **6.04.030 Storage—Containers—Duty of owner and tenants to provide.**

The occupant of every housing unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits of the city shall provide sufficient and adequate containers for storage of all solid waste accumulating on the premises between collections, except bulky rubbish and demolition and construction waste, to serve each such dwelling unit and/or establishment.

(Ord. 668 § 2 (part), 1993)

#### **6.04.040 Storage—Residential solid waste containers—Specifications and contents.**

All residential solid waste containers required by Section 6.04.030 shall have a capacity of not more than ninety gallons nor less than thirty gallons in nominal capacity. Containers shall be leak-proof, waterproof totes fitted with an attached flytight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. The totes shall have handles, bails or other suitable lifting devices or features. The totes shall be of a type originally manufactured for residential solid waste, with tapered sides for easy emptying, and the contents thereof shall be kept in such condition that it can at all times be readily and fully removed by the city or its authorized collector. They shall be of light weight and sturdy construction. The weight of any individual tote and contents shall not exceed ninety pounds.

(Ord. 668 § 2 (part), 1993)

**6.04.050 Storage—Containers—Location.**

It is unlawful to place or keep garbage or rubbish containers on any public street, alley, place or elsewhere, except on private property. On collection days such containers shall be placed curbside. All containers must be removed within twenty-four hours after collection. All containers shall be stored upon the residential premises and be at least twenty-five feet from the right-of-way of the property. All residents shall store containers to prevent materials from being blown or scattered around neighboring yards and streets.

(Ord. 668 § 2 (part), 1993)

(Ord. No. 923, § 2, 9-7-2021)

**6.04.060 Storage—Containers—Garbage to be wrapped.**

Garbage shall be drained free of all liquids and wrapped in paper or placed in sanitary bags and kept dry in sanitary containers until removed by the city or its authorized collector.

(Ord. 668 § 2 (part), 1993)

**6.04.070 Storage—Tree trimmings.**

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 shall not exceed sixty pounds.

(Ord. 668 § 2 (part), 1993)

**6.04.080 Yard waste site.**

The city will provide a location for residents to take tree trimmings, grass clippings, and any items that are grown on their property for disposal. All items must be removed from containers unless they are in paper biodegradable yard waste bags.

(Ord. 668 § 2 (part), 1993)

(Ord. No. 923, § 2, 9-7-2021)

Editor's note(s)—Ord. No. 923, § 2, adopted Sept. 7, 2021, amended the title of § 6.04.080 to read as herein set out. The former § 6.04.080 title pertained to storage—separation of yard waste required.

**6.04.090 Storage—Maintenance of area and containers.**

The occupants of every housing unit and of every institutional, commercial, industrial, agricultural or business establishment shall place all solid waste to be collected in proper solid waste containers, except as otherwise provided herein, and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times. The storage site shall be well drained, fully accessible to collection equipment, collectors, public health personnel and fire inspection personnel. Solid waste containers which are not approved shall be so marked with a notice on a form approved by the city. The city or its authorized collector shall so mark unacceptable storage containers which, if not repaired or replaced within fourteen days from the date of

first notice, shall be collected together with their contents and disposed of. Appeal of the collector's ruling on container acceptability shall be made to the city manager.

(Ord. 668 § 2 (part), 1993)

#### **6.04.100 Storage—Unauthorized accumulation.**

Any unauthorized accumulation of refuse on any premises is a hazard to the public's health. Accumulation of refuse within thirty days after receipt of a notice to do the same from the health officer, shall be deemed in violation of this chapter.

(Ord. 668 § 2 (part), 1993)

#### **6.04.110 Storage—Depositing material other than garbage and rubbish prohibited.**

It is unlawful for any person to deposit in any residential solid waste container from which garbage or rubbish is to be removed by the city or its authorized collector any material other than garbage and rubbish as defined in this chapter. If any such container holds any material other than garbage or rubbish, neither the city nor its authorized collector shall be obligated to remove the contents of such container. The solid waste collector shall tag the container and leave it, notify the responsible person explaining the provision violated and the required action, and notify the city of the location and contents of the container.

(Ord. 668 § 2 (part), 1993)

#### **6.04.120 Collection—Provision.**

The city shall provide for the collection of solid waste as follows:

- (1) Collection of Residential Solid Waste. The city shall provide for the collection of all residential solid waste in the city; provided, however, that the city may provide the collection service by contracting with a person, county, or other city or a combination thereof, for the entire city or portions thereof, as deemed to be in the best interest of the city. In lieu of the above arrangements, the city may license private haulers to collect solid waste on a private arrangement basis.
- (2) Other Collections. The city may at its discretion provide commercial solid waste collection services upon specific application of the owners or persons in charge thereof. However, in the event that such application is not made or approved, it shall be the duty of such establishment to provide for collection of all solid waste produced upon any such premises in a manner approved by the city.

