

## CHAPTER 20

### LITTER

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#### SEC. 20-1. SCOPE AND PURPOSE

In order to effectively manage the efficient handling of solid waste and to control the danger to public health, safety, and welfare from the unauthorized disposition of solid waste within the County and to establish a fixed penalty for such activity, this chapter establishes responsibility for the removal and cleanup of solid waste in the County of Scott, State of Iowa.

#### SEC. 20-2. DEFINITIONS

For the purpose of this Chapter these words have the following meanings:

- A. "Building materials" means any material including, but not limited to, lumber, shingles, brick, concrete, plaster, plaster board, gutters, floor coverings, or other substances accumulated as a result of repairs or additions to existing buildings, construction of new buildings, or demolition of existing structures.

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- B. "Garbage" means the by-product of animal or vegetable foodstuff resulting from the handling, preparation, cooking and consumption of food, or other matter which is subject to decomposition, decay, putrefaction or the generation of noxious or offensive gases or odors, or which during or after decay, may serve as breeding or feeding material for flies, insects or animals.
- C. "Hazardous Waste" materials including, but not limited to, poisons, acids, caustics, chemicals, infected materials, offal, fecal matter, and explosives. The generating, storing, transporting or disposal of hazardous waste must be managed in full compliance of the Resource Conservation and Recovery Act of May 9, 1980, as well as the regulations as amended 42 U.S.C.A., Section 690.
- D. "Health Department" means the Scott County, Iowa Health Department or its duly authorized representative.
- E. "Refuse" means solid waste accumulations consisting of garbage, household trash, business trash, industrial waste, and litter.
- F. "Refuse receptacle" means a rigid metal or plastic container for refuse, of substantial construction, vermin-proof, with tight-fitting lids, and provided with wheels and/or handles sufficient for safe and convenient handling. Such receptacles shall have a capacity of not less than ten gallons nor more than thirty-three gallons and shall be kept in serviceable condition at all times.
- G. "Small animals" means cats, dogs, fowl, small household pets, and other animals of similar size.
- H. "Waste tires" means any synthetic or rubber material encircling a wheel, the use of which has been discontinued and is intended for disposal.

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- I. "Yard wastes" means any vegetable or plant wastes except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery, and yard trimmings.
- J. "Person" means an individual and any form of business organization authorized under the laws of this or any other state.
- K. "Solid waste" means garbage, refuse, building materials, rubbish, yard waste, waste tires, litter, and other similar discarded solid, semi-solid, or liquid materials, including but not limited to, such materials resulting from industrial, commercial, agricultural and domestic activities.
- L. "Used oil" means oil which has been refined from crude oil, has been used, and as a result of the use, is contaminated by physical or chemical impurities.
- M. "Lead Acid Batteries" means any electrical wet cell battery used in motor vehicles, marine equipment, power machinery, etc., for private or commercial use, which contains lead compounds.
- N. "Resource Conservation and Recovery Act" means an act enacted in 1980 under the guidance of the United States Environmental Protection Agency, this regulation was implemented and any revised regulation after such date shall be in effect.

### SEC. 20-3. DEPOSIT, ACCUMULATION, AND BURNING OF REFUSE PROHIBITED

- A. No person shall burn, litter, deposit or dump, or permit the burning, littering, depositing or dumping of any solid waste on public property, private property or any body of water other than at a sanitary disposal project. However, this section does not prohibit the Open Burning of combustible materials in accordance with applicable State Rules and Regulations as defined in Section 20.04 (C) of this Chapter, nor does this section prohibit the use of dirt, stone, brick or similar inorganic material for fill, landscaping, excavation or grading at places other than a sanitary disposal project. Furthermore, this section does not prohibit the disposal of Farm Waste, Farm Buildings, and Dead Animals in accordance with applicable State Rules and Regulations and, as defined in Section 20.04 (D) of this Chapter.

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- B. No property owner shall allow solid waste to accumulate on their premises. However, a person or private agency which has been granted a permit by the state, which allows for the dumping or depositing of solid waste on the premises owned or leased by the person or private agency, and the operation of a sanitary disposal project on the premises which is not in violation of any other ordinances shall not be in violation of this section.
- C. It shall be unlawful to litter county streets as a result of solid waste blowing, falling or being thrown from vehicles, while transporting said materials. Suitable covers shall be used to contain said materials. This section shall not apply to the transportation of poultry or livestock.
- D. All persons or property owners shall only use or accept fill that is dirt, stone, brick, similar inorganic material or is in compliance with state law. The property owner shall be responsible to assure that all persons dumping or depositing fill on the property are in compliance with state and local law.

