

BILL NO. 4713

ORDINANCE NO. 4713

AN ORDINANCE OF THE CITY OF WEST PLAINS, MISSOURI TO AMEND CHAPTER 36, SOLID WASTE, OF THE CODE OF ORDINANCES FOR THE CITY OF WEST PLAINS, MISSOURI, PERTAINING TO CURB PICKUP.

WHEREAS, it has been determined by the City Council of West Plains, Missouri, that the safety and welfare of the residents and city sanitation workers in the City of West Plains will be promoted by implementing certain regulations and requirements used by the City of West Plains, and

WHEREAS, it is necessary to enact an ordinance implementing certain regulations and requirements for routes used by the City of West Plains.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST PLAINS, MISSOURI, THAT CHAPTER 36 – SOLID WASTE BE UPDATED AS FOLLOWS:

Chapter 36 - SOLID WASTE

ARTICLE I. - IN GENERAL

Sec. 36-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved incinerator means an incinerator which complies with all current regulations of the responsible local, state and federal air pollution control agencies.

Bulky rubbish means non-putrescible solid wastes consisting of combustible and/or noncombustible waste materials from dwelling units and commercial, industrial, institutional, or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors, with the equipment available therefor.

Collection means removal of solid waste from the designated pickup location to the transportation vehicle.

Commercial solid waste means solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment.

Demolition and construction waste means waste materials from the construction or destruction of residential, industrial or commercial structures.

Director means the director of the solid waste management system program who shall be the superintendent of sanitation.

Disposable solid waste container means disposable plastic or paper sacks with a capacity of 20 to 35 gallons specifically designed for storage of solid waste.

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.

(Code 1976, § 12-10; Code 2002, § 74-40; Ord. No. 3759, § 1, 4-22-2002; Ord. No. 4464, exh. A(36-33), 10-20-2016)

Sec. 36-34. - Fees for delivery of combustible materials to city incinerator.

- (a) As used in this section, the term "combustible materials" means yard trimmings, such as tree branches and shrubs, and untreated wood products, such as lumber and wooden pallets.
- (b) Anyone delivering combustible material to the city incinerator shall pay a tipping fee prior to dumping.
- (c) Anyone delivering combustible waste to the incinerator will be required to furnish a certified weight ticket to the operator or shall be weighed on the city scale at the transfer station.
- (d) The fee to be charged pursuant to subsection (b) of this section shall be in an amount as provided in the city fee schedule per ton.

(Code 1976, § 12-12; Code 2002, § 74-42)

This ordinance shall be in full force and effect from and after the date of its passage.

PASSED this 21 day of June, 2022.

ATTEST:

Allison Skinner
Allison Skinner, City Clerk

Michael Topliff
Michael Topliff, Mayor

Chapter 36 - SOLID WASTE

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Director means the director of the solid waste management system program who shall be the superintendent of sanitation.

Disposable solid waste container means disposable plastic or paper sacks with a capacity of 20 to 35 gallons specifically designed for storage of solid waste.

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.

Hazardous waste means any waste or combination of wastes, as determined by the state hazardous waste management commission by rules and regulations, which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or pose a present or potential threat to the health of humans or other living organisms (RSMo 260.360(9) of the Missouri Hazardous Waste Management Law, RSMo 260.350 et seq.).

Multiple housing facility means a housing facility containing more than one dwelling unit under one roof.

Occupant means any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or of any other improved real property, either as owner or as a tenant.

Person means any individual, partnership, corporation, association, institution, city, county, other political subdivision, authority, state agency or institution, or federal agency or institution.

Processing means incinerating, composting, baling, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified, or solid waste quantity is reduced.

Residential solid waste means solid waste resulting from the maintenance and operation of dwelling units.

Solid waste means garbage, refuse and other discarded materials, including but not limited to solid and semisolid waste materials resulting from industrial, commercial, agricultural, governmental and domestic activities, but does not include hazardous waste as defined in RSMo 260.360—260.432,

recovered materials, overburden, rock, tailings, matte, slag or other waste material resulting from mining, milling or smelting.

Solid waste container means a receptacle used by any person to store solid waste during the interval between solid waste collections.

Solid waste disposal means the process of discarding or getting rid of unwanted material, in particular the final deposition of solid waste by man.

Solid waste management system means the entire process of managing solid waste in a manner which minimizes the generation and subsequent disposal of solid waste, including waste reduction, source separation, collection, storage, transportation, recycling, resource recovery, volume minimization, processing, market development, and disposal of solid wastes.

Storage means keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

Transportation means the transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.

Yard waste means leaves, grass clippings, yard and garden vegetation and Christmas trees. The term "yard waste" does not include stumps, roots or shrubs with intact root balls.

(Code 1976, § 12-1; Code 2002, § 74-1; Ord. No. 4464, exh. A(36-1), 10-20-2016)

Sec. 36-2. - Rules and regulations.

