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## AGENDA ITEM SUMMARY

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**Subject: Consider Third and final reading of Ordinance 1146, an ordinance adding provisions to the operations of the Shaw Avenue Brush Dump Site for brush and leaf disposal**

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### **Background Summary:**

We are seeing an increasing trend of brush and leaves being dumped off at the Shaw Avenue brush dump that are originating from outside of the city limits of Charles City. In some cases, the police department has stopped semi loads coming in from out of town and even from outside of Floyd County.

This brush dump is operated solely by the City and brush and leaves are chipped a couple of times a year into mulch that can then be taken by city residents for their own use. The cost associated with chipping a couple years ago was around \$24,000 a year. In FY20 that just ended, the cost was up to \$31,200 based on the additional volume. The reason for this ordinance change is to give the City the authority to fine someone dumping who is not from within the city limits.

As has been initially discussed, there is no concern with citizens from outside of city limits taking mulch or brush as we have way more than we can get rid of. The added dumping is the issue. This ordinance clarifies these points and gives the City the ability to stop the dumping from outside of town.

The first reading of this ordinance was approved at the July 6 meeting and the second reading was approved on July 20.

We recommend the third reading of this ordinance and adoption.

ORDINANCE NO. 1146

AN ORDINANCE ADOPTING A NEW CHAPTER 107 OF THE CHARLES CITY CODE OF ORDINANCES PROVIDING FOR A CITY COMPOST AND YARD WASTE DISPOSAL SITE

BE IT ENACTED by the City Council of the City of Charles City, Iowa:

SECTION 1. NEW CHAPTER. The following Chapter 107 is hereby adopted:

**CHAPTER 107**

**CITY COMPOST AREA AND YARD WASTE DISPOSAL SITE**

**107.01 Purpose**

**107.02 Definitions**

**107.03 General Rules of Operation**

**107.04 Yard Waste from Outside City**

**107.05 Permitted Materials**

**107.06 Prohibited Material**

**107.07 Violation and Penalties**

107.01 PURPOSE. The purpose of the chapter in this Code of Ordinances is to establish a City Compost Area and Yard Waste Disposal Site and to set guidelines for refuse deposited in the City Compost Area located in Charles City, Iowa.

107.02 DEFINITIONS. For the purpose of interpreting this chapter, the following definitions shall apply:

1. "Discard" means to place, cause to be placed, throw, deposit or drop.  
*(Code of Iowa, Sec. 455B.361[2])*
2. "Garbage" means all solid and semisolid, putrescible animal and vegetable waste resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products, and includes all such substances from all public and private establishments and from all residences.  
*(IAC, 567-100.2)*
3. "Yard Waste" means all organic debris, including but not limited to grass clippings, leaves, tree limbs, bark, vines, branches, flowers, and garden plants, which are produced as part of residential yard and garden development maintenance. "Yard Waste" shall not include animal manure, animal waste, bedding or crop residue, or construction lumber or materials.

107.03 GENERAL RULES OF OPERATION. The Compost Area and Yard Waste Disposal Site operated by the City is located at 300 Shaw Avenue, Charles City Iowa, known as the Shaw Avenue Compost Site. Yard waste is accepted at the Compost Area and Yard Waste Disposal Site at no charge, subject to the following:

1. The Compost Area and Yard Waste Disposal Site shall be available for disposal of Yard Waste commencing at sun-up and ending at sun-down each day.
2. Yard waste disposed of within the facility shall be placed only at areas within the Compost Area and Yard Waste Disposal Site designated by markings and signs to accept yard waste.
3. Available compost material and wood chip material shall be free of charge to Charles City and Floyd County Residents.

107.04 YARD WASTE FROM OUTSIDE CITY PROHIBITED. It is unlawful for any person to dispose of yard waste in the Compost Area and Yard Waste Disposal Site which did not originate or was not produced within the corporate City limits.

107.05 PERMITTED MATERIAL FOR DISPOSAL. Only yard waste as defined in this Chapter produced or originating within the corporate limits of the City may be disposed of in the Compost Area and Yard Waste Disposal Site.

107.06 PROHIBITED MATERIAL. It is unlawful to dispose of any garbage, paper, construction materials of any kind, stumps, rocks, plastic, metal, iron, appliances, furniture, tires, rims, oil filters, automobile parts, animal waste, cans, bottles, buckets, containers, household materials, or any other material or substance which does not meet the definition of yard waste as herein defined.

107.07 CIVIL VIOLATIONS AND PENALTIES. The violation of any provision of this Chapter shall constitute a violation of the Charles City Code of Ordinances and subjecting the violator to the following penalties:

1. Criminal Penalties. Any owner who violates provision of this chapter shall be guilty of a simple misdemeanor.
2. Civil Penalties. Any violation of this Chapter or failure to perform any act or duty or requirement of this chapter shall constitute a municipal infraction under Chapter 4 of this Code of Ordinances.
3. Other Code Provisions. The foregoing provisions concerning enforcement of this chapter are not exclusive but are cumulative to any other remedies available under State law or local ordinance.

**SECTION 2. Repealer.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 3. Severability.** If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 4. When Effective.** This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the City Council on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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Dean Andrews, Mayor

ATTEST:

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Trudy O'Donnell, City Clerk

CERTIFICATE

I, Trudy O'Donnell, City Clerk of the City of Charles City, Iowa, do hereby certify that the above and foregoing Ordinance No. \_\_\_\_\_ was duly published in the Charles City Press, a newspaper published daily in the city of Charles City, Iowa, on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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Trudy O'Donnell, City Clerk