

ARTICLE II. COLLECTIONS

Sec. 16-20.01. Sanitary disposal required.

It is the duty of each property owner to provide for the sanitary disposal of all refuse accumulating on the owner's premises before it becomes a nuisance. Each property owner must pay for the minimum service fee established with the residential collection contract holder, regardless of their use or nonuse of the service. In the event the property owner has rented the property, the occupant must pay the minimum service fee established. If the occupant fails to do so, the property owner will be charged the fee. See section 16-31.

(Ord. No. 1160, 02-26-2018.)

Sec. 16-20.02. Residential premise collection.

The city shall provide by contract for the collection of solid waste from residential premises only, chargeable to the property owner or occupant. The owners or operators of commercial, industrial or institutional premises shall provide for the collection of solid waste produced upon such premises.

(Ord. No. 1160, 02-26-2018.)

Sec. 16-20.03. Commercial hauler license.

Any commercial recyclable, garbage and refuse hauler operating in the city shall be annually licensed to do such business within the City of Oelwein pursuant to this chapter. It shall be unlawful to commercially collect and haul garbage, refuse, or recycling within the city without first securing a license to do such business with the City of Oelwein. The annual license fee shall be set by resolution of the city council.

(Ord. No. 1124, 09-23-2013; Ord No. 1160, 02-26-2018.)

Sec. 16-21. License requirements.

All commercial recyclable, garbage or refuse hauler license applications shall include, all of the following:

- A. Customer list, route, schedule, quarterly report. Licensed hauler shall quarterly file with the city clerk, in writing, a list of customers, and each regular scheduled route and collection schedule and certificate that collection complies with sections 16-22, 16-23 and 16-24.
- B. Volume and disposal plan report. Licensed hauler shall quarterly file, with city clerk, in writing, a description of volume or weight concerning recycling, garbage and refuse collected and disposed, including a description of where collected recyclable materials will be processed, handled and final disposition.
- C. Employees name and drivers licenses of all vehicle operators.
- D. Vehicle registration for each vehicle and certification the vehicle complies with section 16-25.
- E. Proof of insurance.

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- F. Acknowledgment the licensed recyclable, garbage or refuse hauler has received and read Oelwein Ordinance chapter 16 and shall comply with the provisions of this chapter 16 and shall comply with all statutes, ordinances, rules and regulations of the state, federal, and local authorities associated with the pick-up, transportation and processing of items defined as recyclable herein.

(Ord. No. 1124, 09-23-2013.)

Sec. 16-22. License transfer.

No license issued under this chapter shall be transferred to another person or be used for a purpose other than that for which it was issued, without the approval of the city council.

(Ord. No. 1124, 09-23-2013.)

Sec. 16-23. License renewal.

The annual license to haul recyclables, garbage and refuse shall be automatically renewed, from year to year, upon payment of the annual fee provided herein and upon filing of the required certificate of proper insurance coverage. License may be revoked upon a showing of noncompliance with this chapter.

(Ord. No. 1124, 09-23-2013.)

Sec. 16-24. License revocation.

- A. *Reasons for revocation.* After giving a licensee 14 days' notice and after a hearing before the city council, the city council may revoke any license issued under this chapter for the following reasons:
 - 1. The licensee has made fraudulent statements in the licensee's application for the license or in the conduct of his/her business.
 - 2. The licensee has violated this chapter, fails to offer recycling, or has otherwise conducted his/her business in an unlawful manner.
 - 3. The licensee has conducted his/her business in such a manner as to endanger the public welfare, health, safety, order or morals.
 - 4. If the licensee has had permit to dump at Fayette County Landfill revoked or suspended. Under this reason for suspension, the revocation is immediate without further notice or opportunity to be heard.
- B. *Manner of serving notice.* The notice shall be in writing and shall be served by personal service or certified mail. The notice shall state the time and place of hearing and the reasons for the intended revocation.
- C. *Effect of revocation.* Revocation of a license shall bar the licensee from being eligible for any license under this chapter for a term determined by the city council not to exceed one year from the date of revocation. The licensed hauler shall be entitled to reinstatement of his license after the revocation period, if he meets all code requirements.

(Ord. No. 1124, 09-23-2013; Ord. No. 1147, 12-12-2016.)

Sec. 16-25. Mandatory recycling offer.

Each commercial, industrial, and residential unit/occupant in the city shall be offered recycling of those items designated in section 16-2(E)(1)—(7) of this chapter by their licensed garbage hauler. Those items designated as

recyclables shall not be disposed of except by delivery by the commercial, industrial or residential unit/occupant, or by a licensed recyclable hauler, to an individual or entity engaging in recycling of the item involved. No recyclable (properly set out for the purpose of recycling) shall be disposed of by depositing same with garbage or refuse.

(Ord. No. 1124, 09-23-2013.)

Sec. 16-26. Reporting volume and customer list.