- (a) For the purposes of this chapter, the director shall make, amend, revoke and enforce reasonable rules and regulations governing, but not limited to, the following:
- (1) Preparation, drainage and wrapping of garbage deposited in solid waste containers.
 - (2) Specifications for solid waste containers, including the type, composition, equipment, size and shape thereof.
 - (3) Identification of solid waste containers and of the covers thereof and of equipment thereto appertaining, if any.
 - (4) Weight limitations on the combined weight of solid waste containers and the contents thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers.
 - (5) Storage of solid waste in solid waste containers.
 - (6) Sanitation, maintenance and replacement of solid waste containers.
 - (7) Schedules of and routes for collection and transportation of solid waste.
 - (8) Collection points of solid waste containers.
 - (9) Collection, transportation, processing and disposal of solid waste.
 - (10) Processing facilities and fees for the use thereof.
 - (11) Disposal facilities and fees for the use thereof.
 - (12) Records of quantity and type of wastes received at processing and/or disposal facilities.
 - (13) Handling of special wastes, such as sludges, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.
- (b) The city official who is responsible for preparing utility and other service charge billings for the city is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billing and collection of solid waste collection and/or disposal service charges, as provided in this chapter.

- (c) A copy of any and all rules and regulations made and promulgated under this section shall be filed in the office of the city clerk.

(Code 1976, § 12-7; Code 2002, § 74-3; Ord. No. 4464, exh. A(36-2), 10-20-2016)

Sec. 36-3. - Prohibited practices.

It shall be unlawful for any person to:

- (1) Deposit solid waste in any solid waste container other than his own, without the written consent of the owner of such container.
- (2) With the intent of avoiding payment of the service charge provided for solid waste collection and disposal, fail to have solid waste collected as provided in this chapter.
- (3) Interfere in any manner with solid waste collection and transportation equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the city or those of a solid waste collection agency operating under contract with the city.
- (4) Burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency.
- (5) Dispose of solid waste at any facility or location which is not approved by the city and the state department of natural resources.
- (6) The city, through its duly authorized agents, shall have an exclusive right to provide collection services for the removal of refuse, solid waste, and unprocessed recyclable materials within the incorporated limits of the city and it shall be unlawful for any other person or entity to provide a collection service for the removal of refuse, solid waste, construction and demolition waste and unprocessed recyclable materials in the city, except as may otherwise be provided in this section. No person or entity shall duplicate the collection services provided by the city unless authorized to do so. As used in this section, the term "unprocessed recyclable materials" means loose recyclable materials that have not been compressed, compacted, baled, bundled, crushed, granulated, or otherwise consolidated for transport to an end market. As used in this section, the term "end market" means a manufacturer that will use the processed recyclables as feedstock or raw materials in the production of new goods. However, nothing contained herein shall prevent a person or entity that generates recyclable materials from transporting the recyclable materials they have generated to a business engaged in purchasing and processing recyclable materials.

The storage, collection, processing and disposal of solid waste will be managed in accordance with local and state laws and rules. All processing facilities and disposal areas utilized shall have appropriate local and state permits.

- (7) Violate any section of this chapter or any other rule or regulation promulgated under the authority of section 36-2.

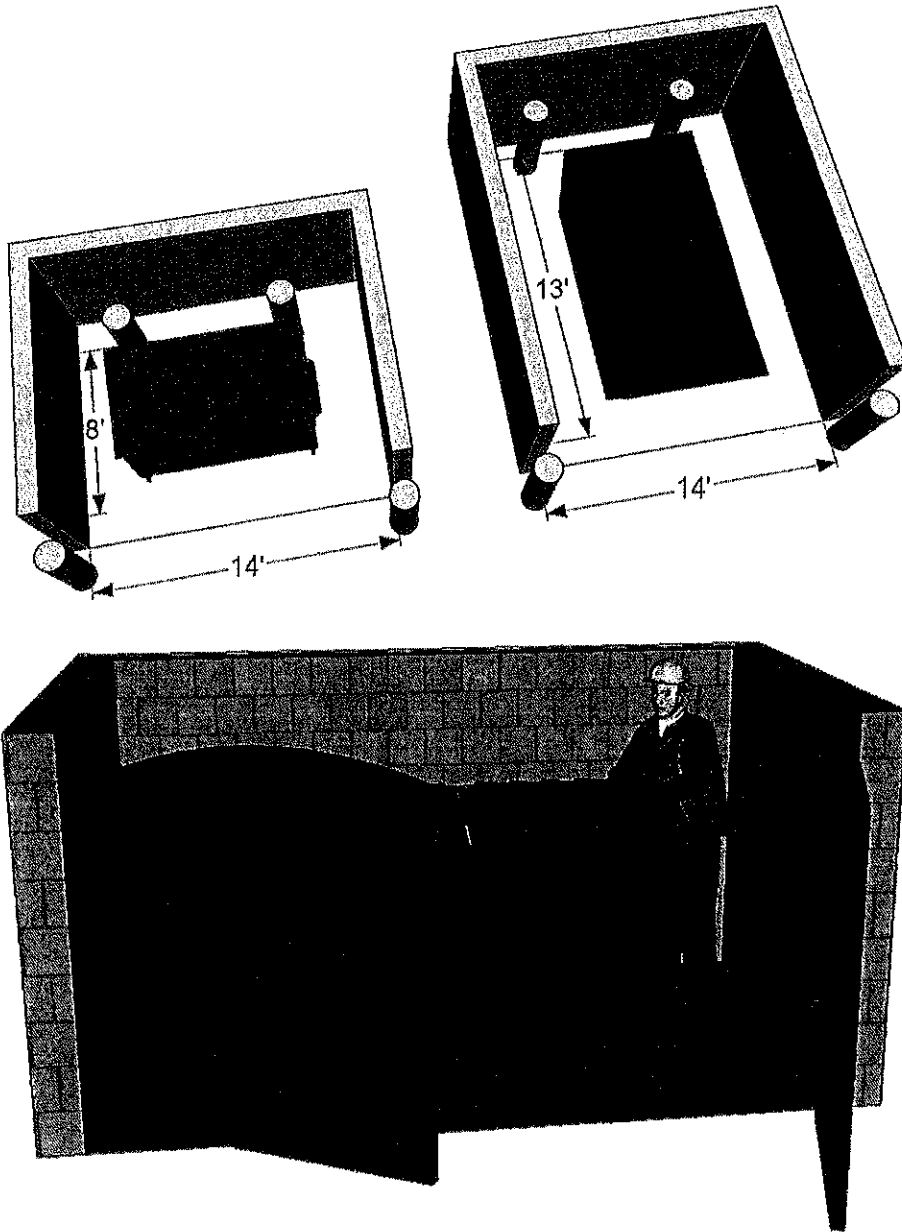
(Code 1976, § 12-8; Code 2002, § 74-4; Ord. No. 4464, exh. A(36-3), 10-20-2016; Ord. No. 4532, § 1, 11-20-2017)

