

CHAPTER 105

SOLID WASTE CONTROL

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105.01 DEFINITIONS. For use in this chapter the following terms are defined:

1. “Business establishment” means any establishment which is not a dwelling unit and which generates solid waste, feedstock, recyclable material and/or yard waste incident to its normal activity.
2. “Commercial vehicle” means any vehicle used for transporting solid waste, feedstock, recyclable material and/or yard waste from business establishments, as defined, or which is in the business of transporting such materials.
3. “Corrugated cardboard” includes containers or materials used in containers that have three or more layers of Kraft paper material, at least two exterior flat layers with one wavy interior core.
4. “Feedstock” means any material generated as a result of or is a by-product of residential, industrial or commercial activities that is used for combustion for energy recovery, for combustion for waste disposal or for creation of bio-fuel or bio-products.
5. “Garbage” means animal and vegetable wastes, containers and packaging contaminated by animal or vegetable waste or both, and other such wastes resulting from food preparation and serving.
6. “Generator” means any person or entity whose activities or processes produce solid waste, feedstock and/or recyclable materials and/or yard waste.
7. “Hauler” means any person who regularly or occasionally hauls solid waste, feedstock, recyclable materials and/or yard waste for consideration, fee or for profit.
8. “Household” means any permanent premises containing a habitable space intended for residential use and which generates solid waste, feedstock, recyclable material and/or yard waste as a result of the domestic activities of not more than one family. A household may be referred to as a "dwelling unit."
9. “Manufactured/mobile home” means a transportable, single-family dwelling unit suitable for year-round occupancy having no foundation other than wheels,

jacks, piers, grade beams or skirting and containing water supply, waste disposal, heating and electrical conveniences.

10. “Manufactured/mobile home community” means a parcel of land under single ownership, which has been planned and improved, for the placement of the manufactured/mobile homes for non-transient use.

11. “Materials” means solid waste, feedstock, recyclable material and/or yard waste.

12. “Non-commercial vehicle” means any vehicle not for hire, used for transporting solid waste, feedstock, recyclable material and/or yard waste from dwelling units.

13. “Non-recyclable corrugated cardboard” means corrugated cardboard with permanently attached packing material and/or non-paper liners; wax-coated cardboard; cardboard contaminated with oil, paint, blood, or other organic materials; or cardboard contaminated with any other material that renders the corrugated cardboard non-marketable. It does not include cardboard that has been contaminated through compaction in a hauling vehicle.

14. “Private hauler” means any hauler who hauls materials from his or her own premises, including independent contractors engaged in any type of construction or repair within the City and hauling materials therefrom.

15. “Recyclable corrugated cardboard” includes marketable corrugated cardboard that may have glue, staples, and/or tape, but does not have permanently attached packing material and/or non-paper liners and is not waxed, or contaminated with oil, paint, blood or other organic materials.

16. “Recyclable materials” means any clean and dry material which is generated as a result of or is a by-product of residential, commercial or industrial activities and which has a market for reprocessing or reuse. Such materials may be found in solid waste but are non-collectable as recyclable unless they are segregated by the generator and cared for separately. These materials are as follows but not limited to: plastic containers with recycle numbers 1 to 7, metal food and beverage containers, aluminum foil and pie tins, newspapers, magazines, inserts, catalogs, chipboard (tears brown or gray), mixed paper, junk mail, yard waste and corrugated cardboard.

17. “Recycling” means any process by which waste, or materials that would otherwise become waste, are collected, separated, processed or returned to use in any form of raw materials or products. Recycling does not include any form of energy recovery.

18. “Refuse” means any garbage, rubbish, ashes, incinerator ash, residues from street cleaning, market and industrial solid wastes, recyclable material, or sewage treatment wastes in a dry or semi-dry form.