(Ord. 668 § 2 (part), 1993)

#### **6.04.130 Collection—Solid waste—Mandatory.**

With the exception of those items which may be recycled as provided herein, all residential solid waste shall be collected curbside by the city or its authorized collector and may not be disposed of in any other manner. Any wastes which cannot be recycled or readily and fully removed by the city or its authorized collector shall be left in the storage container and the owner notified of the existing problem. It shall be the duty of the owner to maintain the container and store the contents thereof in such a manner that it can be readily and fully removed on the following collection day. All solid waste collected shall, upon being loaded into the transportation equipment, become the property of the collection agency.

(Ord. 668 § 2 (part), 1993)

#### **6.04.140 Collection—Yard waste.**

Yard waste as described in Sections 6.04.020(31), 6.04.070 and 6.04.080, shall be placed curbside for collection. Solid waste containers as required by this chapter for the storage of other residential solid waste shall be placed curbside. Any solid waste containers, yard waste, or other solid waste permitted by this chapter to be placed curbside for collection shall not be so placed until the regularly scheduled collection day. Nothing in this chapter is intended to prevent the owner from transporting yard waste accumulating on premises of the owner, provided such yard waste is disposed of at city-approved composting stations or neighborhood collection sites in accordance with all ordinances and policies established by the city.

(Ord. 668 § 2 (part), 1993)

#### **6.04.150 Collection—Other bulky wastes.**

Provisions for collecting other bulky wastes such as furniture or appliances shall be made through private arrangement if not established by the city.

(Ord. 668 § 2 (part), 1993)

#### **6.04.160 Collection—Right of entry.**

Solid waste collectors, employed by the city or a solid waste collection agency operated under contract with the city or licensed by the city, are authorized to enter upon private property for the purpose of collecting solid waste from there as required by this chapter. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste, unless authorized by the property owner.

(Ord. 668 § 2 (part), 1993)

#### **6.04.170 Collection—Frequency and time.**

The following collection frequency shall apply to collections of solid waste within the city whether by the city or its authorized collectors:

- (1) All residential solid waste, other than bulky, shall be collected curbside at least once weekly.
- (2) All commercial solid waste shall be collected at least once weekly, and shall be collected at lesser intervals as requested by the owners of the commercial establishments or as may be directed by the city upon a determination that such lesser intervals are necessary for the preservation of the health and/or safety of the public.

(Ord. 668 § 2 (part), 1993)

#### **6.04.180 Collection—Responsibility.**

Solid waste collectors, employed by the city or a solid waste collection agency operating under contract with the city or licensed by the city shall be responsible for the collection of solid waste from the point of collection to the transportation vehicle, provided the solid waste was stored in compliance with Sections 6.04.050 through 6.04.090 and 6.04.110. Any spillage or blowing litter caused as a result of the duties of the solid waste collector shall be collected and placed in the transportation vehicle by the solid waste collector.

(Ord. 668 § 2 (part), 1993)

#### **6.04.190 Collection—Transfer—Approval vehicles.**

All transportation vehicles shall be maintained in a safe, clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for transportation of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste, or, as an alternate, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers.

(Ord. 668 § 2 (part), 1993)

#### **6.04.200 Collection—Transporting construction and demolition wastes and excavation materials.**

Permits shall not be required for the removal, hauling or disposal of earth and rock material from grading or excavation activities or lumber, pipe or other debris from construction and demolition activities. However, all such material shall be conveyed in right vehicles, trucks or receptacles, so constructed and maintained that none of the material being transported shall spill upon the public rights-of-way.

(Ord. 668 § 2 (part), 1993)

#### **6.04.210 Transfer stations.**

Any person constructing or operating a solid waste transfer station shall do such in a manner that the facility creates no nuisance to the public, follows the Iowa Department of Natural Resources Regulations and Permits, and all provisions of this chapter in relation thereto are complied with.

All persons proposing to construct and operate a solid waste transfer station shall first obtain a permit from the city as specified under Sections 6.04.280 through 6.04.370, permits, and Iowa Department of Natural Resources Permit for Operations. All operations of the facility will be in accordance with the regulations of the Iowa Department of Natural Resources Permit.

(Ord. 668 § 2 (part), 1993)

(Ord. No. 923, § 2, 9-7-2021)

#### **6.04.220 Disposal—Public site designated.**

By virtue of a contract between the city and the agency, the sanitary landfill sites now and hereafter operated by the agency are designated as the public disposal sites for all garbage and refuse collected within the corporate limits of the city.

(Ord. 668 § 2 (part), 1993)

#### **6.04.230 Disposal—Rules and regulations.**

The rules and regulations governing the use of the sanitary landfill sites shall be as determined by the agency to be in the best interests of the general public.

- (1) The landfill sites shall normally be open to the public on such days and hours as the agency may designate; however, the agency may alter the days and hours so scheduled to satisfy unusual conditions or emergencies.
- (2) The agency shall be responsible for the operation of the landfill sites in a manner which will assure sanitary and safe conditions at all times.
- (3) The operation of the landfill sites shall comply with all regulations of all local, state, county or federal agencies, which may have jurisdiction over such operator.
- (4) No person shall deposit any solid waste at any agency landfill site, except in compliance with posted instructions or instructions of the attendant in charge.

