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HC-4
06-26-08

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June 16, 2008

To: C. Ray Wierson, County Administrator
From: Lawrence E. Barker, Director 
Subject: Changes to Ordinance 32 entitled "Solid Waste Haulers"

When Chapter 32 was adopted in 1990's all waste haulers collected, transported, and disposed of their solid waste at the Waste Commission of Scott County. The Scott County Health Department inspected and permitted all vehicles collecting and transporting solid waste to the Scott County Landfill. Since that time, the Waste Commission of Scott County has had to raise the tipping fees as requirements have increased from the Iowa Department of Natural Resources. Landfills in Illinois were charging lower tipping fees than the Waste Commission of Scott County so some waste haulers started and continue to dispose of the solid waste in Illinois. The changes to the ordinance are proposed to reflect these changes and to bring the code in line with the waste hauler permitting process.

The Scott County Health Department is requesting amending the Ordinance 32, Solid Waste Haulers ordinance **Section 32-3. A. Collection and Transportation of Solid Waste** which states in part "No person shall collect and transport any solid waste in Scott County without first obtaining a Solid Waste Hauler Permit from the Scott County Board of Health." We are proposing that **Sec. 32-3. A.** state in part "No person shall collect and transport any solid waste to the Scott County Landfill without first obtaining a Solid Waste Hauler Permit from the Scott County Board of Health" and **Section 32-4. A. Solid Waste Hauler Permit Inspection** which states "Every person who collects and transports solid waste in Scott County shall have their vehicle (s) annually inspected by the Health Department..." We are proposing that **Section 32-4. A.** state in part "Every person who collects and transports solid waste to the Scott County Landfill shall have their vehicle (s) annually inspected by the Health Department..."

These changes were reviewed by Ted Priester, Assistant Scott County Attorney and his comments were "by limiting the permit requirement to just those haulers who are utilizing the Scott County Landfill may have the effect of exempting from said requirements those haulers who take their loads to Illinois or elsewhere." "You acknowledged that the changes in the ordinance may have that effect."

The board of health at their May 15, 2008 meeting held a public hearing on the proposed amendments with no comments taken. Subsequently the board unanimously approved the changes and they are now forwarded on to the board of supervisors for three readings prior to publication.

CHAPTER 32
SOLID WASTE HAULERS

SECTIONS:

- 32-1. SCOPE AND PURPOSE
- 32-2. DEFINITIONS
- 32-3. SOLID WASTE COLLECTION AND TRANSPORTATION
- 32-4. SOLID WASTE HAULER PERMIT FEES
- 32-5. NOTICE
- 32-6. JURISDICTION
- 32-7. HEARINGS
- 32-8. ENFORCEMENT
- 32-9. MUNICIPAL INFRACTIONS
- 32-10. SEPARABILITY OF PROVISIONS
- 32-11. APPLICABILITY

SEC. 32-1. SCOPE AND PURPOSE

In order for the Scott County Board of Health to effectively control the transportation and disposal of solid waste, to control the danger to public health, safety, and welfare from the unauthorized disposal/disposition of solid waste, and to control litter in the entire county, this chapter establishes permits, permit fees, and violation penalties to promote the proper transportation and disposal of solid waste.

SEC. 32-2. DEFINITIONS

For the purpose of this Chapter these words have the following meanings:

- A. "Administrative Authority" means the Scott County Board of Health as authorized by Iowa Code, Chapter 137.
- B. "Hauler" means any person who transports solid waste in Scott County.
- C. "Health Department" means the Scott County, Iowa Health Department.
- D. "Health Director" means the Director of the Scott County Health Department.
- E. "Health Officer" means the Director of the Scott County Health Department or his duly authorized representative.
- F. "Litter" means any solid waste, including but not limited to garbage, rubbish, trash, refuse, waste materials, junk, dead animals, industrial waste or debris.

- G. "Littering" means the act of losing any solid waste intentionally or unintentionally from any vehicle.
- H. "Person" means an individual and any form of business organization authorized under the laws of this or any other state.
- I. "Solid Waste" means garbage, refuse, building materials rubbish, demolition waste, yard waste, tree trimmings, batteries, waste tires, litter, and other similar discarded solid, semi-solid, or liquid materials, including, but not limited to, such materials resulting from industrial, commercial, agricultural, and domestic activities, excluding hazardous waste.
- J. "Vehicle" means any motorized or towed trailer, used to transport solid waste on city or county roads, or public highways, meeting licensing requirements of the State of Iowa Department of Transportation.
- K. "Waste Tires" means any synthetic or rubber material encircling a wheel, the use of which has been discontinued and is intended for disposal.