19. “Rubbish” means any ashes, paper, cardboard, metal, plastic, yard waste, wood, glass, bedding materials, litter or similar materials.
20. “Solid waste” means any garbage, refuse, rubbish, yard waste, recyclable materials, or other similar discarded solid or semi-solid materials, including but not limited to such materials resulting from industrial, commercial, agricultural and domestic activities, that is not a recyclable material or a feedstock. Solid waste may include vehicles as defined in Section 321.1 of the Code of Iowa. Solid waste does not mean or include hazardous waste as defined in Section 455B.411 of the Code of Iowa or source, special nuclear, or by-product material as defined in the Atomic Energy Act of 1954, as amended to January 1, 1979, petroleum contaminated soil which has been remediated to acceptable State or Federal standards, toxic materials, or yard waste that has been composted or infectious, medical or biological waste.
21. “Vehicle license” means a license issued for a vehicle used in the business of hauling or transferring solid waste, feedstock and/or recyclable materials.
22. “Yard waste” means any of the following, free of any other debris and which is generated as a result of yard and garden development and maintenance: grass clippings, lawn rakings, leaves, hedge trimmings, trees and tree trimmings, garden vegetation, bark, flowers, or all other similar organic waste. Yard waste does not mean or include stumps.

105.02 SANITARY DISPOSAL REQUIRED. It is the duty of each owner to provide for the sanitary disposal of all refuse accumulating on the owner's premises before it becomes a nuisance. Any such accumulation remaining on any premises for a period of more than seven (7) days shall be deemed a nuisance and the City may proceed to abate such nuisances in accordance with the provisions of Chapter 50 or by initiating proper action in district court.

105.03 FEEDSTOCK COLLECTORS. All persons, firms or haulers that collect solid waste, feedstock, recyclable materials and/or yard waste shall do so in compliance with the terms and conditions of this chapter.

105.04 FEEDSTOCK COLLECTION – ALL PROPERTIES.

1. Accumulated solid waste, feedstock and recyclable materials shall be collected from all residences, dwelling units, commercial and industrial establishments within the City at least once weekly in accordance with and subject to the provisions of this chapter. All materials collected are deemed to be feedstock until sorting or separation determines the material to be solid waste, recyclable materials or yard waste.
2. All collections shall be made between the hours of seven o'clock (7:00) a.m. and ten o'clock (10:00) p.m.

3. All yard waste shall be separated from all other solid waste, feedstock and recyclable material accumulated on the premises.
4. The generator shall separate all recyclable corrugated cardboard from all other garbage, refuse and rubbish for the purpose of recycling. Recyclable corrugated cardboard shall not be purposely rendered non-recyclable for ease of disposal. Recyclable corrugated cardboard may be mixed with other approved recyclable materials for recycling. Recyclable corrugated cardboard that has been separated from all other garbage, refuse and rubbish may be composted. Recyclable corrugated cardboard that is mixed with approved compostable materials and is approved for composting may be composted.
5. All manufactured/mobile home communities, multiple-family residential buildings and industrial and commercial establishments shall offer recycling opportunities for generators either by providing drop-off facilities or curb-side collection or some other alternative method for diverting solid waste from area landfills.

105.05 MUNICIPAL COLLECTION.

1. The Public Services Department shall provide for the collection of properly contained, bundled or placed solid waste, feedstock, yard waste and recyclable materials from all designated domestic and commercial generators located within the City of Marion. The collection of solid waste, feedstock and recyclable materials by the Public Services Department from generators located within the City of Marion is mandatory. The Public Services Department may enter into contracts with haulers for purposes of solid waste, feedstock, recyclable material and/or yard waste collection. *(Ord. 16-02 – May 16 Supp.)*
2. Accumulated domestic solid waste, feedstock and recyclable materials shall be placed at the end of the driveway, if any, or curbside no sooner than seven o'clock (7:00) p.m. on the day prior to collection and no later than seven o'clock (7:00) a.m. on collection day. Solid waste or recyclable materials placed at the curbside shall not be placed behind any parked cars. Solid waste, feedstock or recyclable materials placed at the curbside that is behind any parked cars at the time of collection will not be collected. Solid waste, feedstock or recyclable materials placed at the curbside later than seven o'clock (7:00) a.m. on collection day will not be collected if the collection truck has gone past the residence prior to placement. Collection containers shall be removed from public property within twenty-four (24) hours after collection, and shall be stored adjacent to the dwelling unit or screened from view. When there is an accumulation of ice or snow on the ground, all solid waste, feedstock and recyclable material shall be placed in a scooped out area adjacent to the curb or driveway adjacent to the curb for safe collection by the collection personnel.
3. All yard waste shall be separated from all other solid waste accumulated on the premises. Such separated yard waste may be composted on the premises, placed

in yard waste containers for collection as feedstock, or bundled in accordance with established policies and placed appropriately near the curb for collection on collection days. Fee-paying customers may also haul and dispose of separated yard waste at the City compost facility subject to the rules, regulations and hours of operation of said facility.