(Ord. 668 § 2 (part), 1993)

#### **6.04.240 Disposal—Open dumping prohibited.**

No person, firm or corporation shall permanently dispose of solid waste of any kind upon any land within the corporate limits of the municipality unless such land has been designated by the agency as a public landfill site; provided, however, that the prohibition contained in this section shall not apply to the deposit of inert wastes, not potentially injurious to health or the public welfare where permission to make such a deposit has been obtained from the owner or responsible agent, nor to the filling in or grading of property with earth, mud, ashes, or similar materials providing all other applicable local and state laws have been complied with.

(Ord. 668 § 2 (part), 1993)

#### **6.04.250 Disposal—Prohibited materials.**

Certain materials may be excluded from those refuse materials which may be deposited at an agency landfill site. These excluded materials may include junk automobile bodies and similar bulky objects, which may require special processing prior to disposal; trees and tree limbs, unless they have been cut into pieces not exceeding ten feet in length; burning materials or materials containing hot or live coals; hazardous materials; and other materials which the agency deems necessary to exclude. However, hazardous materials may be deposited upon the receipt of written permission of a responsible official or attendant of the agency and subject to any special instructions issued with such permission. Hazardous material shall include: explosive materials, materials contaminated by infectious or contagious disease, fly ash or other fine or powdery material, and other material which may present a special hazard to landfill personnel, equipment or to the public.

(Ord. 668 § 2 (part), 1993)

#### **6.04.260 Disposal—Payment of charges.**

- (a) It is unlawful for any person, firm or corporation other than the agency or a municipality on its behalf to receive payment of any kind or request payment of any kind for the disposal of any solid waste at any sanitary landfill site within the municipality.
- (b) The charging of a fee for the collection of any garbage or other solid waste from a customer by a private refuse collector shall not be construed as a violation of this section since the disposal is considered to be incidental to the total collection and disposal service; provided, however, such collection and disposal shall be conducted entirely by forces with equipment owned or operated by the private refuse collector.

- (c) Fees paid to or for the benefit of the agency for the use of the public landfill facilities, shall be in accordance with the posted and published scheduled of fees of the agency or the municipality, as provided in the contract referred to in Section 6.04.020.

(Ord. 668 § 2 (part), 1993)

**6.04.270 Disposal—Incineration prohibited—Exception.**

- (a) It is unlawful for any person, firm or corporation to burn or incinerate or permit the burning or incineration of any solid waste within the corporate limits of the city.
- (b) This section shall not apply to any incinerator operated under a license granted by the city or any incinerator operated by or for the city, or any burning conducted under the direction of the fire department of the city.
- (c) This section shall not apply to the burning of any building or structure by the fire department of the city pursuant to a valid application and permit approved by the city council. Upon the approval of such application and permit by the city council, the fee for the burning of any building or structure by the fire department of the city shall be two hundred dollars. In addition, the applicant for the burning of any building or structure shall be responsible for payment of all fees associated with testing and regulatory approval, and shall further reimburse the Chariton Municipal Waterworks for all water used in connection with such burning.
- (d) This section shall not apply to incineration of solid waste by the city on behalf of a property owner pursuant to an agreement between the city and the property owner after approval by the city council and the Iowa Department of Natural Resources.

(Ord. 765 § 2, 1999; Ord. 668 § 2 (part), 1993)

(Ord. No. 853, § 2, 9-8-2009; Ord. No. 875, § 2, 7-16-2012)

**6.04.280 Permit—Required.**

No person shall engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the city, without first obtaining an annual permit therefor from the city; provided, however, that this provision shall not be deemed to apply to employees of the holder of any such permit.

(Ord. 668 § 2 (part), 1993)

**6.04.290 Permit insurance coverage.**

No permits shall be issued to any hauler without the certification of insurance that meets the requirements that are required by the city. The insurance requirement will be issued by the city manager upon request of a permit application.

(Ord. 668 § 2 (part), 1993)

(Ord. No. 923, § 2, 9-7-2021)

**6.04.300 Permit—Application—Information required.**

Each applicant for any such permit shall state in his application therefor:

- (1) The nature of the permit desired, as to collect solid waste and transport to the designated areas.

- (2) The characteristics of solid waste to be collected, transported, processed or disposed;
- (3) The number of solid waste transportation vehicles to be operated thereunder;
- (4) The precise location or locations of solid waste processing or disposal facilities to be used;
- (5) Boundaries of the collection area; and
- (6) Such other information as required by the city.