Sec. 36-4. - Storage.

- (a) *Sufficient and adequate containers.* The occupant or owner of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits shall provide sufficient and adequate containers for the storage of all solid waste except bulky rubbish and demolition and construction waste to serve each such dwelling unit and/or establishment and to maintain such solid waste containers at all times in good repair.

- (b) *Placement in proper containers.* The occupant or owner of every dwelling unit and of every institutional, commercial, industrial, agricultural or business establishment shall place all solid waste to be collected in proper solid waste containers, except as otherwise provided, and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times.
- (c) *Containers for residential solid waste.* Residential solid waste shall be stored in containers of not more than 35 gallons nor less than 20 gallons in nominal capacity. Containers shall be leakproof, waterproof, and fitted with a fly tight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. The containers shall have handles, bails or other suitable lifting devices or features. Containers shall be of a type originally manufactured for residential solid waste, with tapered sides for easy emptying. They shall be of lightweight and sturdy construction. The weight of any individual container and contents shall not exceed 75 pounds. Galvanized metal containers, or rubber, fiberglass, or plastic containers which do not become brittle in cold weather, may be used. Disposable solid waste containers with suitable frames or containers as approved by the director may also be used for storage of residential solid waste.
- (d) *Containers for commercial solid waste.* Commercial solid waste shall be stored in solid waste containers as approved by the director. The containers shall be waterproof and leakproof and shall be covered at all times except when depositing waste therein or removing the contents thereof and shall meet all requirements as set forth by section 36-2.
- (e) *Tree limbs and brush.* Tree limbs less than four inches in diameter and brush shall be securely tied in bundles not larger than 36 inches long and 18 inches in diameter when not placed in storage containers. The weight of any individual bundle shall not exceed 75 pounds.
- (f) *Yard wastes.* Yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public rights-of-way. The weight of any individual container and contents shall not exceed 75 pounds.
- (g) *Solid waste containers.* Solid waste containers which do not meet the specifications as outlined in this section will be collected together with their contents and disposed of.
- (h) *Guidelines for construction of refuse/recycling enclosure areas and parking lots.*
 - (1) During new construction or major renovations, please use the following details for design and location of enclosure areas for refuse and or recycling containers.
 - (2) The city offers various sizes of refuse containers ranging from one cubic yard to six cubic yards. The size requirement of the enclosure will be dependent upon the level of service (number of containers) desired. The following are minimum space requirements; include additional space for recycling containers, grease traps, etc.

1 CY or 2CY Dumpster



(Code 1976, § 12-2; Code 2002, § 74-5; Ord. No. 4464, exh. A(36-4), 10-20-2016; Ord. No. 4532, § 2, 11-20-2017)

Sec. 36-5. - Transportation.

- (a) All solid waste transportation vehicles shall be maintained in a safe, clean and sanitary condition and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. Every vehicle to be used for transportation of solid waste shall be constructed with a watertight body and with a cover which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle. The cover shall be secured whenever the vehicle is transporting solid waste or, as an alternate, the entire body thereof

shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers.

- (b) Permits shall not be required for the removal, hauling or disposal of earth and rock material from grading or excavation activities; however, all such material shall be conveyed in watertight vehicles, trucks or receptacles, so constructed and maintained that none of the material being transported shall spill upon the public rights-of-way.
- (c) Demolition and construction wastes shall be transported to a disposal area as provided in section 36-30(a). A permit shall not be required for the hauling of demolition and construction waste; however, all such material shall be conveyed in watertight vehicles, trucks or receptacles, so constructed and maintained that none of the material being transported shall spill upon the public right-of-way.

(Code 1976, § 12-4; Code 2002, § 74-6; Ord. No. 4464, exh. A(36-5), 10-20-2016)

Secs. 36-6—36-28. - Reserved.

ARTICLE II. - COLLECTION AND DISPOSAL

Sec. 36-29. - Collection.

