

ORDINANCE NO. 2022-2

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF MURRAY, IOWA, 2022, BY AMENDING PROVISIONS PERTAINING TO COLLECTION OF SOLID WASTE

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

SECTION 1. SECTION MODIFIED. Chapter 106, Section 106.08, Item 1 & Section 106.09, Item 1, of the Code of Ordinances of the City of Murray, Iowa, 2022, is repealed and the following adopted in lieu thereof:

106.08 SOLID WASTE 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 a fee therefor in accordance with the following:

(Goreham vs. Des Moines 1970, 179 NW 2nd, 449)

1. Fees. The fees for solid waste and disposal service, used or available, for each residential, commercial, industrial, or institutional premises are in accordance with the following base schedule.

	2-May-22	1-Feb-23	1-Feb-24	1-Feb-25	1-Feb-26
	3% maximum increase each year unless transfer station rate increases				
Trash Cart	\$22.57	\$23.25	\$23.94	\$24.66	\$25.40
Extra Trash Cart	\$22.57	\$23.25	\$23.94	\$24.66	\$25.40
2YD Dumpster	\$89.17	\$114.17	\$117.60	\$121.12	\$124.76
4YD Dumpster	\$101.11	\$126.11	\$129.89	\$133.79	\$137.80
6YD Dumpster	\$118.62	\$143.62	\$147.93	\$152.37	\$156.94
Monthly Annual Cleanup Fee	\$1.01	\$1.04	\$1.07	\$1.10	\$1.14

106.09 RECYCLING PROGRAM. A mandatory program for the separation and collection of recyclable materials from residential premises is hereby established. For purposes of this section, a residential premises is defined as single family units, zoned or declared residential and single buildings containing no more than two separate or contiguous single family dwelling units that

have individual collection for each unit, or which are billed separately for water or gas service, zoned or declared residential. "Residential Unit" shall specifically not include commercial or industrial establishments. The City shall provide, by contract, for the collection of recyclable materials in accordance with the rules and regulations of the City's recyclables as provided by this section are declared to be beneficial to the property served or eligible to be served and there shall be levied and collected a fee therefor in accordance with the following:

(Goreham vs. Des Moines 1970, 179 NW 2nd, 449[Iowa 1970])

1. Fees. The fees for recyclables collection and disposal service, used or available, for each residential and used for each commercial, industrial, or institutional premises are in accordance with the following base schedule:

Effective Date	05-02-22	02-01-23	02-01-24	02-01-25	02-01-26
Recycle Cart	\$6.39	\$6.58	\$6.78	\$6.98	\$7.19
4 yard Recycle	\$83.77	\$113.77	\$117.18	\$120.70	\$124.32
6 yard Recycle	\$104.09	\$140.09	\$144.29	\$148.62	\$153.08
<i>Three percent maximum increase each year unless transfer station rate increases.</i>					

SECTION 2. SEVERABILITY CLAUSE. 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 3. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval and publication as provided by law.

Passed by the Council the 2nd day of May, 2022, and approved this 2nd day of May, 2022.

Mayor

ATTEST:

Darise Arnold

City Clerk

I certify that the foregoing was published as Ordinance No. 2022-2 on the ___ day of _____, 20__.

City Clerk

CHAPTER 106

COLLECTION OF SOLID WASTE

106.01 Collection Service
106.02 Collection Vehicles
106.03 Loading
106.04 Frequency of Collection
106.05 Bulky Rubbish
106.06 Right of Entry

106.07 Contract Requirements
106.08 Collection Fees
106.09 Recycling Program
106.10 Solid Waste Annual Report
106.11 Lien for Nonpayment

106.01 COLLECTION SERVICE. The City shall provide by contract for the collection of all solid waste except bulky rubbish as provided in Section 106.05 within the City.

106.02 COLLECTION VEHICLES. Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste or solid waste containing such materials shall be leak-proof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution, or insect breeding and shall be maintained in good repair.

(567 IAC 104.9)

106.03 LOADING. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be covered to prevent blowing or loss of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

106.04 FREQUENCY OF COLLECTION. All solid waste shall be collected from residential premises at least once each week and from commercial, industrial, and institutional premises as frequently as may be necessary, but not less than once each week. Recycling shall be collected from residential premises at least once bi-weekly and from commercial, industrial, and institutional premises as frequently as may be necessary, but not less than once each week.