4. Curbside recycling shall be provided to all fee paying customers. Only bins provided and sold by the City can be used for curbside collection of recyclable materials. The bin and lid shall remain with the property. Any lost or stolen bins and lids will be the responsibility of the generator to replace. Any resident moving shall leave the bin with the residence. If no bin is found, it shall be the responsibility of the customers to locate or replace the missing bin. Customers may purchase a bin and lid from the Public Services Department at a cost as established by the Public Services Director.

5. The Public Services Department will not collect dead animals, animal manure or litter, old cars or car bodies, liquids, hazardous or toxic wastes or chemicals, explosives, hot ashes, infectious, medical or biological waste, logs, stumps or debris four (4) inches in diameter or more than four (4) feet long and not bundled, small items or materials in piles requiring shovel or fork to handle, or material resulting from construction, demolition or repair of buildings. Ashes and sawdust must be contained in a bag. Broken glass or other sharp objects must be marked as such and set out separately. Sharp materials such as needles from injections shall not be placed in solid waste, feedstock or recyclable containers for disposal. In addition, no article or bundle which by its nature constitutes a hazard to the City employee will be collected.

6. Unflocked household Christmas trees may be set out as a part of regular solid waste collection for a period not to exceed two weeks during the month of January. The Public Services Director shall determine the schedule for Christmas tree collection. Flocked trees will not be accepted for disposal.

7. Large household items which will not fit in collection containers or exceed the 40 pound weight limit or both, and unbundled brush and trees may be set out for collection on a "special collection" basis. Special collections shall be made on a regular basis. The Public Services Director shall determine the special collection schedule and fees. Customers must contact the Public Services Department to arrange for special collection.

8. In the event of City-wide tree damage due to ice storms, windstorms, or similar events, the Public Services Director after consultation with the City Manager may designate and provide notice of an appropriate time period for the separate collection of unbundled trees and brush. Households may place unbundled trees, branches and brush during this time period without having to contact the Public Services Department or paying for a special collection.

9. Yard waste material, except for Christmas trees as provided in subsection 6 of this section, will not be collected as part of weekly feedstock collection during the

months of December, January, and February. Yard waste during these months shall either be collected on a special collection basis or the customer may haul and dispose of the yard waste at the City compost facility. In the event of unusual weather conditions, the Public Services Director may modify such schedule after consultation with the City Manager.

105.06 DISPOSAL HIERARCHY.

1. Disposal of all solid waste, feedstock and/or recyclable materials shall comply with the waste management hierarchy set out in Iowa Code § 455B.301A:
 - A. All materials that have been segregated by the generator for recycling and/or reuse, for which a properly permitted facility that is accepting such recyclable and/or reusable material is located within the planning area, shall be delivered only to such facility;
 - B. All feedstock not disposed of pursuant to 105.06(1)(A) above shall be delivered to a properly permitted facility that is accepting such feedstock for purposes of combustion for energy recovery, combustion for waste disposal, or creation of bio-fuel or bio-products, if such a facility is located within the planning area;
 - C. All feedstock not disposed of pursuant to 105.06(1)(A) or (B) above shall be delivered to a properly permitted facility that is accepting such feedstock for purposes of combustion for waste disposal, if such a facility is located within the planning area;
 - D. All material not disposed of pursuant to 105.06(1)(A), (B) or (C) above shall be delivered to a properly permitted sanitary landfill located in the planning area that is accepting solid waste for purposes of disposal and landfilling.
2. Upon the request of any private hauler or hauler and upon good cause shown, the City Council may allow delivery of solid waste, recyclable materials, feedstock and/or yard waste to any properly permitted facility identified in 105.06(A), (B), (C) or (D) above.
3. Nothing contained herein shall prohibit delivery of solid waste to a waste disposal facility located outside of the State of Iowa.

105.07 PROHIBITED PRACTICES.

1. Other than as set forth in 105.06, no person shall deposit solid waste, recyclable materials, feedstock and/or yard waste for final disposal at any site other than a State permitted solid waste disposal facility. Uncontaminated soil, brick, concrete, sand and other similar inert excess or spoil materials from construction, mining or reclamation sites may be deposited for final disposal or fill sites other than State permitted solid waste disposal facilities so long as these disposals are in conformance with applicable State regulations.