- (a) The city shall provide for the collection of all residential solid waste in the city; however, the city may provide the collection service by contracting with a person, county or other city or a combination thereof, for the entire city or portions thereof, as deemed to be in the best interests of the city.
- (b) The city may, at its discretion, provide commercial solid waste collection services upon specific application of the owners or persons in charge thereof. However, if such application is not made or approved, it shall be the duty of such establishment to provide for collection of all solid waste produced upon any such premises.
- (c) All solid waste from premises to which collection services are provided by the city shall be collected, except bulky rubbish as defined in this chapter. Bulky rubbish will be collected in accordance with the rules and regulations as promulgated by the director.
- (d) Tree limbs and yard wastes, as described in section 36-4(e) and (f), respectively, shall be placed at the curb for residential collection, or in the designated area for commercial collection. Solid waste containers, as required by this chapter, for storage of other residential solid waste shall be placed at the curb for residential collection, or in the designated area for commercial collection. Any solid waste containers, tree limbs, yard wastes, or other solid waste permitted by this chapter to be placed at curb for residential collection, or in the designated area for commercial collection.
- (e) Bulky rubbish shall be collected at least once annually. The director shall establish the procedure for collecting bulky rubbish.
- (f) Solid waste collectors, employed by the city or a solid waste collection agency operating under contract with the city, are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this chapter. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste. Commercial solid waste may be removed from within commercial establishments upon written request of the owner and approval by the director.
- (g) The following collection frequencies shall apply to collections of solid waste within the city:
 - (1) All residential solid waste, other than bulky rubbish, shall be collected at least once weekly. At least 72 hours shall intervene between collections.
 - (2) All commercial solid waste shall be collected at least once weekly and shall be collected at such lesser intervals as may be fixed by the director or requested by the commercial establishment

upon a determination that such lesser intervals are necessary for the preservation of the health and/or safety of the public.

- (h) Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner shall have been granted written permission from the city to use public property for such purposes. The storage site shall be well drained and fully accessible to collection equipment, public health personnel and fire inspection personnel.
- (i) Solid waste collectors employed by the city or a solid waste collection agency operating under contract with the city shall be responsible for the collection of solid waste from the designated pickup location to the transportation vehicle, provided the solid waste was stored in compliance with this chapter. Any spillage or blowing litter caused as a result of the duties of the solid waste collector shall be collected and placed in the transportation vehicle by the solid waste collector.

(Code 1976, § 12-3; Code 2002, § 74-36; Ord. No. 4464, exh. A(36-29), 10-20-2016)

Sec. 36-30. - Disposal.

- (a) Solid wastes shall be deposited at a processing facility or disposal area approved by the city and complying with all requirements of RSMo 260.200—260.245, and the rules and regulations adopted thereunder. The city may designate the processing or disposal facility to be utilized by persons operating under section 36-31.
- (b) Hazardous wastes under this chapter will require special handling and shall be disposed of only in a manner authorized by state regulations.

(Code 1976, § 12-5; Code 2002, § 74-37; Ord. No. 4464, exh. A(36-30), 10-20-2016)

Sec. 36-31. - Use of transfer station.

- (a) The solid waste transfer station shall be opened to any private citizen or business regardless of residence.
- (b) Each user of the transfer station shall pay per ton with a minimum charge in an amount as provided in the city fee schedule. This fee must be paid before unloading trash or can be billed monthly as agreed upon between the city and the hauler.
- (c) The city reserves the right to negotiate individual contracts with large volume users, such as commercial haulers or other government agencies, but at no time shall the city negotiate a contract which would cause the transfer station to exceed capacity.
- (d) Each user of the transfer station shall furnish a certified weight ticket before dumping trash.
- (e) Any hauler who fails to pay the charges set forth in this section or who fails to comply with city regulations on materials allowed in the transfer station shall be fined not less than \$50.00 nor more than \$500.00. Further, any hauler found to have violated this section may, at the discretion of the city council, be prohibited from further depositing solid waste at the city's transfer station.

(Code 1976, § 12-6; Code 2002, § 74-38; Ord. No. 4464, exh. A(36-31), 10-20-2016)

Sec. 36-32. - Service charge; user fees.

- (a) *Service charge.* Solid waste service charges are as follows:
 - (1) There is hereby imposed, for the collection and disposal of solid waste, in order to protect the general public health and environment, a service charge for each dwelling unit and each

commercial establishment. The service charge for collection of residential solid waste per calendar month shall be in the amount as provided in the city fee schedule.

- (2) The service and service charge shall be terminated upon presentation of satisfactory proof to the director that any such dwelling unit or establishment is unoccupied and shall be commenced upon renewed occupancy thereof.
 - (3) The system of services established by this chapter is designed as an integral part of the city's program of health and sanitation, to be operated as an adjunct to the city's system for providing potable water and the city's system for providing sewage disposal. The city may enforce collection of such charges by bringing proper legal action against the occupant of any dwelling unit or owner of any commercial establishment to recover any sums due for such services plus a reasonable attorney's fee to be fixed by the court, plus the cost of such action.
 - (4) The service charge provided for in this subsection is hereby imposed upon the occupant of each dwelling unit. Service charges shall be payable to the department empowered to collect service charges imposed by the city.
- (b) *User fees.* The city council authorizes and ratifies the following solid waste user fees:
- (1) *Commercial and dumpster rates.* Commercial and dumpster rates shall be as provided in the city fee schedule.
 - (2) *Commercial roll-off units.* The service charge for commercial roll-off units shall be as provided in the city fee schedule.
 - (3) *Yard waste.* Standards and charges for pickup of yard waste are as follows:
 - a. Residents have the option of using maximum size 32-gallon plastic bags, a rigid container, or bundles. The maximum weight for all three options is 50 pounds.
 - b. Bundles are restricted to 30 inches in diameter. Each branch in the bundle can be no larger than four inches in diameter and three feet in length.
 - c. Requests will be taken until 5:00 p.m. on Thursday for a Friday pickup.
 - d. A fee in an amount as provided in the city fee schedule will be charged to customers for yard waste at a maximum of six bags, cans, or bundles. A charge in an amount as provided in the city fee schedule will be added for each bag, can, or bundle of yard waste over the maximum number of six.
 - e. Charges for individual yard waste and wood ashes pickup shall be in an amount as provided in the city fee schedule per trip billed monthly.
 - f. Yard waste fees will be added to the monthly utility bill.
 - (4) *Residential household refuse rates.* Residential household refuse rates shall be as provided in the city fee schedule.
 - (5) *Residential building materials, carpeting, furniture, appliances.* The charge for collection of residential building materials, carpeting, furniture, and appliances is based on the city's actual collection, transportation, and disposal costs. There is a minimum fee in an amount as provided in the city fee schedule, which will be billed monthly.

