

ORDINANCE NO. 14,448

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 14,063, passed March 18, 2002 and Ordinance No. 14,144, passed October 7, 2002, and Ordinance No. 14,228, passed May 5, 2003, by amending Sections 98-26 and adding a new paragraph (j) to Section 98-55 thereof, adding additional definitions and charges for collection service.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, and amended by Ordinance No. 14,063, passed March 18, 2002 and Ordinance No. 14,144, passed October 7, 2002, and Ordinance No. 14,228, passed May 5, 2003 is hereby amended by amending Sections 98-26 and adding a new paragraph (j) to Section 98-55 thereof, adding additional definitions and charges for collection service, as follows:

**Sec. 98-26. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Appliances* include, but are not limited to, refrigerators, freezers, kitchen ranges, air conditioning units, dehumidifiers, water heaters, furnaces, thermostats, clothes washers, clothes dryers, dishwashers, microwave ovens, and fluorescent light fixtures (excluding bulbs). These items may contain Polychlorinated Biphenyl (PCB), capacitors, refrigerants and components containing mercury which are restricted by law from being disposed of at a landfill.

*Authority* means the Metro Waste Authority, successor agency to

the Des Moines Metropolitan Area Solid Waste Agency.

*Capacitor* means a device for accumulating and holding a charge of electricity that consists of conducting surfaces separated by a dielectric fluid.

*City-owned container* means those solid waste containers which the city purchases and provides to the owners or occupants of residential premises for the placement of solid waste for collection by the city.

*Complex of residential buildings* means two or more abutting buildings that are either residential premises or multifamily residential premises that share a common ownership and that are not separated by a public street or alley.

*Director* means the director of public works or any authorized employee or representative who shall have responsibility for administering and enforcing this chapter.

*Disposal site* means a sanitary landfill transfer station or other facility for receiving or disposing of solid waste.

*Extra trash item* means one 33-gallon trash bag or one box no larger than 24 x 24 x 36 inches with a maximum weight of 40 pounds.

*Hazardous substance* has the same meaning and definition as appears in I.C. § 455B.381 and includes but is not limited to explosive materials, rags or other wastes soaked in volatile and inflammable materials; drugs, poisons; radioactive materials; highly combustible materials; and other materials which may present a special hazard to collection or disposal personnel or equipment or to the public.

*Hazardous waste* has the same meaning and definition as appears in I.C. § 455B.411 and includes but is not limited to fly ash or other fine or powdery material and other material which may present a special hazard to collection or disposal personnel or equipment or to the public.

*Large item* means an item that does not fit in a 33-gallon trash bag or box no larger than 24 x 24 x 36 inches. Large items include, but are not limited to, a table, a couch, a loveseat, a mattress, a box spring, four kitchen chairs, five boxes or bags (maximum 40 pounds each), or five rolls of carpet (4 foot length by 18 inches in diameter).

*Multifamily residential premises* means a multiple-family dwelling containing five or more individual living units.

*Multiple-family dwelling* means a single building designed for or occupied by two or more families as a place of residence.

*Multiple chamber incinerator* means any incinerator used to dispose of combustible refuse by burning, consisting of three or more refractory lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters

necessary for maximum combustion of the material to be burned, the refractories having a pyrometric cone equivalent of 31, tested according to the method described in the American Society for Testing and Materials, method C-24-56.

*Owner* means and includes, the record titleholder, or 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 imposed in this chapter shall be joint and several.

*Person* means and includes an individual or group or association of individuals; a firm or any member thereof; a corporation, or any executive officer, manager, person in charge or employee thereof; and the use of a pronoun specifying one gender shall include both genders.

*Recyclable materials* means newspaper, corrugated containers, magazines, catalogs, junk mail, kraft bags, bimetal and ferrous cans, aluminum cans, clear glass containers, and recyclable plastics, whether alone or in combination.

*Residential premises* means and includes single-family dwellings and any multiple-family dwelling up to and including four separate living units. 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.

*Rubble* means dirt, stone, brick, or similar inorganic material, or street sweepings.

*Solid waste* means useless, unwanted or discarded materials resulting from commercial, industrial, domestic and agricultural operations and other normal community activities. Wastes which are solid or semisolid containing insufficient liquid to be free-flowing are considered to be solid wastes and include in part the following: garbage; rubbish; ashes and other residue of incineration; street refuse or sweepings; dead animals; solid animal waste; decrepit automobiles and parts thereof; agricultural, commercial and industrial wastes; construction and demolition wastes; sewage treatment solid residue. For purposes of sections 98-74 and 98-75, the term "solid waste" shall have the meaning prescribed by this section except that it shall not include solid waste resulting from residential, farming, manufacturing, mining, or commercial activities on land owned or leased by the person conducting such activities if the dumping or depositing of such on that land does not violate other sections of this Code or city ordinances or statutes or regulations adopted by the state or federal government, but it shall include such solid waste which has come into the possession or control of a person because of the operation by that person of a collection, hauling, disposal, or other waste

disposition service. For purposes of sections 98-74 through 98-76, the term "solid waste" shall not include rubble or a reasonable amount of organic material gathered and suitably contained for purposes of composting or fertilizing agricultural or floral plots.

*Transfer station* means an intermediate solid waste disposal facility, the principal business of which is the transferring of loads of solid waste, with or without reduction of volume, from one transportation unit to another for ultimate disposal at a solid waste disposal site. The term includes an intermediate facility, as described in this definition, at which materials of a like or similar kind are also isolated, segregated, or otherwise gathered as an incident to such activities for salvage and reutilization by recycling through one or more commercial facilities; the term shall not include junkyards or salvage yards.

*Yard debris* means grass clippings, leaves, garden wastes, brush, or tree branches or trimmings two inches or less in diameter.

**Sec. 98-55. Charges for collection service.**

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- (j) Upon request of the owner, the director of public works is authorized and empowered to except from city solid waste collection a complex of residential buildings if such complex of residential buildings was being served by private solid waste collection as of January 1, 2005. At the time that a residential premises constituting a part of the complex of residential buildings ceases to have common ownership with the rest of the complex, the residential premises shall be served by city solid waste collection.

Sec. 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Ann DiDonato, Assistant City Attorney

T.M. Franklin Cownie, Mayor

Attest:

I, Jody Witmer, Chief Deputy City Clerk of the City of Des Moines, Iowa, hereby certify that the above and foregoing is a true copy of an ordinance (Roll Call No. 05-1306), passed by the City Council of said City at a meeting held May 23, 2005 signed by the Mayor on May 23, 2005 and was published as provided by law in the Business Record on June 13, 2005 Authorized by Publication Order No.4806.

Jody Witmer, Chief Deputy City Clerk