2. No person shall deposit, throw, keep or place any solid waste, feedstock, recyclable material or yard waste on any public property or in any lane, alley, street or other public place except as otherwise authorized within this chapter.
3. The raking of leaves or other yard waste onto City streets or alleys is specifically prohibited.

105.08 LITTERING PROHIBITED. No person shall discard any litter onto or in any water or land, except that nothing in this section shall be construed to affect the authorized collection and discarding of such litter in or on areas or receptacles provided for such purpose. When litter is discarded from a motor vehicle, the driver of the motor vehicle shall be responsible for the act in any case where doubt exists as to which occupant of the motor vehicle actually discarded the litter.

105.09 COLLECTION CONTAINERS.

1. Solid waste, feedstock and recyclable material collection containers shall be provided for all residences, dwelling units, commercial and industrial establishments within the City. Such containers shall be sufficient in number and size to completely contain all solid waste, feedstock and recyclable material. Garbage and recyclables shall be kept in watertight, disposable or reusable containers with tight lids or closures.
2. Residential solid waste and feedstock collection containers for materials other than yard waste and recyclable materials shall be made of corrugated metal or plastic of the type approved by the Public Services Department, with tight-fitting removable lids that are not permanently attached, covers or closures. Reusable containers shall withstand temperatures to 50 degrees below zero Fahrenheit. The containers shall not exceed in size 32 gallons liquid measure. Contents of reusable containers shall be readily and fully removable by the solid waste collector and may not extend above the lid area when placed at the curb. Container can weigh no more than 40 pounds.
3. Yard waste collection containers shall comply with the following provisions:
 - A. The use of plastic bags for yard waste is prohibited.
 - B. Reusable containers shall be manufactured of corrugated metal or plastic and shall not exceed in size 32 gallons liquid measure and shall not have permanently attached lids or covers. Contents shall be readily and fully removable by the solid waste collector. Reusable yard waste containers shall be clearly marked with a legible letter "Y" or the words "Yard Waste" legibly painted or otherwise imprinted or affixed to the outside of the container. The "Y" must face the street when set out so it can be seen from the collection vehicle. Container can weigh no more than 40 pounds.

C. Biodegradable Paper Bags. Grass clippings for curbside collection may only be placed in biodegradable paper bags. Such biodegradable paper bags shall not exceed in size 32 gallons liquid measure. The bags shall consist of double-layered paper construction and shall be manufactured specifically for the purpose of yard waste disposal. Each bag should be clearly imprinted with a logo or other label indicating that it is biodegradable and suitable for the containment of yard waste. The Public Services Director shall determine the acceptability of paper bags used for yard waste material. Container can weigh no more than 40 pounds. The City may require use of specially manufactured and sold biodegradable paper bags, at its discretion.

4. Oil drums, lard cans, fiber barrels, corrugated cardboard boxes or containers of less than 20 gallons liquid measure shall not be used as solid waste, feedstock, yard waste, or recyclable material collection containers.

5. Solid waste, feedstock, yard waste and recyclable material containers used by commercial and industrial establishments and multiple-family residential dwellings shall be constructed as to completely contain waste within the base, walls and cover. A cover shall be in place at all times.

6. Storage of collection containers shall be on private property. On collection days, containers shall be placed in plain view at a point within two (2) feet of the curb line. The Public Services Department may make exceptions for elderly or disabled persons upon request to the Public Services Department. Material not intended for collection shall not be kept on or near the curb. The City shall not be responsible for any material not intended for collection, but so placed, which is collected for disposal.

7. Yard waste containers shall be grouped and placed at the designated location near the curb and separated from all other collection containers of materials by a distance sufficient to allow easy recognition to assure separate collection.

8. All corrugated cardboard boxes shall be flattened and placed in or under the recycling container and bundled in accordance with rules as established by the Public Services Department. Such bundles may be bound with twine.