(Code 1976, § 12-9; Code 2002, § 74-39; Ord. No. 3759, § 1, 4-22-2002; Ord. No. 4046, § 1, 10-22-2007; Ord. No. 4280, § 1, 11-19-2012; Ord. No. 4464, exh. A(36-32), 10-20-2016)

Sec. 36-33. - Billing and payment; discontinuance of service for nonpayment; penalty for delinquent bills.

- (a) The service fees provided for in this article shall be billed and collected by the city utility office and shall be billed as a part of the water and electric bill each month. If the charge for refuse collection

becomes delinquent, the water or electric service shall be discontinued under the same terms as provided for failure to pay for water or electric service.

- (b) All bills shall be subject to a penalty in an amount as provided in the city fee schedule if not paid within ten days from the date prescribed for payment.

(Code 1976, § 12-10; Code 2002, § 74-40; Ord. No. 3759, § 1, 4-22-2002; Ord. No. 4464, exh. A(36-33), 10-20-2016)

Sec. 36-34. - Fees for delivery of combustible materials to city incinerator.

- (a) As used in this section, the term "combustible materials" means yard trimmings, such as tree branches and shrubs, and untreated wood products, such as lumber and wooden pallets.
- (b) Anyone delivering combustible material to the city incinerator shall pay a tipping fee prior to dumping.
- (c) Anyone delivering combustible waste to the incinerator will be required to furnish a certified weight ticket to the operator or shall be weighed on the city scale at the transfer station.
- (d) The fee to be charged pursuant to subsection (b) of this section shall be in an amount as provided in the city fee schedule per ton.

(Code 1976, § 12-12; Code 2002, § 74-42)

Hazardous waste means any waste or combination of wastes, as determined by the state hazardous waste management commission by rules and regulations, which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or pose a present or potential threat to the health of humans or other living organisms (RSMo 260.360(9) of the Missouri Hazardous Waste Management Law, RSMo 260.350 et seq.).

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Solid waste container means a receptacle used by any person to store solid waste during the interval between solid waste collections.

Solid waste disposal means the process of discarding or getting rid of unwanted material, in particular the final deposition of solid waste by man.

Solid waste management system means the entire process of managing solid waste in a manner which minimizes the generation and subsequent disposal of solid waste, including waste reduction, source separation, collection, storage, transportation, recycling, resource recovery, volume minimization, processing, market development, and disposal of solid wastes.

Storage means keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

Transportation means the transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.

Yard waste means leaves, grass clippings, yard and garden vegetation and Christmas trees. The term "yard waste" does not include stumps, roots or shrubs with intact root balls.

(Code 1976, § 12-1; Code 2002, § 74-1; Ord. No. 4464, exh. A(36-1), 10-20-2016)

Sec. 36-2. - Rules and regulations.

(a) For the purposes of this chapter, the director shall make, amend, revoke and enforce reasonable rules and regulations governing, but not limited to, the following:

- (1) Preparation, drainage and wrapping of garbage deposited in solid waste containers.
- (2) Specifications for solid waste containers, including the type, composition, equipment, size and shape thereof.
- (3) Identification of solid waste containers and of the covers thereof and of equipment thereto appertaining, if any.

- (4) Weight limitations on the combined weight of solid waste containers and the contents thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers.
 - (5) Storage of solid waste in solid waste containers.
 - (6) Sanitation, maintenance and replacement of solid waste containers.
 - (7) Schedules of and routes for collection and transportation of solid waste.
 - (8) Collection points of solid waste containers.
 - (9) Collection, transportation, processing and disposal of solid waste.
 - (10) Processing facilities and fees for the use thereof.
 - (11) Disposal facilities and fees for the use thereof.
 - (12) Records of quantity and type of wastes received at processing and/or disposal facilities.
 - (13) Handling of special wastes, such as sludges, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.
- (b) The city official who is responsible for preparing utility and other service charge billings for the city is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billing and collection of solid waste collection and/or disposal service charges, as provided in this chapter.
- (c) A copy of any and all rules and regulations made and promulgated under this section shall be filed in the office of the city clerk.

(Code 1976, § 12-7; Code 2002, § 74-3; Ord. No. 4464, exh. A(36-2), 10-20-2016)

Sec. 36-3. - Prohibited practices.

