

# **GARBAGE AND SOLID WASTE**

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## CHAPTER 105

### SOLID WASTE CONTROL

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**105.01 PURPOSE.** The purpose of the chapters in this Code of Ordinances pertaining to Solid Waste Control and Collection is to provide for the sanitary storage, collection and disposal of solid waste and, thereby, to protect the citizens of the City from such hazards to their health, safety and welfare as may result from the uncontrolled disposal of solid waste.

**105.02 DEFINITIONS.** For use in these chapters the following terms are defined:

1. “Collector” means any person authorized to gather solid waste from public and private places.
2. “Discard” means to place, cause to be placed, throw, deposit or drop.

*(Code of Iowa, Sec. 455B.361[2])*

3. “Dwelling unit” means any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.

4. “Garbage” means all solid and semisolid, putrescible animal and vegetable waste resulting from the handling, preparing, cooking, storing, serving and consuming of food or of material intended for use as food, and all offal, excluding useful industrial by-products, and includes all such substances from all public and private establishments and from all residences.

*(IAC, 567-100.2)*

5. “Landscape waste” means any vegetable or plant waste except garbage. The term includes trees, tree trimmings, branches, stumps, brush, weeds, leaves, grass, shrubbery and yard trimmings.

*(IAC, 567-20.2[455B])*

6. "Litter" means any garbage, rubbish, trash, refuse, waste materials or debris.

*(Code of Iowa, Sec. 455B.361[1])*

7. "Owner" means in addition to the record titleholder any person residing in, renting, leasing, occupying, operating or transacting business in any premises, and as between such parties the duties, responsibilities, liabilities and obligations hereinafter imposed shall be joint and several.

8. "Refuse" means putrescible and non-putrescible waste, including but not limited to garbage, rubbish, ashes, incinerator residues, street cleanings, market and industrial solid waste and sewage treatment waste in dry or semisolid form.

*(IAC, 567-100.2)*

9. "Residential premises" means a single-family dwelling and any multiple-family dwelling.

10. "Residential waste" means any refuse generated on the premises as a result of residential activities. The term includes landscape waste grown on the premises or deposited thereon by the elements, but excludes garbage, tires and trade waste.

*(IAC, 567-20.2[455B])*

11. "Rubbish" means non-putrescible solid waste consisting of combustible and non-combustible waste, such as ashes, paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery or litter of any kind.

*(IAC, 567-100.2)*

12. "Sanitary disposal" means a method of treating solid waste so that it does not produce a hazard to the public health or safety or create a nuisance.

*(IAC, 567-100.2)*

13. "Sanitary disposal project" means all facilities and appurtenances including all real and personal property connected with such facilities, which are acquired, purchased, constructed, reconstructed, equipped, improved, extended, maintained, or operated to facilitate the final disposition of solid waste without creating a significant hazard to the public health or safety, and which are approved by the Director of the State Department of Natural Resources.

*(Code of Iowa, Sec. 455B.301)*

14. "Solid waste" means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and

domestic activities. Solid waste may include vehicles, as defined by subsection one of Section 321.1 of the Code of Iowa.

*(Code of Iowa, Sec. 455B.301)*

**105.03 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 thirty (30) 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.

*(Code of Iowa, Ch. 657)*

**105.04 HEALTH AND FIRE HAZARD.** It is unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any public place, such quantities of solid waste that constitute a health, sanitation or fire hazard.

**105.05 OPEN BURNING RESTRICTED.** No person shall allow, cause or permit open burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack, except that open burning is permitted in the following circumstances:

*(IAC, 567-23.2[455B] and 567-100.2)*

1. Disaster Rubbish. The open burning of rubbish, including landscape waste, for the duration of the community disaster period in cases where an officially declared emergency condition exists, provided that the burning of any structures or demolished structures is conducted in accordance with 40 CFR Section 61.145.

*(IAC, 567-23.2[3a])*

2. Trees and Tree Trimmings. The open burning of trees and tree trimmings at a City-operated burning site, provided such burning is conducted in compliance with the rules established by the State Department of Natural Resources.

*(IAC, 567-23.2[3b])*

3. Flare Stacks. The open burning or flaring of waste gases, provided such open burning or flaring is conducted in compliance with applicable rules of the State Department of Natural Resources.

*(IAC, 567-23.2[3c])*

4. Landscape Waste. The disposal by open burning of landscape waste originating on the premises. However, the burning of landscape waste produced in clearing, grubbing and construction operations shall be limited to areas located at least one-fourth (1/4) mile from any building

inhabited by other than the landowner or tenant conducting the open burning. Rubber tires shall not be used to ignite landscape waste.