(Ord. 668 § 2 (part), 1993)

(Ord. No. 923, § 2, 9-7-2021)

#### **6.04.310 Permit—Application—Fee.**

If the application shows that the applicant will collect, transport or dispose of solid wastes without hazard to the public health or damage to the environment and in conformity with the laws of the state, of this chapter and of the rules and regulations authorized herein, the city shall issue the permit authorized by this chapter. The permit shall be issued for a period of one year, and each applicant shall pay therefore a fee of five hundred dollars per year before January 1 each year. If, in the opinion of the city, modification can be made to the application regarding service, equipment, or mode of operation, so as to bring the application within the intent of this chapter, the city shall notify the applicant in writing setting forth the modification to be made and the time in which it shall be done.

(Ord. 668 § 2 (part), 1993)

(Ord. No. 923, § 2, 9-7-2021)

#### **6.04.320 Permit—Application—Denial.**

If the applicant does not make the modifications pursuant to the notice in Section 6.04.310 within the time limit specified therein, or if the application does not clearly show that the collection, transportation, processing or disposal of solid wastes will create no public health hazard or be without harmful effects on the environment, the application shall be denied and the applicant notified by the city, in writing, stating the reason for such denial. Nothing in this section shall prejudice the right of the applicant to reapply after the rejection of his application, provided that all aspects of the reapplication comply with the provisions of this chapter.

(Ord. 668 § 2 (part), 1993)

#### **6.04.325 Permit—Monthly reports and fees.**

Any person licensed as an authorized collector of the city shall file with the city on or before the tenth day following the last day of each calendar month copies of receipts for tonnage at the agency's landfill(s) for said prior calendar month.

(Ord. 691 § 2, 1994; Ord. 668 § 2 (part), 1993)

(Ord. No. 923, § 2, 9-7-2021)

#### **6.04.330 Permit—Annual renewal.**

The annual permit may be renewed simply upon payment of the fee or fees as designated herein if the business has not been modified. If modifications have been made, the applicant shall reapply for a permit as set forth in Sections 6.04.290 and 6.04.300. No permits authorized by this chapter shall be transferable from person to person.

(Ord. 668 § 2 (part), 1993)

#### **6.04.335 Permit—Collector's obligations.**

Any person licensed as an authorized collector of the city shall:

- (1) Promptly respond to all customer complaints;
- (2) Provide an answering service or telephone answering machine between eight a.m. and five p.m. daily;
- (3) Also collect yard waste and tree trimmings placed curbside for collection at a fee agreed upon by the owner and collector, in addition to the monthly collection fee;
- (4) Also collect large items other than solid or yard waste, e.g., furniture or appliances, at a location and fee agreed upon by and between the owner and collector, in addition to the monthly collection fee;
- (5) Operating a collection vehicle with a maximum load of ten tons or more only on those alleys approved in advance by city manager.
- (6) Responsible for operating a safe vehicle for collection and providing safety training and equipment for employees.

(Ord. 798 § 2, 2002; Ord. 685 § 2, 1994; Ord. 668 § 2 (part), 1993)

(Ord. No. 923, § 2, 9-7-2021)

#### **6.04.340 Permit—Right of inspection.**

In order to ensure compliance with the laws of this state, this chapter and the rules and regulations authorized herein, the city may inspect all phases of solid waste management within the city. No inspection shall be made in any residential unit unless authorized by the occupant or by due process of law. In all instances where such inspections reveal violation of this chapter, the city shall issue notice for each violation stating therein the violation or violations found, the time and date and the corrective measure to be taken, together with the time in which such corrections shall be made.

(Ord. 668 § 2 (part), 1993)

#### **6.04.350 Permit—Suspension and revocation.**

In all cases when the corrective measures have not been taken within the time specified, the city shall suspend or revoke the permit or permits involved in the violation; if, however, no public health hazard is created by the delay, one extension of time not to exceed the original time period may be given.

(Ord. 668 § 2 (part), 1993)

#### **6.04.360 Permit—Provision for appeals.**

Any person who feels aggrieved by any notice of violation or order issued pursuant thereto by the director may, within ten days of the act for which redress is sought, appeal directly to the court in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal.

(Ord. 668 § 2 (part), 1993)

#### **6.04.370 Permit—Display.**

Each vehicle shall have a valid copy of the approval letter from the city that is dedicated to each collection vehicle while operating in the city limits.

(Ord. 668 § 2 (part), 1993)

(Ord. No. 923, § 2, 9-7-2021)

#### **6.04.380 Rules and regulations.**

The city shall make, amend, revoke and enforce reasonable and necessary rules and regulations, governing, but not limited to:

- (1) Preparation, drainage and wrapping of garbage deposited in solid waste containers;
- (2) Specification for solid waste containers, including the type, composition, equipment, size and shape thereof;
- (3) Identification of solid waste containers and of the covers thereof, and of equipment thereto appertaining, if any;
- (4) Weight limitations on the combined weight of solid waste containers and the contents thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers;
- (5) Storage of solid waste in solid waste containers;
- (6) Sanitation, maintenance and replacement of solid waste containers;
- (7) Schedules of and routes for collection and transportation of solid waste;
- (8) Collection points of solid waste containers;
- (9) Collection, transportation, processing and disposal of solid waste.

