

To: Mayor and City Council

From: Sara Van Meeteren, Building Official

Date: April 3, 2024

Subject: Yard Waste Exemption Request

City Council received an email on February 29, 2024 from Joyce Matters requesting an exemption process for brush piles intended as habitats for animals. At the March 26th Council Meeting, Council requested a memo from staff regarding that email.

For many years, Section 10.9 of the Ames Municipal Code has prohibited the keeping of brush piles for more than seven days. The intent of the ordinance is to eliminate the possibility of fire and to not create habitats for animals that would infiltrate the neighborhood.

Sec. 10.9 DEPOSITING GARBAGE, YARD WASTE, REFUSE IN STREETS, ALLEYS, ETC., PROHIBITED; EXCEPTION.

- 1.) It is unlawful for any person to deposit or place any garbage, yard waste, or refuse in any street, alley, lane, public place, private property or any body of water within the city; or, to permit garbage, yard waste or refuse to remain for more than seven days on private property that is under one's ownership, possession or control. However, garbage, refuse or yard waste may be placed on the untraveled portions of streets, alleys, lanes, public places and on private property to be hauled away if the garbage, refuse or yard waste is kept in the manner prescribed in this chapter. Yard waste may be retained more than seven days if composting is being completed.

Sec. 10.1 DEFINITIONS.

- (3) "Yard Waste" means debris such as grass clippings, leaves, garden waste, brush and trees. "Yard Waste" does not include tree stumps.

On January 1, 2024, the new Public Nuisance (Chapter 30) ordinance went into effect. The language regarding the storage of brush changed slightly, but the concept did not change.

Sec. 30.5 NUISANCES DEFINED; CERTAIN ACTS, CONDITIONS DECLARED AS NUISANCES. Nuisances shall include the following:

- (3) Yard Waste stored on the exterior of a property in anything other than a trash disposal container or branches which could be broken down and bundled for longer than seven days. Yard waste may be retained for longer than seven days if composting is being completed. Composting shall comply with the state regulations contained in Chapter 105 of the Iowa Administrative Code.

Sec. 30.4 DEFINITIONS.

Yard Waste. Debris such as grass clippings, leaves, garden waste, brush and trees. It does not include tree stumps.

Trash Disposal Container. A closed, water-tight, hard receptacle that cannot be ripped open by animals. Containers that shed rain when their lids are completely closed shall satisfy the requirements for a water-tight receptacle.

In addition to the local Nuisance Ordinance, the adopted Fire Code (2015 IFC) prohibits the accumulation of natural waste such as grass clippings, weed growth, and shrubbery cuttings because of the potential for accidental ignition.

Sec.304.1 Waste accumulation prohibited. Combustible waste material creating a fire hazard shall not be allowed to accumulate in buildings or structures or upon premises.

In accordance with State law, the City of Ames cannot adopt an ordinance that is less restrictive than the adopted Fire Code. Therefore, an exemption process to allow brush would not be possible at the local level. Any changes to the 2015 Fire Code that would make the code less restrictive would need to happen at the State level.