*(IAC, 567-23.2[3d])*

5. Recreational Fires. Open fires for cooking, heating, recreation and ceremonies, provided they comply with the limits for emission of visible air contaminants established by the State Department of Natural Resources. Rubber tires shall not be burned in a recreational fire.

*(IAC, 567-23.2[3e])*

6. Back Yard Burning. The open burning of residential waste on the property where such waste is generated, at dwellings of four-family units or less.

*(IAC, 567-23.2[3f] and 567-20.2[455B])*

7. Training Fires and Controlled Burning. Fires set for the purpose of bona fide training of public or industrial employees in fire fighting methods and the controlled burning of a demolished building, provided that the training fires and controlled burning are conducted in compliance with rules established by the State Department of Natural Resources.

*(IAC, 567-23.2[3g])*

8. Pesticide Containers and Seed Corn Bags. Paper or plastic pesticide containers and seed corn bags resulting from farming activities occurring on the premises if burned in accordance with rules established by the State Department of Natural Resources.

*(IAC, 567-23.2[3h])*

9. Agricultural Structures. The open burning of agricultural structures if in accordance with rules and limitations established by the State Department of Natural Resources.

*(IAC, 567-23.2[3i])*

10. Variance. Any person wishing to conduct open burning of materials not permitted herein may make application for a variance to the Director of the State Department of Natural Resources.

*(IAC, 567-23.2[2])*

**105.06 SEPARATION OF YARD WASTE REQUIRED.** All yard waste shall be separated by the owner or occupant from all other solid waste accumulated on the premises and shall be composted or burned on the premises. As used in this section, "yard waste" means any debris such as grass clippings, leaves, garden waste, brush and trees. Yard waste does not include tree stumps.

**105.07 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.

*(Code of Iowa, Sec. 455B.363)*

**105.08 OPEN DUMPING PROHIBITED.** No person shall dump or deposit or permit the dumping or depositing of any solid waste on the surface of the ground or into a body or stream of water at any place other than a sanitary disposal project approved by the Director of the State Department of Natural Resources, unless a special permit to dump or deposit solid waste on land owned or leased by such person has been obtained from the Director of the State Department of Natural Resources. However, this section does not prohibit the use of dirt, stone, brick or similar inorganic material for fill, landscaping, excavation, or grading at places other than a sanitary disposal project.

*(Code of Iowa, Sec. 455B.307 and IAC, 567-100.2)*

**105.09 TOXIC AND HAZARDOUS WASTE.** No person shall deposit in a solid waste container or otherwise offer for collection any toxic or hazardous waste. Such materials shall be transported and disposed of as prescribed by the Director of the State Department of Natural Resources. As used in this section, "toxic and hazardous waste" means waste materials, including but not limited to, poisons, pesticides, herbicides, acids, caustics, pathological waste, flammable or explosive materials and similar harmful waste which requires special handling and which must be disposed of in such a manner as to conserve the environment and protect the public health and safety.

*(IAC, 567-100.2)*

*(IAC, 567-102.13[2] and 400-27.14[2])*

**105.10 WASTE STORAGE CONTAINERS.** Every person owning, managing, operating, leasing or renting any premises, dwelling unit or any place where refuse accumulates shall provide and at all times maintain in good order and repair portable containers for refuse in accordance with the following:

1. Container Specifications. Waste storage containers shall comply with the following specifications:

A. Residential. Residential waste containers, whether they be reusable, portable containers or heavy-duty disposable garbage bags, shall be of sufficient capacity, and leakproof and

waterproof. Disposable containers shall be securely fastened, and reusable containers shall be fitted with a fly-tight lid which shall be kept in place except when depositing or removing the contents of the container. Reusable containers shall also be lightweight and of sturdy construction and have suitable lifting devices.

B. Commercial. Every person owning, managing, operating, leasing or renting any commercial premise where an excessive amount of refuse accumulates and where its storage in portable containers as required above is impractical, shall maintain metal bulk storage containers approved by the City.

2. Storage of Containers. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner has been granted written permission from the City to use public property for such purposes. The storage site shall be well drained; fully accessible to collection equipment, public health personnel and fire inspection personnel. All owners of residential and commercial premises shall be responsible for proper storage of all garbage and yard waste to prevent materials from being blown or scattered around neighboring yards and streets.

3. Location of Containers for Collection. Containers for the storage of solid waste awaiting collection shall be placed outdoors at some easily accessible place by the owner or occupant of the premises served.

