

ORDINANCE NO. 14,471

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, as heretofore amended, by repealing Section 98-26 and subsection (a) of Section 98-76 thereof, and enacting a new Section 98-26 and subsection (a) of Section 98-76, regarding the definition and regulation of transfer stations.

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, as amended by Ordinance No. 14,064 passed March 18, 2002, by Ordinance No. 14,288 passed May 5, 2003, and by Ordinance No. 14,448 passed May 23, 2005, be and is hereby amended by repealing Section 98-26 and subsection (a) of Section 98-76 thereof, and enacting a new Section 98-26 and subsection (a) of Section 98-76, regarding the definition and regulation of transfer stations, 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:

- (a) *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.
- (b) (not used)
- (c) *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 or residential buildings means two or more adjacent buildings defined as residential premises that share a common address and ownership.
- (d) *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.

(e) *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.

(f) & (g) (not used)

(h) *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.

(i), (j) and (k) (not used)

(l) *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).

(m) *Multifamily residential premises* means a multiple-family dwelling building, an apartment building, a condominium, or a complex of residential buildings, containing five or more individual living units.

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.

(n) (not used)

(o) *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.

(p) *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.

(q) (not used)

(r) *Recyclable materials* means newspaper, corrugated containers, magazines,

catalogs, junk mail, kraft bags, bimetal and ferrous cans, aluminum cans, 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 or family quarters. 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.

- (s) *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.

- (t) *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; however, the term shall not include junkyards, salvage yards, or the collection, processing or transferring exclusively of recyclable materials.

(u), (v) and (w) (not used)

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

(z) (not used)

Sec. 98-76. Transfer station license.

- (a) *Required.* No person shall operate or permit the operation on his or her property of a transfer station in the city unless such person shall have first applied for and received a license to do so from the city. A license to operate a transfer station shall be issued by the city council upon application filed with the zoning enforcement officer. The application must be accompanied by any state permit required by state law or regulation and issued by the appropriate state agency to conduct a transfer station operation on the site in question; must demonstrate full present and contemplated compliance with the zoning regulations in chapter 134, and the specific subsections of this section and the operational details and physical site proposals contained in plans accompanying the application, as well as the ability to do so; and shall be subject to annual renewal by the city council as set forth in this section. In reviewing such application, the city council must weigh the need for the transfer station against the potential for site pollution, danger to persons or property likely to have direct or indirect contact with the site, the feasibility of the operation, the likelihood of freedom from negative environmental effect of such operation, and such other factors as shall reflect the public interest in balance against the interests of the applicant to operate such a facility on the site in question.

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

FORM APPROVED:

Roger K. Brown, Assistant City Attorney

T.M. Franklin Cownie, Mayor

Attest:

I, Diane Rauh, 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. 05-1817), passed by the City Council of said City at a meeting held July 25, 2005 signed by the Mayor on July 25, 2005 and published as provided by law in the Business Record on August 8, 2005 Authorized by Publication Order No.4829.

Diane Rauh, City Clerk