



City Attorney's Office

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October 7, 2009

The Honorable Ann Campbell, Mayor,
and Members of the City Council
of the City of Ames, Iowa

Re: Sec. 10.8 of the Ames City Code and Proposed Composting Ordinance

Dear Mayor Campbell and Council Members:

I am writing this letter regarding proposed changes to section 10.8 of the Ames City Code and the possible addition of a new ordinance regarding composting. This issue was brought to Council recently and was referred to Kevin Anderson, the City Sanitarian. Specifically, concerns were raised regarding the fact that section 10.8 currently only allows for composting of yard waste and does not allow for composting of kitchen scraps of any kind.

Additional members of city staff were consulted regarding this issue and a consensus was reached that certain kitchen scraps should be allowed in compost piles, while others should be strictly prohibited. Materials from ISU extension were provided and it was agreed that any changes to the City's ordinances should comply with the recommendations contained in those materials. Those materials are attached to this letter for your review.

With these issues in mind, the City Attorney's Office recommends the following action:

1. Direct the City Attorney to draft an ordinance which removes subsection (3)(b) from section 10.8 of the Ames Municipal Code and creates a new section in chapter 10 that deals with composting. This new section should conform to the ISU extension materials and allow for composting of fruit and vegetable trimmings, coffee grounds and eggshells, in addition to yard waste. Additionally the new section should specifically state that animal meat, bone and fat are prohibited from composting as well as feces and diseased plant material.
2. Council may also direct the City Attorney to include additional language in the new composting section that provides setback requirements, size restrictions, container requirements and pest abatement if Council believes that the expanded composting provisions will result in citizen complaints.

While discussing this solution with other departments, there were some concerns raised regarding potential complaints about expanding residential composting. Specifically, there were concerns regarding the proximity of a compost pile to a property boundary and possible odors that may emanate from it as well as a concern regarding rodents or pests that may be attracted to the pile. To resolve these issues, other cities have enacted much more comprehensive composting

ordinances which describe set back requirements from property boundaries as well as water sources. These other municipalities have also included container requirements for composting, language concerning maximum size allowances for compost piles, and specific language that deals with pests and rodents.

The following are additional provisions that could be added to the new section in chapter 10 that deals with composting within the City of Ames. These additional provisions are taken directly from comprehensive composting ordinances from White Bear, Minnesota and Chicago, Illinois.

Location. No compost site may be closer than five (5) feet from any rear or side property line and shall not be located in any front yard, or closer than twenty-five (25) feet from any residential dwelling except the dwelling occupied by the landowner. Composting areas shall also be located and designed so that seepage from the compost will not run off into public or private streets, storm sewers, drainage ditches, water retention basins, streams or lakes.

Size. No compost pile may exceed 25 square feet in area or exceed 4 feet in height.

Composting Containment Structure. All compost sites must be totally contained within a structure which may be constructed of wood, wire mesh or a combination of wood and wire or commercially fabricated compost bins designed to contain composting materials.

Rodent and Pest Control. The presence of insects, rodents, birds and other vectors or pests shall be controlled through specific measures. These specific measures may include grinding the ingredients, providing screens or netting or conducting the composting operation in-vessel.

Additional direction from Council is necessary if the ordinance should be drafted to accomplish more than the current goal of including certain limited kitchen scraps to compost piles. The provisions contained above are examples of language that may be added to a new ordinance regarding composting within the City of Ames. The City Attorney's Office does not have any specific recommendations regarding these additional provisions. These are simply being offered as a solution to concerns raised by City staff.

Sincerely,



Kristine Stone
Assistant City Attorney

Att: ISU extension brochure

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY AMENDING SECTION 10.8 REPEALING 10.8(3)(b) AND ENACTING A NEW SUBSECTION 10.26 THEREOF, FOR THE PURPOSE OF COMPOSTING REGULATIONS; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; AND ESTABLISHING AN EFFECTIVE DATE.

BE IT ENACTED, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing Section 10.8(3)(b) and enacting a new sub-sections 10.26 as follows:

“Sec. 10.26. COMPOSTING.

(1) Notwithstanding any other Sections in this Chapter, the following materials may be included in composting piles:

(a) Yard waste including leaves, grass clippings, straw and hay, sawdust, and finely chopped or shredded tree and shrub prunings;

(b) Kitchen scraps including fruit and vegetable trimmings (including rhubarb leaves), coffee grounds, and eggshells;

(c) Shredded newspapers;

(d) Wood ashes (no more than 1 cup per bushel of compost).

(2) The following materials shall not be included in composting piles:

(a) Human or animal feces;

(b) Diseased plant material or weeds that have gone to seed;

(c) Kitchen scraps that include animal meat, bones or fat;

(d) All other materials not listed in Section 1 above.

(3) All composting shall comply with the state regulations contained in Chapter 105 of the Iowa Administrative Code.”

Section Two. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Three. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this _____ day of _____, _____.

Diane R. Voss, City Clerk
001032

Ann H. Campbell, Mayor