(Ord. 668 § 2 (part), 1993)

#### **6.04.390 Prohibited practices.**

It is unlawful for any person to:

- (1) Deposit solid waste in any solid waste container other than his own, without the written consent of the owner of such container;
- (2) Interfere in any manner with solid waste collection and transportation equipment, or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the city, or those of a solid waste collection agency operating under contract with the city or licensed by the city;

- (3) Burn garbage unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency;
- (4) Dispose of solid waste at any facility or location which is not approved by the city and the Iowa Department of Natural Resources.
- (5) Engage in the business of collecting, transporting, processing, or disposing of solid waste within the corporate limits of the city without a permit from the city, or operate under an expired permit, or operate after a permit has been suspended or revoked;
- (6) Dump or deposit solid waste on any land not its own unless the site is leased or covered by satisfactory use agreements conveying to the agency such privilege;
- (7) Open dump any solid waste except rubble;
- (8) Dispose of any toxic, hazardous or radioactive wastes without notifying the agency of the intention to do the same and obtaining explicit instructions on the procedures to be followed;
- (9) Burn any solid waste, however, nothing in this section shall prohibit a private or public agency from dumping, or depositing solid waste resulting from its own residential, farming, manufacturing, mining or commercial activities on land owned or leased by it if such action does not violate any statute of the state or rules and regulations promulgated by the commissioner of public health or local boards of health;
- (10) Permit any solid or yard waste container or tree trimmings to remain on the curb or alley for more than twenty-four hours.

(Ord. 668 § 2 (part), 1993)

(Ord. No. 923, § 2, 9-7-2021)

#### **6.04.400 Service charge—Dwelling units.**

- (a) There is imposed, for the collection and disposal of solid waste, and for the improvement of the public health and environment, a charge for each dwelling unit to which such service shall be provided under the provisions of this chapter. The maximum monthly charge for basic service for collection of residential solid waste shall be:
  - (1) For one weekly pickup of not more than thirty-five gallons: Fourteen dollars per month.
  - (2) For one weekly pickup of not more than sixty gallons: Seventeen dollars per month.
  - (3) For one weekly pickup of not more than ninety gallons: Nineteen dollars per month.
- (b) Additional residential containers placed for collection shall be collected by the solid waste hauler at a rate to be negotiated by the resident and the solid waste hauler.

(Ord. 836 § 2, 2007; Ord. 801 § 2, 2003; Ord. 668 § 2 (part), 1993)

(Ord. No. 852, § 2, 6-15-2009; Ord. No. 860, § 2, 7-5-2011; Ord. No. 923, § 2, 9-7-2021; Ord. No. 944, s; 2, 9-7-2021)

#### **6.04.410 Service charge—Collection.**

The system of services established by the provisions of this chapter is designed as an integral part of the city's program of health and sanitation, to be operated as an adjunct to the city's system for providing sewage

disposal. The city may enforce collection of such charges by bringing proper legal action against the occupant of any premises which has received such services, to recover any sums due of such services plus a reasonable attorney's fee to be fixed by the court, plus the cost of such action.

(Ord. 668 § 2 (part), 1993)

#### **6.04.420 Service charge—Billing.**

The service charge provided for in Section 6.04.400 is imposed upon the occupant of each occupied dwelling unit and the billing therefor shall be made to the person contracting for such collection service to each such dwelling unit. Service charges shall be payable to the permit holder empowered to collect service charges imposed by the city.

(Ord. 668 § 2 (part), 1993)

#### **6.04.430 Service charge—Commercial establishments.**

The owner or proprietor of any commercial, institutional or industrial establishment shall provide for the proper collection of solid waste from such establishment, in compliance with all sections of this chapter. The service charge for any commercial establishment shall be determined by negotiation between the property owner and authorized collector. The determination of all service charges shall be on the basis of quantity and characteristics of material, point of pickup, and time required to collect the solid waste.

(Ord. 668 § 2 (part), 1993)

#### **6.04.435 Recycling services—Reducing waste from landfills.**

- (a) The city will offer recycling services or a drop off location in the city for residents. Items accepted will be determined by the recycling center that will process materials.
- (b) All residents will be charged a recycling fee of one dollar and fifty cents per month on the water utility bill for the recycling program in the city.
- (c) Residents shall place for recycling only those items determined by the recycling center to be acceptable.

(Ord. No. 923, § 2, 9-7-2021)

#### **6.04.440 Enforcement.**

It shall be the duty of the police department and all police officers of the municipality to enforce the provisions of this chapter.

(Ord. 668 § 2 (part), 1993)

#### **6.04.445 Penalty for violation.**

Anyone violating any of the provisions of this chapter shall, upon conviction, be punished as provided in Section 1.20 or 1.30 of this Code.

