

009508

ORDINANCE NUMBER 44

FILED
BETTY J. WRIGHT
RECORDER
BENTON CO. IOWA

BENTON COUNTY ORDINANCE ESTABLISHING A PROGRAM FOR THE SEPARATION OF RECYCLABLE MATERIALS IN ORDER TO FACILITATE COLLECTION AND ENCOURAGE RECYCLING

WHEREAS, conservation of recyclable material is now a necessity in order to conserve our natural resources; and

WHEREAS, the reduction of the amount of solid waste to be disposed of will extend the life of the landfill; and at the same time the separation, collection and sale of recyclable materials will reduce the financial burden of solid waste disposal.

NOW, THEREFORE, BE IT ORDAINED by the Benton County Board of Supervisors; and is hereby enacted and ordained by authority of the same as follows:

Section I – Definitions.

For use in this Ordinance, the following terms are defined:

1. *City*: The City Councils of each incorporated area within Benton County.
2. *Commercial Collector*: A person, partnership, or corporation hired by a City, commercial / industrial establishment, or resident to collect, transport, and properly dispose of garbage, refuse, and/or recyclable materials.
3. *County*: All incorporated and unincorporated areas within Benton County, Iowa.
4. *Drop-off locations*: County-operated recycling drop-off locations within Benton County.
5. *Garbage & Refuse*: Every waste accumulation of animal, fruit, or vegetable matter resulting from handling, preparation, cooking, consumption, and storage of food. Dead animals are not included in the term "garbage." Refuse shall mean all other waste materials not specifically defined as garbage or specifically defined as recyclable materials.
6. *HDPE*: High Density Polyethylene plastic resin encoded with a #2 recycling symbol. Examples include milk & juice jugs; cosmetic & shampoo bottles; dish & laundry detergent bottles and yogurt & margarine tubs.
7. *Non-recyclable materials*: Material not having a present economic or reusable value.
8. *PET*: Polyethylene Terephthalate plastic resin encoded with a #1 recycling symbol. Examples include soft drink, water, sports drink, mouthwash, catsup & salad dressing bottles and peanut butter jars.
9. *Recyclable materials*: Those materials determined by the County that can be recycled, reused, or processed in a manner other than landfilling. Examples include but are not limited to:
 - a) Paper items including but not limited to newspaper, white and colored paper, magazines and catalogs, boxboard and junk mail
 - b) Unwaxed, corrugated cardboard
 - c) Tin, aluminum, and bi-metal cans and other metal items
 - d) PET (#1) and HDPE (#2) plastic containers
10. *Self-hauler*: A person that collects and transports solid waste and/or recyclable materials from their residence or commercial / industrial establishment to be properly disposed/recycled.
11. *Solid Waste*: All garbage, refuse, and similar discarded solid or semisolid materials including, but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities.

Section II -- Separation of Recyclable Materials Required.

Commencing January 1, 2004, every person or entity disposing of solid waste or recyclable materials in Benton County shall separate recyclable material from garbage, refuse, and other solid waste. This shall apply to the owner or occupant of each residential unit and the owner or occupant of each non-residential agricultural and commercial/industrial establishment authorized to place waste in the county landfill. Accepted recyclable materials may differ as conditions warrant.

Section III – Collection of Recyclable Material.

Persons or entities shall place recyclable materials in City or Commercial Collector approved containers for collection, or in the alternative, shall deliver recyclable materials to a drop-off location. Recyclable material shall be prepared according to the guidelines provided by the City, County, and/or Commercial Collector.

Section IV-- Disposition of Recyclable Material.

Recyclable materials shall not be placed in the county sanitary landfill on or after January 1, 2004. Recyclable materials shall not be disposed of except by delivery to an individual or entity engaging in recycling of the material. No more than 5% recyclable material shall be disposed of by depositing with garbage or refuse and no permitted Commercial Collector shall pick up any more than 5% recyclable material commingled with garbage or refuse. The 5% determination will be measured by volume.

Section V -- Collection Permit Required.

All Commercial Collectors of garbage and refuse who desire to haul over the roads of Benton County shall first obtain an annual collector's permit as defined in Benton County Ordinance #21, Section 3 and as authorized by the County Engineer.

Section VI -- Refusal of Service.

The Collector shall refuse to collect items not complying with this Ordinance for the collection of garbage, refuse, and other solid waste and the separation of recyclable materials.

Section VII -- Violation and Investigation.

Any person or entity violating any provision or requirement of this Ordinance shall be guilty of a county infraction, and shall also be held responsible for correcting the violation. The Benton County Engineer, or other authorized representative of the Board of Supervisors shall investigate violations relative to the collection and disposal of solid waste in Benton County.

Section VIII -- Enforcement and Penalty.

It shall be the duty of the Board of Supervisors and/or its designee, the County Engineer, to enforce the provisions of this Ordinance. A violation of any of the provisions of this Ordinance is subject to the following penalties plus court costs:

Collector Type	First--Second Offense	Third Offense	Four or more Offenses
Self-hauler	\$50.00	\$100.00	Maximum County Infraction penalty as identified in Iowa Code Chapter 331 Section 302
Commercial Collector	\$100.00	\$200.00	Maximum County Infraction penalty as identified in Iowa Code Chapter 331 Section 302

Section IX -- Jurisdiction.

The provisions of this Ordinance shall apply throughout Benton County, Iowa, including the cities therein.

Section X -- Validity.

If any section, paragraph or clause of this Ordinance shall be held invalid, such invalidity shall not affect any of the remaining provisions of this Ordinance.

Section XI -- Effective Date.

This Ordinance shall be in effect after its final passage, approval, and publication as provided by law.

Passed and approved on the 7th day of November, 2003.

Benton County Board of Supervisors

Ron Buch
Ron Buch, Chairman

Jason D. Sanders
Jason Sanders, Member

Dave Vermedahl
Dave Vermedahl, member

Attest:

Jill Marlow
Jill Marlow, Benton County Auditor

October 31, 2003 – Approved 1st Consideration of Ordinance #44
November 4, 2003 – Approved 2nd Consideration of Ordinance #44
November 7, 2003- Approved 3rd Consideration of Ordinance #44
November 7, 2003 - Adopted Ordinance #44
November 26, 2003 – Published Ordinance #44.

I, Jill Marlow, do hereby certify the above to be a true and correct copy of Ordinance #44 and the dates of consideration and publication are correct.

Jill Marlow
Jill Marlow, Benton County Auditor

