

ORDINANCE NO. 776

AN ORDINANCE AMENDING CHAPTERS 105 AND 106 OF THE CODE OF ORDINANCES OF THE CITY OF WEST BRANCH, IOWA REGARDING SOLID WASTE CONTROL AND RATES.

WHEREAS, the City Council previously solicited proposals for the automated collection of solid waste for most residential customers in the City; and

WHEREAS, the City Council did heretofore select the proposal of Johnson County Refuse to be the provider for the city pursuant to a five-year agreement; and

WHEREAS, it is now necessary to make changes to the city ordinance regarding solid waste control and rates to implement the terms of the agreement with Johnson County Refuse.

NOW, THEREFORE, BE IT ORDAINED:

1. Amendment. Section 105.02(10) of the Code of Ordinances is amended by deleting it in its entirety and replacing it as follows:

“10. “Residential Premises” means a single-family dwelling, a two-family dwelling or any other multiple-family dwelling that has direct access off to each individual unit off a public street. For purposes of this definition, stacked residential units and multiple-family residential units with interior access to each unit are not considered ‘Residential Premises.’”

2. Amendment. Section 105.10(1)(A) of the Code of Ordinances is hereby amended by deleting it in its entirety and replacing it as follows:

“1. Container specifications. Waste storage containers shall comply with the following specifications and shall be provided by the City or its contracted hauling contractor:

A. Residential. Residential waste containers shall be of not less than 35 gallons or more than 65 gallons in capacity. Recycling containers shall be not less than 65 gallons or more than 95 gallons in capacity. All containers shall be maintained to be leakproof and waterproof by the property owner or tenant. Residents may also set out for pickup single use collection bags affixed with an appropriate tag and placed on the top of the waste container.”

3. Amendment. Section 105.10 of the Code of Ordinances is hereby amended to add the following:

“5. Ownership of Containers. The waste and recycling containers shall remain the property of the City’s hauling contractor and said waste and recycling containers shall remain at the property and shall not be returned when the owner or tenants at the property change. Failure to leave the waste and/or recycling container or damaging the waste and/or recycling container will result in a charge against the owner and/or tenant in an amount determined by city’s contract with its waste hauler.”

4. Amendment. Chapter 106 of the Code of Ordinances is hereby amended by adding Section 106.09, which reads as follows:

“5. The City shall collect from every owner and/or tenant of any Residential Premise that have solid waste and recycling available to said Residential Premise, the following fees:

A. Solid Waste Collection Fees:

1. 35-gallon waste container: \$12.75 per month
2. 65-gallon waste container: \$14.75 per month

B. Recycling Collection Fees: \$4.75 per month

6. Billing Procedures.

A. All owners and/or tenants shall pay the Solid Waste Collection Fee and Recycling Collection Fee on a monthly basis.

B. All Solid Waste Collection Fees and Recycling Collection Fees are due and payable under the terms and conditions provided for payment of a combined service account as outlined in Section 92.04 of this Code.

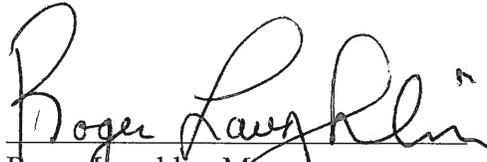
C. The owner of the Residential Premise and/or the tenant occupying the Residential Premise shall be jointly and severally liable for Solid Waste Collection Fees and Recycling Collection Fees. Solid Waste Collection Fees and Recycling Collection Fees shall constitute a lien against the Residential Premise served and shall be certified as delinquent to the County Treasurer for collection as the same manner as property taxes.”

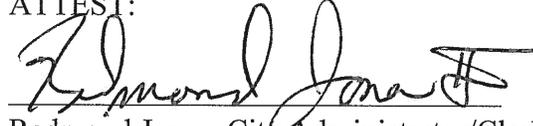
5. Conflicts. All ordinances or parts of ordinances not specifically provided for and in conflict with the provisions of this ordinance are hereby repealed.

6. Adjudication. If any section, provision or part of this ordinance shall be adjudged to be 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.

7. Effective Date. This ordinance shall be in full force and effect after its passage, approval and publication as required by law on July 1, 2020.

First reading: May 18, 2020
Second reading: June 1, 2020
Third Reading: June 1, 2020


Roger Laughlin, Mayor

ATTEST:

Redmond Jones, City Administrator/Clerk