4. Nonconforming Containers. Solid waste placed in containers which are not in compliance with the provisions of this section will not be collected.

**105.11 PROHIBITED PRACTICES.** It is unlawful for any person to:

1. Unlawful Use of Containers. Deposit refuse in any solid waste containers not owned by such person without the written consent of the owner of such containers.

2. Interfere with Collectors. Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors be those of the City, or those of any other authorized waste collection service.

3. Incinerators. Burn rubbish or garbage except in incinerators designed for high temperature operation, in which solid, semisolid, liquid or gaseous combustible refuse is ignited and burned efficiently,



and from which the solid residues contain little or no combustible material, as acceptable to the Environmental Protection Commission.

4. Scavenging. Take or collect any solid waste which has been placed out for collection on any premises, unless such person is an authorized solid waste collector.

**105.12 SANITARY DISPOSAL PROJECT DESIGNATED.** The sanitary landfill facilities operated by Ames Solid Waste Recovery System are hereby designated as the official "Public Sanitary Disposal Project" for the disposal of solid waste produced or originating within the City.

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## CHAPTER 106

### COLLECTION OF SOLID WASTE

106.01 Collection Service  
106.02 Collection Vehicles  
106.03 Loading  
106.04 Frequency of Collection  
106.05 Bulky Rubbish

106.06 Right of Entry  
106.07 Contract Requirements  
106.08 Collection Fees  
106.09 Lien for Nonpayment

**106.01 COLLECTION SERVICE.** The City shall provide by contract for the collection of all solid waste except bulky rubbish as provided in Section 106.05 within the City.

**106.02 COLLECTION VEHICLES.** Vehicles or containers used for the collection and transportation of garbage and similar putrescible waste or solid waste containing such materials shall be leakproof, durable and of easily cleanable construction. They shall be cleaned to prevent nuisances, pollution or insect breeding and shall be maintained in good repair.

*(IAC, 567-104.9[455B])*

**106.03 LOADING.** Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill therefrom, and shall be covered to prevent blowing or loss of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

**106.04 FREQUENCY OF COLLECTION.** All solid waste shall be collected from residential premises at least once each week and from commercial, industrial and institutional premises as frequently as may be necessary, but not less than once each week.

**106.05 BULKY RUBBISH.** Bulky rubbish which is too large or heavy to be collected in the normal manner of other solid waste may be collected by the collector upon request in accordance with procedures therefor established by the Council.

**106.06 RIGHT OF ENTRY.** Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this chapter; however, solid waste collectors shall not enter dwelling units or other residential buildings.

**106.07 CONTRACT REQUIREMENTS.** No person shall engage in the business of collecting, transporting, processing or disposing of solid waste for the City without first entering into a contract with the City. This section does not prohibit an owner from transporting solid waste accumulating upon premises owned, occupied or used by such owner, provided such refuse is disposed of properly in an approved sanitary disposal project. Furthermore, a contract is not required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities, provided that all such materials are conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported is spilled upon any public right-of-way.

**106.08 COLLECTION FEES.** The collection and disposal of solid waste as provided by this chapter are declared to be beneficial to the property served or eligible to be served and there shall be levied and collected fees therefor in accordance with the following:

*(Goreham vs. Des Moines, 1970, 179 NW 2nd, 449)*

1. Schedule of Fees. The fees for solid waste collection and disposal service, used or available, are:

A. For each residential premises and for each dwelling unit of a multiple-family dwelling – \$18.00 per month.

B. For commercial accounts charges as follows:

(1) With once a week pickup, fee is \$20.50.

(2) With dumpsters, rates set by Jerry's Sanitation, the charges are as follows for each account per month:

Colo-NESCO Middle School	- \$175.00
Colonial Manor	- \$313.00
Southside Apartments	- \$136.00
Apartments on Main	- \$136.00
Cissy's	- \$140.00
Browning	- \$ 35.00

C. Rates for property owners that discontinue solid waste collection for the purpose of leaving the City for an extended time but who will return will be charged a solid waste per capita per month for each person living at said property. Solid waste per capita rates will be based on the solid waste per capita charge the City pays to the City of Ames each year.

2. Payment of Bills. All fees are due and payable under the same terms and conditions provided for payment of a combined service account as contained in Section 92.04 of this Code of Ordinances. Solid waste collection service may be discontinued in accordance with the provisions contained in Section 92.05 if the combined service account becomes delinquent, and the provisions contained in Section 92.08 relating to lien notices shall also apply in the event of a delinquent account.