(Ord. No. 923, § 2, 9-7-2021)

## Chapter 6.08 MILK REGULATIONS

### 6.08.010 Sale of adulterated milk unlawful.

It is unlawful to sell or distribute, or have with the intent to sell or distribute any milk, skim milk or cream which is adulterated shall be straight pasteurized and straight homogenized.

(Ord. 132 § 2, 1950)

### 6.08.020 State license required.

It is unlawful to sell or distribute or have with the intent to sell or distribute any milk, skim milk or cream from a store or vehicle, without obtaining a milk license from the Department of Agriculture of the state of Iowa and recording such license with the city clerk.

(Ord. 132 § 3, 1950)

### 6.08.030 Retailer—Permit required.

It is unlawful to sell, distribute or have with the intent to sell or distribute any milk, skim milk, or cream without obtaining permit from the mayor, for which permit a fee of fifteen dollars per year shall be charged. Such permit shall not be issued without the recommendation of the city milk inspector. The mayor may revoke any such permit upon conviction for the violation of any provision of this chapter, or may suspend such permit upon the recommendation of the city milk inspector. The city clerk shall keep a record of all such licenses and permits and the suspension or revocation thereof.

(Ord. 148 § 2, 1950)

### 6.08.040 Producer—Permit required—Inspections.

It is unlawful to sell, distribute or have with the intent to sell or distribute any milk, skim milk or cream for sale within the city, without such producer obtaining a permit from the mayor for which permit a fee of ten cents per cow or minimum of one dollar per farm will be charged annually for inspection. Such permit shall not be issued without the recommendation of the city milk inspector. The mayor may revoke any such permit upon the conviction of violation of any provision of this chapter, or may suspend such permit on the recommendation of the city milk inspector. All milk produced for the purpose of sale within the city must be produced on a farm which has been inspected by the city milk inspector and approved by him, provided that any inspection of the premises of a producer more than ten miles from the corporate limits of the city must be paid for at the rate of two dollars per hour and ten cents per mile plus all other traveling expenses; provided, however, that the city milk inspector shall not be obligated to travel more than ten miles from the corporate limits of the city.

(Ord. 132 § 5, 1950)

### 6.08.050 Sanitary requirements.

It is unlawful to sell or distribute any milk, skim milk or cream for domestic or potable use unless the same is produced and distributed in strict compliance with the following rules and regulations, and must at all times meet the requirements of the dairy and sanitary laws of the state of Iowa:

- (1) It shall not be obtained from any cow having any disease, sickness, ulcer, abscess or running sore, or be obtained from a cow within fifteen days before or five days after calving.

- (2) It shall not be obtained from a cow stabled in any unsanitary or unhealthful place and all barns where a cow or cows are stabled from which such milk is produced shall be clean, well lighted and ventilated, and shall have floors constructed of cement or other impervious material. Manure shall not be allowed to accumulate within fifty feet of such barn, and cows shall be clean and free from all visible dirt at milking time. Milking shall be done with clean dry hands, or with a properly cleaned and sterilized mechanical milker. Udders shall be wiped with a chlorine solution or other approved sanitizing agent, before milking. No fowls, poultry, or domestic animals shall be permitted in the milk house or in the milk barn.
- (3) Milk shall be removed from the barns immediately after milking to a clean place and strained through new cotton or other efficient strainer, and then properly cooled to a temperature of fifty degrees or less if sold raw and sixty degrees or less if sold to a pasteurization plant and maintained at that temperature until delivered. Special cooling tanks are recommended.
- (4) All milk processing plants, milk houses, milk wagons, and other places where milk is kept or processed shall be kept in a clean and sanitary condition at all times, and in accordance with the standards and regulations fixed by the state law and be screened as required by state law. Any producer going into business after the passage of this shall be required to have a milk house approved by the city milk inspector.
- (5) All utensils and plant equipment which come in contact with milk shall be thoroughly washed with an approved cleaning solution and sterilized with live steam or boiling water or by any other efficient and thorough method of sterilization approved by the city milk inspector.
- (6) All persons engaged in the production, handling and distribution of milk shall be free from all communicable diseases and from contact with any communicable disease.
- (7) Pasteurization. The terms "pasteurization" and "pasteurized," and similar terms refer to the process of heating every particle of milk or milk products to a temperature of approximately one hundred forty-five degrees Fahrenheit and never less than one hundred forty-three degrees Fahrenheit and holding at such temperature for not less than thirty minutes in pasteurizing apparatus approved by the city milk inspector, provided that approval shall be limited to such apparatus which requires a recording thermometer and an indicating thermometer with temperature tolerance of not more than one degree Fahrenheit, as shown by official tests with suitable testing equipment. All charts from recording thermometer shall be placed on file until released by the city milk inspector.
- (8) Raw and pasteurized milk. No raw milk or cream shall be sold or distributed within the city limits of the city for domestic or potable use unless it comes from cows free of tuberculosis and Bangs disease, as shown by annual tests of an accredited veterinarian and which are healthy in all other respects as shown by annual health certificates filed with the city. Raw milk, shall be sold only from cows that are free from any disease or infection, and if to be consumed raw, have a bacterial count of fifty thousand or less. Pasteurized milk shall have a bacterial count under thirty thousand and raw milk sold to the plant for pasteurization shall be under two hundred thousand. Milk sold at retail shall be capped mechanically.
- (9) State inspection. All milk sold at retail which has been state inspected and graded "A" may be sold without local inspection.