106.05 BULKY RUBBISH. Bulky rubbish that is too large or heavy to be collected in the normal manner of other solid waste may be collected by the collector upon request in accordance with procedures established by the Council.

106.06 RIGHT OF ENTRY. Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste, as required by this chapter; however, solid waste collectors shall not enter dwelling units or other residential buildings.

106.07 CONTRACT REQUIREMENTS. No person shall engage in the business of collecting, transporting, processing, or disposing of solid waste for the City without first entering into a contract with the City. This section does not prohibit an owner from transporting solid waste accumulating upon premises owned, occupied, or used by such owner, provided such refuse is disposed of properly in an approved sanitary disposal project. Furthermore, a contract is not required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities, provided that all such materials are conveyed in tight vehicles, trucks, or receptacles so constructed and maintained that none of the material being transported is spilled upon any public right-of-way.

106.08 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 a fee therefor in accordance with the following:

(Goreham vs. Des Moines, 1970, 179 NW 2nd, 449 [Iowa 1970])

1. Fees. The fees for solid waste and disposal service, used or available, for each residential, commercial, industrial, or institutional premises are in accordance with the following:

Effective Date	02-01-22	02-01-23	02-01-24	02-01-25	02-01-26
Trash Cart	\$22.32	\$22.99	\$23.68	\$24.39	\$25.12
Extra Trash Cart	\$22.32	\$22.99	\$23.68	\$24.39	\$25.12
2 yard dumpster	\$64.17	\$66.09	\$68.08	\$70.12	\$72.22
4 yard dumpster	\$76.11	\$78.39	\$80.74	\$83.16	\$85.65
6 yard dumpster	\$93.62	\$96.43	\$99.32	\$102.30	\$105.37
Monthly Annual Cleanup Fee	\$0.88	\$0.90	\$0.93	\$0.96	\$0.99
<i>Three percent maximum increase each year unless transfer station rate increases</i>					

2. The City may increase collection fees each year on all residential, commercial, industrial, and institutional accounts. This increase will be in accordance with the solid waste and recycling collection contract start date.

3. Payment of Bills. All fees are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.03 of this Code of Ordinances. Solid waste collection service may be discontinued in accordance with the provisions contained in Section 92.04 if the combined service account becomes delinquent, and the provisions contained in Section 92.07 relating to lien notices shall also apply in the event of a delinquent account.

106.09 RECYCLING PROGRAM. A mandatory program for the separation and collection of recyclable materials from residential premises is hereby established. For purposes of this section, a residential premises is defined as single family units, zoned or declared residential and single buildings containing no more than two separate or contiguous single family dwelling units that have individual collection for each unit, or which are billed separately for water or gas service, zoned or declared residential. "Residential unit" shall specifically not include commercial or industrial establishments. The City shall provide, by contract, for the collection of recyclable materials in accordance with the rules and regulations of the City's recycling program as established by resolution of the Council. The collection and disposal of recyclables as provided by this section are declared to be beneficial to the property served or eligible to be served and there shall be levied and collected a fee therefor in accordance with the following:

(Goreham vs. Des Moines, 1970, 179 NW 2nd, 449 [Iowa 1970])

1. Fees. The fees for recyclables collection and disposal service, used or available, for each residential and used for each commercial, industrial, or institutional premises are in accordance with the following base schedule.

Effective Date	02-01-22	02-1-23	02-1-24	02-1-25	02-01-26
Recycle cart	\$6.39	\$6.58	\$6.78	\$6.98	\$7.19
4 yard recycle	\$53.77	\$55.38	\$57.04	\$58.75	\$60.51
6 yard recycle	\$68.09	\$70.13	\$72.24	\$74.41	\$76.64
<i>Three percent maximum increase each year</i>					

2. Collection fees may increase per year on all residential, commercial, industrial, and institutional account. This increase will be in accordance with solid waste and recycling collection contract start date.

106.10 SOLID WASTE ANNUAL REPORT. Contract holder must submit an annual report to the Council, on or before contract start date of each year for the previous contract year, identifying the weight in tons of all solid waste collected, recyclables collected, and related data from City customers.

106.11 LIEN FOR NONPAYMENT. The owner of the premises served and any lessee or tenant thereof are jointly and severally liable for fees for the collection and disposal of solid waste and recyclables. Fees remaining unpaid and delinquent shall constitute a lien upon the premises served and shall be certified by the Clerk to the County Treasurer for collection in the same manner as property taxes.

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