**106.09 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 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 together with a collection fee of \$2.50.

*(Code of Iowa, Sec. 384.84)*

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## CHAPTER 107

### SOLID WASTE DISPOSAL

107.01 Purpose  
107.02 Definitions  
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107.04 Commercial Activities  
107.05 Waste Container  
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107.08 Burning Prohibited  
107.09 Littering Prohibited  
107.10 Notice of Violation  
107.11 Hearing on Notice  
107.12 Method of Giving Notice  
107.13 Municipal Infraction

**107.01 PURPOSE.** Modern society produces great quantities of solid and semi-solid substances and materials that are the resulting products of processes of agriculture, business, trade, manufacturing and domestic household living. After they have been used to varying degrees for their original intended purpose and discarded, these substances and materials constitute solid waste that threatens the health, safety and welfare of the community with fire, disease, damage to property and injury to persons. Dangers to the welfare of the community may also arise out of the unsafe or unsanitary storage of these substances and materials before they are discarded. It is the duty of municipal government to combat these dangers by the adoption and enforcement of remedial legislation. It is, therefore, the purpose of this chapter to protect and enhance the health, safety and welfare of the City's residents by providing for the sanitary and safe storage and disposal of solid waste.

**107.02 DEFINITIONS.** When used in this chapter, unless the context otherwise requires:

1. "Administrator" means the Mayor or the Mayor's designated City employee.
2. "Building" means any structure with a fully enclosed interior space designed for the storage, shelter or protection of persons, animals or property.
3. "City" means the City of Zearing, Iowa.
4. "Discard" means to place or store, or allow to be placed or stored, a substance or material, other than any motor vehicle subject to the registration laws of the State, upon real property for a continuous period of more than seven (7) days under conditions where it serves no reasonable, functional purpose and has no direct supporting relationship to a responsible person's lawful use of the real property. Any motor vehicle subject to the registration laws of the State shall be deemed to be "discarded" after being placed or stored upon real property for a

continuous period of more than three (3) days under conditions where it serves no reasonable, functional purpose and has no direct supporting relationship to a responsible person's lawful use of the real property.

5. "Person" means a natural person; a trustee, executor or other fiduciary; and a partnership, limited liability company, corporation or other artificial legal entity.

6. "Responsible person" means any person having the right to control the use of real property either as a record titleholder or as the purchaser under an executory contract or as a tenant in possession under a lease agreement or be virtue of having any other interest in the real property and included a person's agent or managing officer who is authorized to exercise control over the use of the real property.

7. "Sanitary disposal facility" means a facility approved by the Iowa Department of Natural Resources for the final disposition of solid waste.

8. "Solid waste" means solid or semi-solid substances or materials that are the resulting product of any process of agriculture, business, trade, industry, manufacturing or domestic household living and that have been discarded. Solid waste does not include grass clippings, leaves and other landscape wastes originating on the real property; or soil, sand, gravel and other inert natural resources existing in their natural state. Solid waste does include, by way of illustration and not limitation, the following discarded substances and materials:

- A. Garbage, refuse and rubbish.
- B. Food, food containers and soiled diapers.
- C. Debris resulting from the construction, maintenance, repair or demolition of buildings, fences, roadway paving, communications systems, structures and other improvements to real property.
- D. Building materials salvaged from the construction, maintenance, repair or demolition of buildings, fences, roadway paving, communications systems, structures and other improvements to real property.
- E. Previously used or damaged or inoperable household furniture, furnishings, fixtures, appliances, utensils, equipment and supplies.
- F. Salvaged parts of previously used cloth, paper, wood, metal, glass and plastic products.



G. Any motor vehicle subject to the registration laws of the State that is not currently registered.

H. Any motor vehicle subject to the registration laws of the State with a broken, cracked or loose windshield, window, side-view mirror, headlight, taillight, fender, door, bumper, hood, hood ornament, door handle, running board, trunk, radio antenna or tail pipe which would make the operation of such motor vehicle on a public road or street unlawful under the laws of the State or the ordinances of the City.

I. Previously used vehicles, machinery, equipment, tools and appliances that are in a state of disrepair that renders them presently incapable of being used or operated for the purpose for which they were originally designed and manufactured.

J. Disassembled parts from previously used vehicles, machinery, equipment, tools and appliances.

K. Previously used petroleum products.

L. Any "toxic material, hazardous substance and hazardous waste" as may be defined in the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. § 6901 *et seq.*) or in the Comprehensive Environmental Response Compensation and Liability Act of 1980, as amended (42 U.S.C. § 9601 *et seq.*).