(Ord. 148 § 3, 1952; Ord. 132 § 6, 1950)

**6.08.060 Milk inspector—Appointment—Duties.**

The manager shall employ a suitable person as city milk inspector at a salary to be fixed by the manager by resolution, and such inspector shall perform his duties under the direction of the manager. The city milk inspector shall familiarize himself with the provisions of this chapter, the state laws relating to production and sale of dairy products and the rules and regulations of the county board of health, and inspect all conditions entering into the production, handling, and distribution of milk as herein provided, and shall whenever he deems it necessary take samples of milk and cream, sold or distributed or had with the intent to sell or distribute for domestic or potable use to determine whether such milk or cream complies with the provisions of this chapter, all state laws and rules and regulations of the county board of health.

(Ord. 132 § 7, 1950)

**Chapter 6.12 FLUORIDATION OF WATER**

**6.12.010 Authorized.**

Upon receiving a permit from the State Department of Health, the trustees of the Chariton water system are authorized to provide the means and to proceed with the introduction of fluoride ion into the water supply in such quantities as are required to maintain throughout the pipe distribution system a fluoride ion concentration of approximately one part per million.

(Ord. 198 § 1, 1958)

**6.12.020 Records required.**

The trustees of the Chariton water system shall keep an accurate record of the fluorine-bearing chemical applied, the quantities of water treated and cause such analytical tests to be made for fluorides (in terms of the element F) in the untreated and treated water as it shall be directed by the Health Department of the state of Iowa. Copies of the trustees of the water system's reports to the State Health Department covering the fluoridation process shall be submitted to the Lucas County board of health.

(Ord. 198 § 2, 1958)

**6.12.030 Report by health officer.**

The county health officer is directed to make periodic reports to the city council on the fluoridation of the water supply and to seek the cooperation of the dentists and physicians to conduct surveys and research as to the beneficial effect of the program and project on the citizens of this community.

(Ord. 198 § 3, 1958)

**6.12.040 City nonliability.**

The city by herein authorizing fluoridation, however expressly declares that it in no way assumes liability for, or on account of, any damage or injury incurred by any user of water so treated.

(Ord. 198 § 4, 1958)

## Chapter 6.16 WEEDS AND TALL GRASS

### 6.16.010 Noxious weeds enumerated.

The following weeds are declared to be noxious: Quack grass, *Agropyron repens*; perennial sow thistle, *Sonchus arvensis*; Canada thistle, *Cirsium arvense*; bull thistle, *cirsium lanceolatum*; European morning glory or field bindweed, *Convolvulus arvensis*; horse nettle, *Solanum carolinense*; leafy spurge, *Euphorbia esula*; perennial pepper-grass, *Lepidium draba*; Russian knapweed, *Centaurea repens*; buckthorn, *Rhamnus* and all other species of thistles belonging in genera of *Cirsium* and *Carduus*; butterprint, *Abutilon theophrasti* annual; cocklebur, *Xanthium commune*, annual; wild mustard, *Brassica arvensis*, annual; wild carrot, *Daucus carota*, biennial; buckhorn, *Plantago lanceolata*, perennial; sheep sorrel, *Rumex acetosella*, perennial; sour dock, *Rumex crispus*, perennial; smooth dock, *Rumex altissimus*, perennial; puncture vine, *Tribulus terrestris*, annual; teasel, *Dipsacus*, biennial.

(Ord. 822 § 2 (part), 2005)

### 6.16.020 Weeds to be destroyed.

All owners and persons in possession or control of any lands within the city shall:

- (1) Prevent the growth of noxious weeds from reaching maturity or blooming by cutting or destroying same.
- (2) Cut or destroy all weeds, vines, grass, brush or other growth when such growth exceeds ten inches in height in all developed areas or within two hundred feet of any developed area or urban street. In other areas of the city, all weeds, vines, brush or other growth shall be cut or destroyed when such growth exceeds eighteen inches. Natural areas, including but not limited to waterways or farmland, may exceed these established height limitations.
- (3) Prevent any growth of weeds, vines, brush or other plant material which constitutes a health, safety or fire hazard regardless of height.

(Ord. 822 § 2 (part), 2005)

### 6.16.030 Time for cutting weeds and assessment of costs.

- (a) If a property owner or person in possession of lands within the city fails to destroy the weeds, vines, brush or other growth as set out in this article and after notice is given as provided by this article, the city manager or such person's designee shall order the work to be done.
- (b) The total cost and expense of destroying the weeds or growth, shall be paid and assessed against the land as provided by law. Costs may be established by the council from time to time by resolution.