### SEC. 20-4. SPECIAL REFUSE DISPOSAL PROBLEMS

- A. Hazardous Waste. No hazardous waste shall be placed in any refuse receptacle or commercial container used for collection of refuse. Hazardous waste is to be transported by the owner, his agent, or a responsible person to a place of safe deposit as prescribed by Section 3001 of the Resource Conservation and Recovery Act under the guidance of the United States Environmental Protection Agency.

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- B. Motor Oil. It shall be unlawful to dump or discharge any motor oil into any ditch, stream, lake, pond, natural or artificial waterway, field drain tile, road drain tile, sanitary or storm sewer, or onto the surface of the ground.
- C. Open Burning. It shall be unlawful to open burn any combustible material in any manner other than as permitted under applicable state rules and regulations (Iowa Department of Natural Resources Administrative Code 567-23.2(455B) entitled "Open Burning", or successor Administrative Rules).
- D. Farm Waste, Farm Buildings, and Dead Animals. It shall be unlawful to dispose of farm waste, farm buildings, and dead animals in any manner other than as permitted under applicable state rules and regulations (Iowa Department of Natural Resources Administrative Code 567 - Chapter 101 or successor Administrative Rules). Disposal of dead animals shall be within 24 hours after the animal has died.
- E. It shall be unlawful to deposit any solid waste as defined in this chapter on the property of another, or in commercial receptacles belonging to or leased to someone else.

### SEC. 20-5 SEPARATION OF YARD WASTES, USED OIL, LEAD ACID BATTERIES AND WASTE TIRES REQUIRED

All yard wastes, used oil, lead acid batteries, and waste tires, shall be separated by the owner or occupant from all garbage and refuse accumulated on the premises and shall be properly disposed of or recycled in accordance with all applicable laws and regulations, or in the case of yard waste, shall be composted on the premises or placed in degradable bags, containers, or packages and set out for collection by the designated waste hauler.

### SEC. 20-6. MAINTENANCE OF REAL PROPERTY

- A. All owners or occupants of property shall maintain their real property in a clean and litter-free manner.

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- B. All yards and kennels where small animals are housed or allowed to run shall be kept clean and free from accumulation of feces. The property owner shall also provide proper odor control measures to eliminate odor from the property where small animals are housed and allowed to run.

### SEC. 20-7 NOTICE

- A. Whenever the Health Department or its duly authorized representative determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter or any Chapter adopted pursuant thereto, it may give notice of such alleged violation to the person or persons responsible therefore, as hereinafter provided. Such notice shall:
  - 1. Be in writing.
  - 2. Include a statement of the reasons why it is being issued.
  - 3. Allow a reasonable time for the performance of any act it requires.
  - 4. Be served upon the landowner or his agent or the occupant, as the case may require; provided that such notice shall be deemed to be properly served upon such landowner or agent, or upon such occupant, if a copy thereof is sent by certified mail and regular mail to his last known address; or about the premises affected by the notice, or if he is served with such notice by any other method authorized or required under the laws of this state.
- B. Such notice may contain an outline of remedial action which, if taken will effect compliance with the provisions of this ordinance and with ordinance adopted pursuant thereto.

### SEC. 20-8 JURISDICTION

The provisions of this Chapter shall apply in the unincorporated areas of Scott County, Iowa.

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### SEC. 20-9. ENFORCEMENT

- A. It shall be the duty of the Health Department or its duly authorized representative to enforce the provisions of this Chapter.
- B. Whenever in the judgment of Health Department or its duly authorized representative an emergency or immediate health hazard exists which requires immediate action to protect the public health, safety or welfare, such emergency may be ordered abated without prior notice by directing the person or persons responsible for the existence of the emergency or the person or persons owning or occupying the property upon which the emergency is located to take appropriate action to correct or abate the emergency. If the person ordered to abate the emergency neglects or fails to abate as ordered, the county may perform the required action to abate, and assess the costs as by law provided.
- C. The Health Department or its duly authorized representative may issue a civil citation with or without prior notice to a person who is alleged to have committed a municipal infraction.

### SEC. 20-10. MUNICIPAL INFRACTIONS

Any person, persons, firm, partnerships or corporations, whether acting alone or in concert with any other, who violates this ordinance shall be guilty of a municipal infraction and shall be penalized as set forth in Chapter 29 of the County Code of Scott County, Iowa.

### SEC. 20-11. SEPARABILITY OF PROVISIONS

If any section, paragraph, clause or provisions of this chapter shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this chapter.

### SEC. 20-12. APPLICABILITY

In the event of a difference between the provisions of this Chapter and those contained in applicable state rules and regulations, the most stringent standards will prevail.