SEC. 32-3. COLLECTION AND TRANSPORTATION OF SOLID WASTE

- A. No person shall collect and transport any solid waste to the Scott County Landfill without first obtaining a Solid Waste Hauler Permit from the Scott County Board of Health. Individual residential owners, farmers, vans, and pick-up trucks are exempt from this requirement as long as they are transporting solid waste from their private property and are not doing so for hire.
- B. Any person who generates, collects, or transports solid waste in Scott County shall provide to the Health Department, upon request, documentation of amount, type, and disposal site. However, this section does not apply to farm waste, farm buildings, and dead animals as permitted under applicable state rules and regulations (Iowa Department of Natural Resources Administrative Code 567, - Chapter 101, or successor Administrative Rules).
- C. Littering of city or county streets as a result of solid waste blowing, falling, or being thrown from vehicles while being transported, shall be unlawful. Vehicles shall be so constructed or provided with suitable covers, to contain said

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materials. This section does not apply to the transportation of poultry or livestock.

- D. All solid waste and recyclables shall be transported to a site approved by the Iowa Department of Natural Resources and local governing city/county jurisdictions.

SEC. 32-4. SOLID WASTE HAULER PERMIT INSPECTION

- A. Every person who collects and transports solid waste to the Scott County Landfill shall have their vehicle(s) annually inspected by the Health Department, unless exempted in Section 32-3 A. Deleted: in
- B. Upon inspection and determination that the vehicle(s) are capable of properly confining the solid waste a permit shall be issued for the vehicle by the Health Department. The permit shall be placed by the Health Department on the vehicle and displayed on the vehicle at all times. Permits shall be in effect from July 1 through June 30 of each year.
- C. Every vehicle which transports solid waste is subject to inspection as often as deemed necessary by the Health Department, and the hauler of that vehicle shall provide access for inspection of said vehicle.

SEC. 32-5. NOTICE

- A. Whenever the Health Department, or its duly authorized representative, has reasonable grounds for believing a violation has occurred against this Chapter or any Chapter adopted pursuant thereto, it may give notice of such alleged violation to the person or persons responsible therefore, as hereinafter provided. Such notice shall:
1. Be in writing.
 2. Include a statement of the reasons why it is being issued.
 3. Allow a reasonable time for the performance of any act it requires.
 4. Be served upon the owner, agent, or the driver, as the case may require; provided that such notice shall be deemed to be properly served upon such owner, agent, or driver, if a copy thereof is sent by certified mail and regular mail to his/her last known address; or if he/she is served with such notice by any other

method authorized or required under the laws of this state.

- B. Such notice may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this ordinance.

SEC. 32-6. JURISDICTION

The provisions of this Chapter shall apply throughout Scott County, Iowa, including cities and towns herein.

SEC. 32-7. HEARINGS

In the event any person is aggrieved by any Order made by the Health Officer, he/she may within twenty (20) days of the date of such Order, appeal to the Health Director and, in writing, state his/her reason(s) for requesting such Order to be rescinded or modified. The Health Director shall review the action of the Health Department, and if reasonable grounds exist, shall modify, withdraw or order compliance with the said Order. Appeals from the Health Director may be taken within twenty (20) days to the District Court of Scott County, Iowa.

SEC. 32-8. ENFORCEMENT

- A. It shall be the duty of the Health Department, or its duly authorized representative, to enforce the provisions of this Chapter.
- B. Suspension of Permits. Whenever in the judgment of the Health Department, or its duly authorized representative, a violation of the Chapter exists, the Health Department may, with or without notice, suspend the Solid Waste Hauler Permit of that vehicle.
- C. The Health Department or its duly authorized representative may issue a civil citation with or without prior notice to a person who is alleged to have committed a municipal infraction.

SEC. 32-9. MUNICIPAL INFRACTIONS

Any person, persons, firm, partnerships or corporations, whether acting alone or in concert with any other, who violates this ordinance shall be guilty of a municipal infraction and shall be penalized as set forth in Chapter 29 of the County Code of Scott County, Iowa.