(Ord. 822 § 2 (part), 2005)

### 6.16.040 Notice to owners.

Notice to the owner or person in control of lands within the city subject to the provision of this article shall be as follows: The city manager shall cause to be published on or before April 15th of each year in a newspaper of general circulation within the city a notice stating that work of cutting or destroying weeds, vines, brush or other growth is required to be done during the months of May through October, inclusive, and a statement that property owners have five days, not including Saturdays, Sundays, holidays, within which such owners may cause the work to be done. Further, the notice shall state that failure to comply after publication of the notice will result in the

work being done by the city, and the costs incurred by the city shall be assessed against the property in the manner provided by law. No further notice shall be required.

(Ord. 822 § 2 (part), 2005)

#### **6.16.050 Billing.**

Each owner shall be sent by first-class mail to the address noted on the tax rolls of the city a bill for the work performed informing the owner of the cost of such work and the council intent to assess the cost if not paid in ten days to the city clerk. Any bill remaining unpaid after the ten day period may be assessed against the property in the manner provided by law.

(Ord. 822 § 2 (part), 2005)

## **Chapter 6.20 TREES**

#### **6.20.010 Planting regulated.**

No trees or shrubs shall be planted on any street, avenue or highway, including the parking, in the city.

(Ord. 777 § 2, 2001)

#### **6.20.020 Removal.**

All trees and shrubs now planted on any street, alley, avenue or highway, or adjacent thereto, including the parking, that interfere with the making of any improvements thereof, or with travel, or become dangerous, shall be removed by order of the city council.

(Ord. 799 § 2, 2002; Ord. 270 § 1, 1966; Ord. 232 § 2, 1964)

#### **6.20.030 Duty to trim.**

It is unlawful to trim or cut in any manner any tree in any street, avenue, highway or public place, unless such trimming or cutting shall be done under the supervision of the city council, its duly authorized officials, agents and/or employees, except that the owner, agent or occupant of any lot or parcel of land shall keep the trees and shrubs adjoining his property in the street, avenue or highway so trimmed that the overhanging branches shall be at least ten feet above the surface of the sidewalk and twenty feet above the surface of the street, and in all cases trees shall be trimmed so that they will not obstruct or shade the street lights, vision of traffic signs or the view of any street intersection.

All public utilities in trimming trees or shrubs that interfere with the proper operation of service lines, in or upon any street, avenue, highway or alley in the city, are required to notify the city and the owner or occupant of any abutting lot or tract of ground before trimming the trees or shrubs. In so trimming the trees or shrubs the utilities are prohibited from mutilating the trees or shrubs and must perform such trimming in such a manner as to preserve the attractiveness of the trees and/or shrubs.

(Ord. 232 § 3, 1964)

#### **6.20.040 Dutch Elm Disease.**

Any tree infected with Dutch Elm Disease is hereby declared to be a nuisance. The city by its duly authorized agents and/or employees shall have the right to inspect all trees within the city whether the same be on public or

private property in order to determine by all proper means, including the taking of samples from the trees, as to whether or not the trees are infected with Dutch Elm Disease, and if the tree or trees are determined by proper tests to be so infected the city shall require the property owners to trim, spray or otherwise treat or cause to be trimmed, sprayed or otherwise treated to prevent the spread of Dutch Elm Disease or to prescribe methods to be used in trimming, spraying or otherwise treating such trees and in addition thereto the city may require property owners to remove or cause to be removed, under the supervision of duly authorized agents and/or employees of the city, any trees known to be contaminated with Dutch Elm Disease.

(Ord. 232 § 4, 1964)

#### **6.20.050 Notice of removal.**

In all cases where trees are proved to be contaminated with Dutch Elm Disease the city shall cause written notice to be served on the property owner requiring the removal of any tree infected with Dutch Elm Disease found thereon within seven days after receipt of the notice. The notice required herein shall be served by mailing a copy of the notice to the last known address of the property owner by certified mail. If the city is unable to secure notice on the property owner, the written notice may be served on the occupant or person in charge of the property in the same manner as set out herein.

If such tree or trees on private property are not removed on or before the date specified in the written notice, the city shall remove or cause to be removed the diseased tree or trees and the exact cost of such work shall be certified by the city clerk to the county auditor of Lucas County, to be collected with and in the same manner as general property taxes.

All trees found to be contaminated with Dutch Elm Disease, where the tree or trees are on city owned property, in the streets, avenues, highways and parks, including the parking within the streets, shall be removed by the city.

(Ord. 270 § 2, 1966; Ord. 232 § 5, 1964)

#### **6.20.060 Interference with city.**

No person shall hinder, prevent, delay or interfere with the city or any of its agents and/or employees while engaged in carrying out the execution or enforcement of this chapter; provided however, that nothing herein shall be construed as an attempt to prohibit the pursuit of any, legal or equitable, in any court of competent jurisdiction for the protection of property rights by the owner of any property within the city.

(Ord. 232 § 6, 1964)