

★ Roll Call Number

Agenda Item Number

36

Date May 6, 2019

An Ordinance entitled, "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 amending Section 98-55, relating to charges for collection service",

presented.

Moved by \_\_\_\_\_ that this ordinance be considered and given first vote for passage.

(Council Communication No. 19-181)

FORM APPROVED:

(First of three required readings)

Ann DiDonato  
Ann DiDonato  
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
BOESEN				
COLEMAN				
GATTO				
GRAY				
MANDELBAUM				
WESTERGAARD				
TOTAL				

MOTION CARRIED

APPROVED

\_\_\_\_\_  
Mayor

**CERTIFICATE**

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

\_\_\_\_\_  
City Clerk

ORDINANCE NO. \_\_\_\_\_

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 amending Section 98-55, relating to 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, as heretofore amended, is hereby amended by amending Section 98-55 relating to charges for collection service, as follows:

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

- (a) A monthly collection fee shall be charged by the city and collected from each owner or occupant of a "residential premises" as defined in section 98-26 of this Code served by solid waste collection service as provided in section 98-54 of this division, except as to those owners or occupants of residential premises for which whom a fee reduction is established in subsection (c) of this section. Said monthly fee shall be in payment for collection and disposal of solid waste as defined, and shall be collected in full each month from all owners or occupants of residential premises except as to those owners or occupants for whom a fee reduction is allowed as provided in subsection (c) of this section. The fee per month for city-owned solid waste containers, excluding yard debris containers, assigned to a residential premises shall be as follows: ~~\$14.20~~\$14.48 per month for one city-owned 96-gallon wheeled container, ~~\$13.20~~\$13.46 per month for one city-owned 64-gallon wheeled container, ~~\$12.20~~\$12.44 per month for each additional city-owned 96-gallon wheeled container, and ~~\$11.20~~\$11.42 per month for each additional city-owned 64-gallon wheeled container.
- (b) The solid waste collection fee shall be billed to the "owner" as herein defined every month, payable in advance within 30 days from date of such billing.
- (c) A fee reduction of ~~\$3.20~~\$3.48 per month for one city-owned 96-gallon wheeled container and ~~\$3.46~~ per month for one city-owned 64-gallon wheeled container from the rates shown in 98-55(a) for the first container assigned to a residential premises (no reduction will be allowed for each additional container) shall be allowed and authorized by the city for each owner of a residential premises served by solid waste collection service who (1) has filed claim for tax reimbursement and has established eligibility for such reimbursement under the provisions for property tax relief for elderly and disabled contained in the I.C. §§ 425.16--425.39, with reference to such residential premise; (2) has waived any right to confidentiality relating to all income tax information obtainable through the state department of revenue; (3) has filed an application with the city reciting such facts and asking for the benefits of this provision subject to verification by the state department of revenue; and (4) has received notification by the city that such application has been approved by the city director of finance or his or her designee.

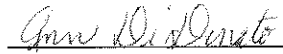
- (1) Such fee reduction shall be on a 12-month period basis, shall commence on the first day of the first month of the first monthly billing period following approval of the application therefor and shall be valid thereafter for a 12-month period unless the applicant is for any reason disqualified as a claimant under the I.C. §§ 425.16--425.39. In event of such disqualification, the owner's eligibility for fee reduction shall terminate at the termination of the billing period in which such disqualification occurs and shall be billed at the rate prescribed by subsection (a) of this section, unless and until the owner's qualification is reviewed and eligibility for such fee reduction is re-established pursuant to a new application to the city for the subject premises. In any event, each such application must be reviewed at least 30 days before the end of the 12-month period aforesaid and approved as aforesaid in order for such fee reduction to be effective for a succeeding 12-month period, and annually upon such schedule thereafter, failing which the eligibility for fee reduction shall automatically cease at the end of the current 12-month period. Fee reduction application forms shall be available at city hall in such form, manner and location as the city manager shall direct. Such applications shall be as informal as possible and may be made by the owner of a residential premises, or may be made on behalf of such owner by any person or institution reasonably expected to act in accordance with the wishes and best interests of the owner.
- (2) Termination of city allowance of fee reduction for any cause, other than loss of status as a qualified claimant for reimbursement under said act or by lapse of time as aforesaid, shall occur only by action of the city council after reasonable notice and hearing. Said notice shall identify the reason for loss of eligible status and shall be served in the manner of service of original notice at least ten days before date of hearing. Appeal to the courts shall be permitted the applicant in any manner allowed by the Iowa rules of civil procedure within time limitations as therein stated.
- (d) The ~~\$3.20~~ fee reduction per month ~~aforementioned per subsection (c) above~~ shall be shown each month on the owner's billing statement for solid waste collection service.
- (e) A fee of \$1.00 shall be charged for each extra trash item sticker and a fee of \$5.00 shall be charged for each large item sticker.
- (f) A fee of \$35.00 (7 - \$5.00 stickers) shall be charged for the sale of an appliance disposal sticker to cover the cost of collection, demanufacturing, and disposal of appliances as defined in section 98-26.
- (g) Appliance disposal stickers, extra trash stickers, and large item stickers shall be made available at multiple retail locations, a listing of which shall be available at the Public Works Department's 24 hour Customer Service Center. The city manager shall direct the distribution of appliance disposal stickers, extra trash stickers, and large item stickers to retailers under such distribution and auditing procedures as the city manager shall establish upon the advice of the finance director. Such stickers shall be made available to members of the public at retail outlets at a cost not exceeding \$35.00 for appliance disposal, \$1.00 for extra trash, and \$5.00 for large items. The city manager shall make said stickers available only to retailers who agree to market same at the above indicated retail price.
- (h) The owner of a multiple-family dwelling with four separate living units or family quarters may, upon prior arrangement with the director with respect to day and location of collection, verification of number of units, and execution of a hold harmless agreement in favor of the city, arrange for city collection and disposal of solid waste placed by residents

of such multiple-family dwelling in one or more dumpsters of not more than eight (8) cubic yards capacity each. Such placement and collection of solid waste shall in all other respects be conducted as provided in section 98-54 of this division. A fee of \$9.00 per dumpster per month shall be charged by the city and collected from the owner or owners of such multiple-family dwelling, which fee shall be in addition to the per unit solid waste collection and disposal fee charged as provided in (a) above.

- (i) The owner or occupant of a residential premises may request a one-time container exchange for a change in container size free of charge. Such free of charge exchange will be allowed for both a solid waste container and a yard waste container. For each additional exchange, there will be a \$25.00 service fee.
- (j) Upon request of the owner, the director of public works is authorized and empowered to except from city solid waste collection a residential premises that is adjacent to a multifamily residential premises if such dwellings are commonly owned, are not separated by a street or public alley, and were being served by private solid waste collection as of January 1, 2005. When either the multifamily residential premises or the adjacent residential premises change ownership the residential premises shall be served by city solid waste collection.

Section 2. This ordinance shall be in full force and effect as of July 1, 2019.

FORM APPROVED:

  
 \_\_\_\_\_  
 Ann DiDonato  
 Assistant City Attorney