It shall be unlawful for any person to:

- (1) Deposit solid waste in any solid waste container other than his own, without the written consent of the owner of such container.
- (2) With the intent of avoiding payment of the service charge provided for solid waste collection and disposal, fail to have solid waste collected as provided in this chapter.
- (3) Interfere in any manner with solid waste collection and transportation equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the city or those of a solid waste collection agency operating under contract with the city.
- (4) Burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency.
- (5) Dispose of solid waste at any facility or location which is not approved by the city and the state department of natural resources.
- (6) The city, through its duly authorized agents, shall have an exclusive right to provide collection services for the removal of refuse, solid waste, and unprocessed recyclable materials within the incorporated limits of the city and it shall be unlawful for any other person or entity to provide a collection service for the removal of refuse, solid waste, construction and demolition waste and unprocessed recyclable materials in the city, except as may otherwise be provided in this section. No person or entity shall duplicate the collection services provided by the city unless authorized to do so. As used in this section, the term "unprocessed recyclable materials" means loose recyclable materials that have not been compressed, compacted, baled, bundled, crushed, granulated, or otherwise consolidated for transport to an end market. As used in this section, the term "end market" means a manufacturer that will use the processed recyclables as feedstock or raw materials in the production of new goods. However, nothing contained herein

shall prevent a person or entity that generates recyclable materials from transporting the recyclable materials they have generated to a business engaged in purchasing and processing recyclable materials.

The storage, collection, processing and disposal of solid waste will be managed in accordance with local and state laws and rules. All processing facilities and disposal areas utilized shall have appropriate local and state permits.

- (7) Violate any section of this chapter or any other rule or regulation promulgated under the authority of section 36-2.

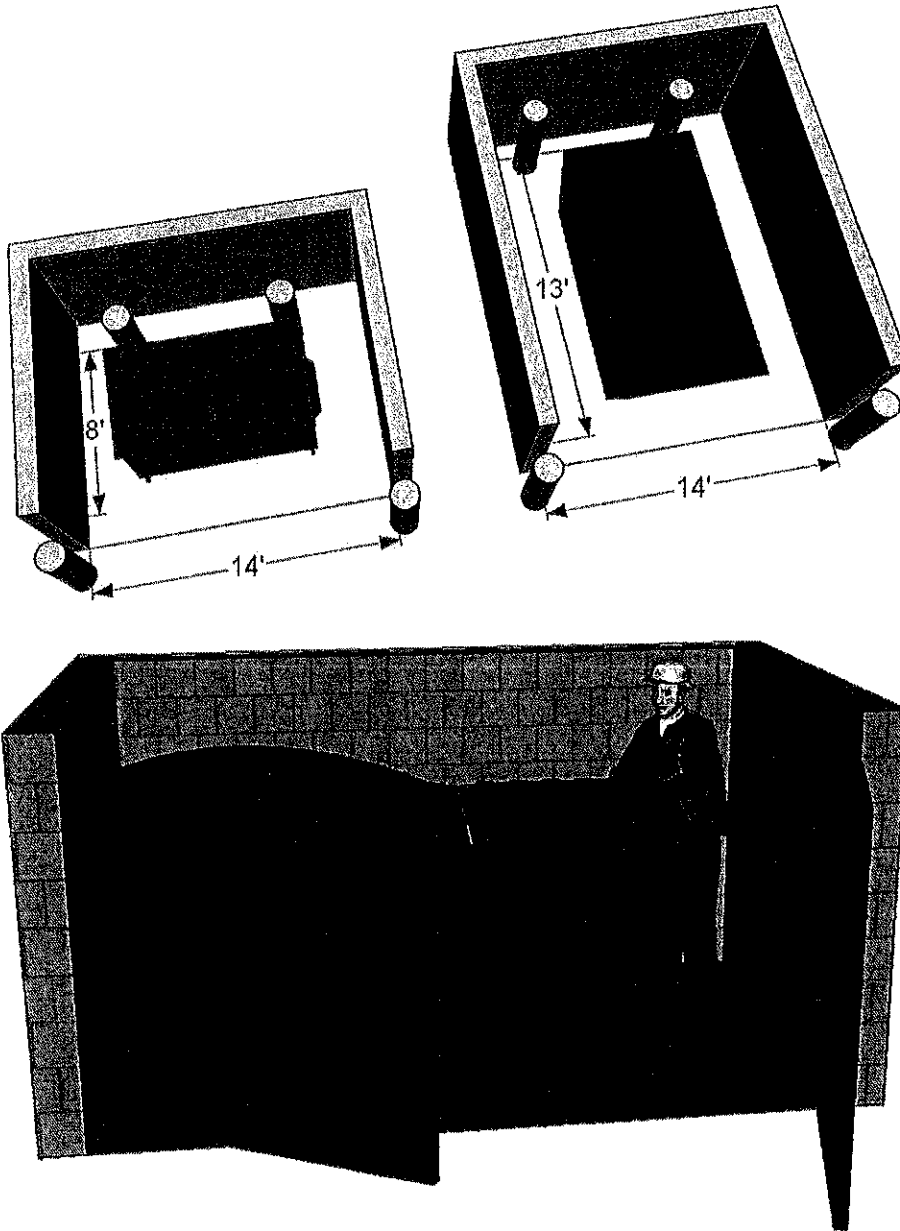
(Code 1976, § 12-8; Code 2002, § 74-4; Ord. No. 4464, exh. A(36-3), 10-20-2016; Ord. No. 4532, § 1, 11-20-2017)

Sec. 36-4. - Storage.