All garbage/refuse haulers and/or recyclable haulers shall file, in writing, a description of their volume or weight based system concerning garbage and refuse. Filing of this required written statement is a condition, which must be satisfied prior to the issuance of a recyclable hauler license. The volume based plan shall include a description of the process in which refuse and garbage shall be disposed. The plan shall include a description of where the collected recyclable materials will be processed, handled and a description of their final disposition.

Upon the request of the city clerk; it shall be the duty of each collector to provide a list of customers to the city clerk, including the number of residential, industrial and/or commercial customers on each regularly scheduled route; the cubic yards of solid waste collected from each customer. The city clerk shall not request the above information of any collector more frequently than quarterly. Each collector shall comply with the regulations necessary to protect the public health as recommended by the state or local health officials or code enforcement officer.

(Ord. No. 1123, 09-23-2013.)

Sec. 16-27. Vehicle type.

A. All vehicles used in the collection, transportation or disposal of solid waste, building material, concrete or other waste, shall be constructed in such a manner that will prevent any portion of the material from leaking, spilling, falling, blowing, or otherwise escaping, out of said vehicle and onto any public highway or other public or private place. All such vehicles and equipment shall be kept in a clean and sanitary condition, and shall be subject to inspection by the chief of police and/or code enforcement officer or designee and/or state or local health officers, or their duly authorized representative at all times. If a vehicle is found to be defective or unfit for use, for any reason, said official(s) are hereby empowered to prevent the use of such vehicle until placed into proper condition to comply with the terms of this article.

In addition to the above requirements, vehicles used in the collection, transportation or disposal of garbage, refuse, rubbish and other similar solid or semi-solid materials resulting from domestic activities from residential customers shall consist of enclosed-body, mechanical loading and compacting equipment.

Vehicles and equipment used in the collection of solid waste shall be parked overnight in areas properly zoned in such a manner as not to constitute a health or sanitation hazard and shall not constitute a nuisance.

- B. *Unlawful to litter.* It shall be unlawful for any person to haul refuse or trash along any street or alley except in a conveyance constructed to prevent the scattering of said materials upon the streets or alleys. All vehicles used therefor shall be either covered or packed in such a way that they will not scatter said materials.
- C. *Compliance with law.* All recyclable, garbage and refuse haulers licensed pursuant to this chapter shall comply with all statutes, ordinances, rules and regulations of the state, federal, and local authorities associated with the pick-up, transportation and processing of items defined as recyclable herein.
- D. *Packer type conveyance.* It shall be unlawful for any person to haul garbage upon or along any street or alley except in a packer type conveyance which shall be packed in such a way that it will not scatter said materials along the streets or alleys.

(Ord. No. 1123, 09-23-2013.)

Sec. 16-28. Location of pickup.

All solid waste shall be collected from residential customers at least once per week.

Residential collections shall be made from the curb immediately in front of the residence, except where the city council has authorized collection from another place.

(Ord. No. 1123, 09-23-2013.)

Sec. 16-29. Owner may transport.

Nothing contained in this article shall be construed to prevent the transportation and disposal of solid wastes accumulated upon premises owned, occupied or used by said individual, provided said solid wastes are transported and disposed of properly.

(Ord. No. 1123, 09-23-2013.)

Sec. 16-30. Penalty.

Anyone violating a provision of this article shall, upon conviction, be guilty of a municipal infraction as provided in section 1-10.

(Ord. No. 1123, 09-23-2013.)

Sec. 16-31. Collection fees.

The collection and disposal of solid waste as provided by this chapter are declared to be beneficial to the property served or eligible to be served and there shall be levied and collected fees therefor in accordance with the following:

1. *Fees.* The fees for solid waste collection and disposal service, used or available, for each residential premises and for each dwelling unit of a multiple-family dwelling, shall be as established by the contract between the city and the collector by resolution. Properties with more than three residential dwelling units shall be considered commercial and will not be subject to rules under the city contracted collector.
2. *Payment of bills.* All fees are due and payable as part of a combined service account under the same terms and conditions as payment for utility service as established by the city council. To the extent that the fees are billed as part of a combined service account, utility services may be discontinued in accordance with section 384.84 of the Code of Iowa, if the fees become delinquent.

(Ord. No. 1160, 02-26-2018.)

Sec. 16-32. Containers.

Containers placed in the right-of-way for pickup can be placed 12 hours before pickup, and must be removed 12 hours after pickup. This applies to all residential and commercial customers that place containers on the right-of-way for trash pickup. Containers shall not be placed in the street. Anyone in violation of this code will be guilty of a simple misdemeanor.

(Supp. No. 3, Update 1)

Created: 2025-08-14 11:17:48 [EST]

(Ord. No. 1160, 02-26-2018.)

(Supp. No. 3, Update 1)

Created: 2025-08-14 11:17:48 [EST]