105.10 VEHICLE LICENSES.

1. Each vehicle used by a hauler and which is used to transfer solid waste, feedstock, recyclable materials or yard waste within the City shall be licensed by the City. Upon inspection and approval of the vehicle by the Public Services Department, and upon payment of the designated annual license fee of thirty dollars (\$30.00) to the Clerk, the Public Services Director shall issue a vehicle license. The annual license fee shall be due on July 1. The license is not transferable from vehicle to vehicle or hauler to hauler. The license sticker shall be affixed to the vehicle in the appropriate location on the day of issue or within five (5) business days thereafter.
2. Prior to issuance of a hauler license, a certificate of insurance must be presented to the Public Services Director, along with information on the hauler pertaining to the principals of the business, address, phone number and a signed hold harmless agreement with the City, to protect and indemnify the City from any and all claims, damages, causes of actions of whatever kind arising out of issuance of a license to do business within the City.
3. Each applicant for a hauler license shall be the titleholder, lessee or principal owner of the vehicle. Minimum equipment standards shall be:
 - A. The solid waste, feedstock, recyclable material or yard waste containment area shall be so constructed as not to drop or eject materials when the vehicle is in motion.
 - B. Tailgates shall be at least thirty (30) inches in height or one-half the height of the sideboards, whichever is less. Tailgates shall at all times be in good repair.
 - C. All vehicles shall be equipped or supplied with covers for the containment area. Such covers shall be so constructed as to completely contain the solid waste, feedstock, recyclable material and yard waste payload within the containment area during all operations prior to unloading.
 - D. All vehicles shall have the name and phone number of the hauler prominently displayed on the side of the truck in lettering not less than two (2) inches in height.

105.11 PRIVATE HAULERS. Private haulers using cars, pickup trucks or utility trailers shall contain and cover all loads securely. Private haulers using vehicles larger than cars, pickup trucks or utility trailers shall use vehicles which meet all of the minimum equipment standards for waste haulers.

105.12 TREE AND BRUSH HAULING. Trees, brush and all other woody herbaceous materials shall be so contained as to not extend beyond the sideboards. Such materials may be hauled without a tailgate so long as the complete load is secure when no tailgate is in

place. No materials shall extend beyond the containment area to the rear such that any materials drag or make contact with the roadway.

105.13 RATES.

1. Base Rate. The base rate for material collection and disposal is \$14.25 per unit per month effective January 1, 2017. This base rate includes one container per week, plus curbside recycling and yard waste collection. Every additional refuse container must display a sticker in accordance with rules as established by the Public Services Director. The cost of purchasing the sticker is \$1.75 effective September 1, 2014. Any container not properly tagged will not be collected by the City.

(Ord. 16-11 – Nov. 16 Supp.)

2. Payment of Bills. All fees are due and payable with and under the same terms and conditions as payment for water service as established by the Utility Board of Trustees. To the extent that the fees are billed as part of a combined service account, utility services may be discontinued if the account becomes delinquent.

3. Lien for Nonpayment. The owner of the premises served and any lessee or tenant thereof are jointly and severally liable for fees for solid waste, feedstock and/or recyclable material collection and disposal. 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.

4. Home Occupations. Home occupations, as defined by the Zoning Ordinance, may contract for private collection upon two weeks' written notice to the Public Services Department. If municipal collection service is retained, the collection fee shall be double the rate for a residential dwelling unit

5. Service Outside City Limits. Where property is located in the immediate proximity of the City limits, but outside of the limits, the owner or occupant may request in writing to the Public Services Director that the City collect solid waste, feedstock, recyclable material and/or yard waste. The Public Services Director will then determine whether the property is in such close proximity to existing collection routes that the cost to the City for making the collection will not exceed the fees to be collected. If the Public Services Director makes this finding, the Public Services Director shall approve the application, and the rate charged to the property outside the corporate limits will be one and one-half times the rate charged a similar property inside the corporate limits.

6. Special Collections. Special collections shall be provided for a unit fee of \$30.00 for the first 15-minute interval required to make the collection and \$30.00 for each additional 15 minutes as may be necessary to complete the collection. If the special collection involves any materials for which the City will be charged an additional or special landfill fee, then the billing for the special collection shall have these additional or special fees added to the unit fee cost. If special collection

material is set out in cardboard boxes, an additional \$10.00 fee will be assessed to the collection cost. If a special collection is assessed a fine at the landfill, the fee for the special collection shall include the cost of the fine. The department shall not initiate a special collection without the payment of cash, check, or credit card of the departments estimate of fees in advance of the collection. If the estimated amount was not sufficient to cover the actual fees, the customer shall be billed for the balance following the special collection. If the estimated amount paid was in excess of the actual fees, the department shall promptly refund the balance to the customer.