- (a) *Sufficient and adequate containers.* The occupant or owner of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits shall provide sufficient and adequate containers for the storage of all solid waste except bulky rubbish and demolition and construction waste to serve each such dwelling unit and/or establishment and to maintain such solid waste containers at all times in good repair.
- (b) *Placement in proper containers.* The occupant or owner of every dwelling unit and of every institutional, commercial, industrial, agricultural or business establishment shall place all solid waste to be collected in proper solid waste containers, except as otherwise provided, and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times.
- (c) *Containers for residential solid waste.* Residential solid waste shall be stored in containers of not more than 35 gallons nor less than 20 gallons in nominal capacity. Containers shall be leakproof, waterproof, and fitted with a fly tight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. The containers shall have handles, bails or other suitable lifting devices or features. Containers shall be of a type originally manufactured for residential solid waste, with tapered sides for easy emptying. They shall be of lightweight and sturdy construction. The weight of any individual container and contents shall not exceed 75 pounds. Galvanized metal containers, or rubber, fiberglass, or plastic containers which do not become brittle in cold weather, may be used. Disposable solid waste containers with suitable frames or containers as approved by the director may also be used for storage of residential solid waste.
- (d) *Containers for commercial solid waste.* Commercial solid waste shall be stored in solid waste containers as approved by the director. The containers shall be waterproof and leakproof and shall be covered at all times except when depositing waste therein or removing the contents thereof and shall meet all requirements as set forth by section 36-2.
- (e) *Tree limbs and brush.* Tree limbs less than four inches in diameter and brush shall be securely tied in bundles not larger than 36 inches long and 18 inches in diameter when not placed in storage containers. The weight of any individual bundle shall not exceed 75 pounds.
- (f) *Yard wastes.* Yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public rights-of-way. The weight of any individual container and contents shall not exceed 75 pounds.
- (g) *Solid waste containers.* Solid waste containers which do not meet the specifications as outlined in this section will be collected together with their contents and disposed of.
- (h) *Guidelines for construction of refuse/recycling enclosure areas and parking lots.*
 - (1) During new construction or major renovations, please use the following details for design and location of enclosure areas for refuse and or recycling containers.

- (2) The city offers various sizes of refuse containers ranging from one cubic yard to six cubic yards. The size requirement of the enclosure will be dependent upon the level of service (number of containers) desired. The following are minimum space requirements; include additional space for recycling containers, grease traps, etc.

1 CY or 2CY Dumpster



(Code 1976, § 12-2; Code 2002, § 74-5; Ord. No. 4464, exh. A(36-4), 10-20-2016; Ord. No. 4532, § 2, 11-20-2017)

Sec. 36-5. - Transportation.

- (a) All solid waste transportation vehicles shall be maintained in a safe, clean and sanitary condition and shall be so constructed, maintained and operated as to prevent spillage of solid waste

therefrom. Every vehicle to be used for transportation of solid waste shall be constructed with a watertight body and with a cover which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle. The cover shall be secured whenever the vehicle is transporting solid waste or, as an alternate, the entire body thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers.

- (b) Permits shall not be required for the removal, hauling or disposal of earth and rock material from grading or excavation activities; however, all such material shall be conveyed in watertight vehicles, trucks or receptacles, so constructed and maintained that none of the material being transported shall spill upon the public rights-of-way.
- (c) Demolition and construction wastes shall be transported to a disposal area as provided in section 36-30(a). A permit shall not be required for the hauling of demolition and construction waste; however, all such material shall be conveyed in watertight vehicles, trucks or receptacles, so constructed and maintained that none of the material being transported shall spill upon the public right-of-way.

(Code 1976, § 12-4; Code 2002, § 74-6; Ord. No. 4464, exh. A(36-5), 10-20-2016)

Secs. 36-6—36-28. - Reserved.

ARTICLE II. - COLLECTION AND DISPOSAL

Sec. 36-29. - Collection.

- (a) The city shall provide for the collection of all residential solid waste in the city; however, the city may provide the collection service by contracting with a person, county or other city or a combination thereof, for the entire city or portions thereof, as deemed to be in the best interests of the city.
- (b) The city may, at its discretion, provide commercial solid waste collection services upon specific application of the owners or persons in charge thereof. However, if such application is not made or approved, it shall be the duty of such establishment to provide for collection of all solid waste produced upon any such premises.
- (c) All solid waste from premises to which collection services are provided by the city shall be collected, except bulky rubbish as defined in this chapter. Bulky rubbish will be collected in accordance with the rules and regulations as promulgated by the director.
- (d) Tree limbs and yard wastes, as described in section 36-4(e) and (f), respectively, shall be placed at the curb for residential collection, or in the designated area for commercial collection. Solid waste containers, as required by this chapter, for storage of other residential solid waste shall be placed at the curb for residential collection, or in the designated area for commercial collection. Any solid waste containers, tree limbs, yard wastes, or other solid waste permitted by this chapter to be placed at curb for residential collection, or in the designated area for commercial collection.
- (e) Bulky rubbish shall be collected at least once annually. The director shall establish the procedure for collecting bulky rubbish.
- (f) Solid waste collectors, employed by the city or a solid waste collection agency operating under contract with the city, are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this chapter. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste. Commercial solid waste may be removed from within commercial establishments upon written request of the owner and approval by the director.
- (g) The following collection frequencies shall apply to collections of solid waste within the city:
 - (1) All residential solid waste, other than bulky rubbish, shall be collected at least once weekly. At least 72 hours shall intervene between collections.
 - (2) All commercial solid waste shall be collected at least once weekly and shall be collected at such lesser intervals as may be fixed by the director or requested by the commercial

establishment upon a determination that such lesser intervals are necessary for the preservation of the health and/or safety of the public.

