



**OELWEIN POLICE DEPARTMENT
CITY OF OELWEIN, IOWA
MEMORANDUM**

TO: City Administrator Dylan Mulfinger

DATE: April 29, 2026

FROM: Jeremy P. Logan, Chief of Police

SUBJECT: Public Safety Concerns and Enforcement Challenges – Trash Hauler Ordinance

Following review of recent council discussions regarding enforcement of the existing trash hauler ordinance, I would like to provide a public safety perspective on the operational, logistical, and fiscal challenges associated with implementation and enforcement.

1. Enforcement Responsibility and Resource Allocation

A primary concern raised during the council discussion remains unresolved: who will be responsible for enforcement and how that responsibility will impact staffing and budgets. As noted, questions were raised regarding whether personnel would be required to actively monitor haulers in the field and what effect this would have on departmental resources.

From a public safety standpoint, enforcement would likely fall to police or code enforcement personnel. This introduces several challenges:

- Increased workload for already limited staff
- Diversion of officers from core public safety duties such as patrol, response, and investigations
- Potential need for overtime, resulting in budget impacts

Active monitoring, such as following trucks to identify violations like leakage, is not a practical or efficient use of law enforcement resources.

2. Complexity of Compliance Verification

The ordinance requires haulers to submit extensive documentation, including customer lists, routes, schedules, vehicle information, insurance, and compliance acknowledgments.

While this may be manageable administratively, enforcement introduces complications:



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- Verification burden: Ensuring accuracy of submitted documents requires administrative oversight and potential auditing
- Field validation: Matching real-world operations to submitted routes and schedules is difficult without dedicated personnel
- Ongoing monitoring: Compliance is not static and would require continuous review

This creates a hybrid enforcement model involving both administrative and field oversight, increasing complexity across departments, while also increasing potential points of failure.

3. Equipment Standards and Inspection Limitations

Council discussion also highlighted concerns regarding the condition and standards of equipment, particularly among smaller or “junk” haulers.

Public safety challenges include:

- Lack of defined inspection authority or protocol
- Need for specialized knowledge to determine compliance with vehicle and containment standards
- Liability concerns if unsafe equipment is allowed to operate due to inconsistent enforcement

4. Technical Expertise and Staff Capability

At present, public safety personnel do not possess specialized training in commercial waste hauling equipment, environmental containment systems, or Department of Transportation-related inspection standards that would be necessary to properly evaluate compliance.

Key concerns include:

- **No designated staff with technical certification** in solid waste hauling systems, hydraulic containment, or leak prevention mechanisms
- **Training requirements** would need to be developed and maintained, likely involving external agencies or certifications



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- **Ongoing competency maintenance**, including refresher training and updates to evolving standards
- **Increased liability exposure** if inspections are conducted by personnel without appropriate technical qualifications

Without clearly identified and properly trained personnel, inspections risk being inconsistent, ineffective, or legally challenged.

5. Environmental and Public Health Concerns vs. Practical Enforcement

Issues such as leakage from trucks raise legitimate environmental and public health concerns. However:

- Detecting violations in real time is difficult without constant observation
- Evidence collection for enforcement actions may be insufficient or inconsistent
- Enforcement may rely heavily on citizen complaints, leading to uneven application

This creates a gap between the intent of the ordinance and the practical ability to enforce it effectively.

6. Inclusion of Non-Traditional Haulers

Discussion also questioned whether “junk haulers” fall under the ordinance. This introduces additional complications:

- Ambiguity in definitions leads to inconsistent enforcement
- Expansion of regulated entities increases enforcement scope significantly
- Higher likelihood of noncompliance among informal or smaller operators

Clarification in the ordinance would be necessary before enforcement could be applied fairly.

7. Budgetary Impact

Enforcement of this ordinance is not cost-neutral. Potential impacts include:



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- Personnel costs
- Administrative support for documentation review
- Training and certification costs for inspection personnel
- Equipment or tools needed for inspections
- Legal costs associated with enforcement actions or disputes

Without a defined funding mechanism, enforcement may strain existing public safety budgets.

8. Risk of Inconsistent or Selective Enforcement

Given the complexity and resource limitations, there is a significant risk that enforcement would be:

- Complaint-driven rather than proactive
- Inconsistent across operators
- Vulnerable to legal challenge due to uneven application

This undermines the effectiveness and fairness of the ordinance.

Conclusion

While the intent of the ordinance is understandable, the practical realities of enforcement present significant obstacles. The issues outlined above, including staffing limitations, lack of technical expertise, administrative burden, unclear applicability, inspection challenges, and budget impacts, represent substantial barriers that would need to be addressed before meaningful enforcement could occur.

Collectively, these are not minor adjustments but structural challenges requiring new resources, training, policy clarification, and ongoing oversight. This level of investment and operational complexity must be weighed against the overall impact of the issue on the community.

At present, the scale of effort required to effectively enforce this ordinance appears disproportionate to its likely benefit, particularly given competing public safety priorities. Careful consideration should be given to whether alternative approaches or revisions to the ordinance could achieve the desired outcomes in a more practical and sustainable manner.