9. "Waste container" means a fully enclosed rust-proof and watertight container specifically designed and manufactured for the temporary storage of solid waste.

**107.03 GENERAL PROHIBITION.** A responsible person shall not place or store solid waste on real property, except inside a building or inside a waste container or at a sanitary disposal facility.

**107.04 COMMERCIAL ACTIVITIES.** Irrespective of whether it may serve a reasonable, functional purpose or have a direct supporting relationship to a responsible person's lawful use of the real property:

1. A responsible person shall not place or store, or allow to be placed or stored, solid waste on real property used for commercial or industrial purposes, for a continuous period of more than seven (7) days, except inside a building or inside a waste container or inside an area fully enclosed by a solid opaque fence or wall of uniform design and color not less than five (5) feet nor more than six (6) feet high.

2. Solid waste which is stored inside an area fully enclosed by a solid opaque fence or wall of uniform design and color not less than five (5) feet nor more than six (6) feet high shall be stored in such a manner that such substances or materials cannot be seen by a person six (6) feet in height standing a distance of fifty (50) feet from the edge of the enclosed area.

**107.05 WASTE CONTAINER.** Responsible persons shall provide and made available for the use of all persons occupying the real property sufficient waste containers for the temporary storage of all solid waste containing food, food containers, soiled diapers and other garbage that is produced by the activities conducted on the real property.

**107.06 WASTE DISPOSAL.** Responsible persons shall cause all solid waste containing any food, food containers, soiled diapers or other garbage to be removed from the real property and deposited at a sanitary disposal facility at least once each week. Any solid waste containing food, food containers, soiled diapers or other materials which attract prowling animals shall be stored by responsible persons at all times in a waste container.

**107.07 SANITARY DISPOSAL FACILITY.** There are hereby established official sanitary disposal facilities at such place or places as the Council may by resolution direct where solid waste shall be disposed. All persons shall comply with the regulations governing the use of such sanitary disposal facilities.

**107.08 BURNING PROHIBITED.** No person shall burn solid waste within the City except in an incinerator authorized by law and the regulations of the Iowa Department of Natural Resources.

**107.09 LITTERING PROHIBITED.** No person shall deposit, dump, leak or spill any solid waste upon any alley, street, highway or public ground of the City.

**107.10 NOTICE OF VIOLATION.** If the Administrator determines that there is probable cause to believe a violation of this chapter has occurred, the Administrator shall serve upon the responsible person or persons either:

1. A written notice thereof, which notice shall:
  - A. Specify the alleged violation;
  - B. Order the alleged violator to eliminate or cure the violation within seven (7) days after the notice is given or within such other specified period of time as is reasonable under the circumstances; and

- C. Advise the alleged violator of the right to have a hearing before the Council concerning the alleged violation by filing a written request therefor with the Clerk within seven (7) days after the notice is given; or
2. A citation for the municipal infraction which shall be in a form consistent with the requirements of Section 364.22 of the Code of Iowa.

**107.11 HEARING ON NOTICE.** A person who receives a violation notice from Administrator shall be entitled to a hearing before the Council concerning the alleged violation, if the alleged violator files a written request therefor with the Clerk within seven (7) days after the notice is given by the Administrator. Within thirty (30) days after the filing of a request for hearing by the alleged violator, the Council shall hold the hearing and, by resolution, either affirm, modify or revoke the Administrator's notice. The Clerk shall promptly give notice to the alleged violator of the Council's action in the form of a certified copy of the resolution. The alleged violator shall comply with the provisions of the Administrator's notice as affirmed or modified by the resolution of the Council.

**107.12 METHOD OF GIVING NOTICE.** Except as may be otherwise required by Section 364.22 of the Code of Iowa with respect to service of municipal infraction, any notice or demand required or permitted by this chapter shall be sufficient and deemed given when expressed in writing and either (1) personally delivered to the person entitled thereto, or (2) deposited at the office of the United States Postal Service in the City in the form of certified mail addressed to the last known mailing address of the person entitled thereto, or (3) served on the person entitled thereto in the manner of an original notice under the Iowa Rules of Civil Procedure.

**107.13 MUNICIPAL INFRACTION.** Any person who violates any provision of this chapter commits a municipal infraction. Each day that a violation occurs or is permitted to exist by a responsible person shall constitute a new separate infraction. The civil penalty for a violation of this chapter shall be in accordance with Chapter 3 of this Code of Ordinances. In addition to the civil penalty, the Administrator may seek such other relief as may be allowed by law.

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