- (h) Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner shall have been granted written permission from the city to use public property for such purposes. The storage site shall be well drained and fully accessible to collection equipment, public health personnel and fire inspection personnel.
- (i) Solid waste collectors employed by the city or a solid waste collection agency operating under contract with the city shall be responsible for the collection of solid waste from the designated pickup location to the transportation vehicle, provided the solid waste was stored in compliance with this chapter. Any spillage or blowing litter caused as a result of the duties of the solid waste collector shall be collected and placed in the transportation vehicle by the solid waste collector.

(Code 1976, § 12-3; Code 2002, § 74-36; Ord. No. 4464, exh. A(36-29), 10-20-2016)

Sec. 36-30. - Disposal.

- (a) Solid wastes shall be deposited at a processing facility or disposal area approved by the city and complying with all requirements of RSMo 260.200—260.245, and the rules and regulations adopted thereunder. The city may designate the processing or disposal facility to be utilized by persons operating under section 36-31.
- (b) Hazardous wastes under this chapter will require special handling and shall be disposed of only in a manner authorized by state regulations.

(Code 1976, § 12-5; Code 2002, § 74-37; Ord. No. 4464, exh. A(36-30), 10-20-2016)

Sec. 36-31. - Use of transfer station.

- (a) The solid waste transfer station shall be opened to any private citizen or business regardless of residence.
- (b) Each user of the transfer station shall pay per ton with a minimum charge in an amount as provided in the city fee schedule. This fee must be paid before unloading trash or can be billed monthly as agreed upon between the city and the hauler.
- (c) The city reserves the right to negotiate individual contracts with large volume users, such as commercial haulers or other government agencies, but at no time shall the city negotiate a contract which would cause the transfer station to exceed capacity.
- (d) Each user of the transfer station shall furnish a certified weight ticket before dumping trash.
- (e) Any hauler who fails to pay the charges set forth in this section or who fails to comply with city regulations on materials allowed in the transfer station shall be fined not less than \$50.00 nor more than \$500.00. Further, any hauler found to have violated this section may, at the discretion of the city council, be prohibited from further depositing solid waste at the city's transfer station.

(Code 1976, § 12-6; Code 2002, § 74-38; Ord. No. 4464, exh. A(36-31), 10-20-2016)

Sec. 36-32. - Service charge; user fees.

- (a) *Service charge.* Solid waste service charges are as follows:
 - (1) There is hereby imposed, for the collection and disposal of solid waste, in order to protect the general public health and environment, a service charge for each dwelling unit and each commercial establishment. The service charge for collection of residential solid waste per calendar month shall be in the amount as provided in the city fee schedule.

- (2) The service and service charge shall be terminated upon presentation of satisfactory proof to the director that any such dwelling unit or establishment is unoccupied and shall be commenced upon renewed occupancy thereof.
 - (3) The system of services established by this chapter is designed as an integral part of the city's program of health and sanitation, to be operated as an adjunct to the city's system for providing potable water and the city's system for providing sewage disposal. The city may enforce collection of such charges by bringing proper legal action against the occupant of any dwelling unit or owner of any commercial establishment to recover any sums due for such services plus a reasonable attorney's fee to be fixed by the court, plus the cost of such action.
 - (4) The service charge provided for in this subsection is hereby imposed upon the occupant of each dwelling unit. Service charges shall be payable to the department empowered to collect service charges imposed by the city.
- (b) *User fees.* The city council authorizes and ratifies the following solid waste user fees:
- (1) *Commercial and dumpster rates.* Commercial and dumpster rates shall be as provided in the city fee schedule.
 - (2) *Commercial roll-off units.* The service charge for commercial roll-off units shall be as provided in the city fee schedule.
 - (3) *Yard waste.* Standards and charges for pickup of yard waste are as follows:
 - a. Residents have the option of using maximum size 32-gallon plastic bags, a rigid container, or bundles. The maximum weight for all three options is 50 pounds.
 - b. Bundles are restricted to 30 inches in diameter. Each branch in the bundle can be no larger than four inches in diameter and three feet in length.
 - c. Requests will be taken until 5:00 p.m. on Thursday for a Friday pickup.
 - d. A fee in an amount as provided in the city fee schedule will be charged to customers for yard waste at a maximum of six bags, cans, or bundles. A charge in an amount as provided in the city fee schedule will be added for each bag, can, or bundle of yard waste over the maximum number of six.
 - e. Charges for individual yard waste and wood ashes pickup shall be in an amount as provided in the city fee schedule per trip billed monthly.
 - f. Yard waste fees will be added to the monthly utility bill.
 - (4) *Residential household refuse rates.* Residential household refuse rates shall be as provided in the city fee schedule.
 - (5) *Residential building materials, carpeting, furniture, appliances.* The charge for collection of residential building materials, carpeting, furniture, and appliances is based on the city's actual collection, transportation, and disposal costs. There is a minimum fee in an amount as provided in the city fee schedule, which will be billed monthly.

(Code 1976, § 12-9; Code 2002, § 74-39; Ord. No. 3759, § 1, 4-22-2002; Ord. No. 4046, § 1, 10-22-2007; Ord. No. 4280, § 1, 11-19-2012; Ord. No. 4464, exh. A(36-32), 10-20-2016)

Sec. 36-33. - Billing and payment; discontinuance of service for nonpayment; penalty for delinquent bills.

- (a) The service fees provided for in this article shall be billed and collected by the city utility office and shall be billed as a part of the water and electric bill each month. If the charge for refuse collection becomes delinquent, the water or electric service shall be discontinued under the same terms as provided for failure to pay for water or electric service.
- (b) All bills shall be subject to a penalty in an amount as provided in the city fee schedule if not paid within ten days from the date prescribed for payment.