7. Vacated Premises. In circumstances where the residential dwelling unit is permanently vacated or unused for a period of not less than one hundred and eighty (180) days, the Public Services Board may waive the collection fees charged based on the circumstances of hardship attested to, provided the owner or agent of such unit submits signed written request with supporting documentation setting forth the relevant facts and it is approved by the Public Service Board.

(Ord. 15-14 – Aug. 15 Supp.)

8. False Statements. No person shall make an intentionally false, misleading, incomplete or incorrect statement on any application or other written statement provided for or referred to in the terms of this chapter.

9. The department is hereby authorized to sell or dispose of compost materials and wood chips as follows:

A. Compost and uncolored wood chips to residential solid waste customers - free of charge.

B. Compost \$4.00 per cubic yard and wood chips \$2.00 per cubic yard to all others.

10. Commercial Service Rates. Upon approval by the Public Services Board, the Public Services Department may provide for the collection of feedstock from nonresidential generators. Rates for collection shall include provisions for a furnished collection bin provided to the generator. Rates for monthly commercial service collection are established as follows:

96 gallon container	\$20.00 per month
2 yard dumpster	\$82.50 per month
3 yard dumpster	\$96.50 per month
10 yard container	\$190.00 per month

(Ord. 16-02 – May 16 Supp.)

105.14 ELDERLY OR DISABILITY EXEMPTION AND RATES.

1. A household shall be defined as "elderly or disabled" if all of the occupants within the dwelling unit meet the following requirements:

A. The occupants are at least 65 years of age, or

- B. The occupants are certified as permanently and totally disabled by the Social Security Administration, the Veterans Administration, the State Department of Social Welfare or a similar agency, and a copy of the written certification is furnished to the Public Services Director. In the alternative, the occupants must furnish a medical report from a medical doctor certifying the occupants to be permanently and totally disabled.
2. Any customer who has been exempted from the requirements of placing materials at the curb by reason of age or disability shall place the materials in plastic bags and store them inside a reusable materials container in such a manner that will allow the operator to pick up only the bags and carry them to the truck. All yard waste shall be placed at curbside only. An application for an exemption shall remain on file and upon approval shall remain in effect until the occupants move from the dwelling unit.
3. *(Repealed by Ord. 14-07 – Aug. 14 Supp.)*

105.15 COMPLIANCE.

1. Refuse deposited and remaining on City property for a period longer than twenty-four (24) hours may be removed by the City and the actual cost charged to the adjoining property owner, including landfill tipping fees, personnel and equipment, plus \$50.00 administrative fee per occurrence.
2. Solid waste, feedstock, recyclable materials and/or yard waste that do not comply with the provisions of this chapter or with regulations and rules promulgated to implement and enforce this chapter may not be collected by the Public Services Department. Under such circumstances, it is the responsibility of the generator to take the materials to the Public Services Department for proper disposal in such manner and at such time as may be prescribed by the Public Services Director, or otherwise take such action so as to comply with this chapter and/or applicable regulations and rules.

105.16 AUTHORITY TO ESTABLISH RULES. The Public Services Director is authorized to promulgate reasonable rules and regulations consistent with the provisions of this chapter. Such rules and regulations shall be presented for review and adoption by the Public Services Board prior to implementation.

105.17 GARBAGE, REFUSE AND RUBBISH.

1. Definitions. For the purpose of this section the following terms, phrases, words and their derivations shall have the meanings given as follows:
- A. “Garbage” is putrescible animal and vegetable waste resulting from handling, preparation, cooking and consumption of food.
- B. “Refuse” is all putrescible and non-putrescible solid wastes (except body waste), including garbage, rubbish, ashes, street cleaning, dead animals,

abandoned automobiles or parts thereof, and solid market and industrial waste.

C. “Rubbish” is non-putrescible solid wastes consisting of both combustible and non-combustible waste, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, toys, and similar materials.

2. Removal. No person shall throw or deposit garbage, refuse or rubbish on any occupied private property within the City whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that the same will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any other private property and additionally shall be stored in a manner which will keep the premises sightly and shall not cause the same to be a nuisance to the adjoining property and shall not have an adverse effect upon the fair market value of the property or any adjacent property.

(Ch. 105 - Ord. 13-15 – Aug. 13 Supp.)