ORDINANCE NO. 517

AN ORDINANCE PERTAINING TO PUBLIC HEALTH, SAFETY, AND WELFARE; REGULATING STORAGE, COLLECTION, TRANSPORTATION, PROCESSING AND DISPOSAL OF SOLID WASTE; PROVIDING FOR COLLECTION AND DISPOSAL OF SOLID WASTE; PROVIDING A PENALTY FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

SECTION 1: DEFINITIONS

For the purposes of this ordinance the following terms shall be deemed to have the meaning indicated below:

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

Bulky rubbish: Non-putrescible solid wastes consisting of combustible and/or non-combustible waste materials from dwelling units, 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.

City: The city of Wood Heights, Missouri.

Collection: Removal of solid waste from the designated pickup location to the transportation vehicle.

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

Director: The director of the Solid Waste Management Program of the city or his authorized representative as designated by the board of aldermen.

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

Dwelling unit: 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: Any waste or combination of wastes, as determined by the Missouri 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 (Subsection 260.360(9) or the Missouri Hazardous Waste Management Law).

Multiple housing facility: A housing facility containing more than one dwelling unit under one roof.

Occupant: 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: Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, or organization of any kind, or their legal representative, agent or assigns.

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

Solid waste: Unwanted or discarded waste materials in a solid or semi-solid state, including but not limited to garbage, ashes, street refuse, rubbish, dead animals, animal and agricultural wastes, yard wastes, discarded appliances, special wastes, industrial wastes, and demolition and construction wastes.

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

B. Residential solid waste: Solid waste resulting from the maintenance and operation of dwelling units.

Solid waste container: Receptacle used by any person to store solid waste during the interval between solid waste collections.

Solid waste disposal: The process of discarding or getting rid of unwanted material. In particular the final disposition of solid waste by man.

Solid waste management: The entire solid waste system of storage, collection, tansportation, processing and disposal.

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

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

Yard wastes: Grass clippings, leaves, tree trimmings.

SECTION 2: SOLID WASTE STORAGE

Section 2.1: The occupant or owner of every dwelling unit and of every institutional, commercial or business, industrial or agricultural ablishment producing solid waste within the corporate limits of the city, 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.

Section 2.2: 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 herein, and shall maintain such solid waste containers and the area surrounding them in a clean, neat, and sanitary condition at all times.

Section 2.3: 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 leak proof, waterproof, and d 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. The shall be of light weight 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. The use of plastic refuse bags is permitted.

Section 2.4: Commercial solid waste shall be stored in solid waste containers as approved by the director. The containers shall be waterproof, leak proof and shall be covered at all times except when depositing waste therein or removing the contents thereof.

Section 2.5: Tree limbs less than four inches in diameter and brush shall be securely tied in bundles not larger than forty-eight inches long and eighteen inches in diameter when not placed in storage containers. The weight of any individual bundle shall not exceed seventy-five pounds.

Section 2.6: 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 right-of-ways. The weight of any individual container and contents shall not exceed seventy-five pounds.

SECTION 3: COLLECTION OF SOLID WASTE

Section 3.1: Residential solid waste containers shall be stored upon the residential premises until collected or disposed of. commercial solid waste containers shall be stored upon private property until collected or disposed of, 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; fully accessible to collection equipment, public health personnel and fire inspection personnel.

Section 3.2: Solid waste collectors operating within 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 the provisions set forth in this ordinance. 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.

Section 3.3: All residential or commercial solid waste shall be collected or disposed of as herein provided at least once weekly.

SECTION 4: TRANSPORTATION OF SOLID WASTE

Section 4.1: All 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. All vehicles to be used for transportation of solid waste shall be constructed with watertight bodies and with covers 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 and shall be secured whenever the vehicle is transporting solid waste, or, as an alternate, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers.

Section 4.2: 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 tight vehicles, trucks or receptacles, so constructed and maintained that none of the material being transported shall spill upon the public right-of-ways.

Section 4.3: Demolition and construction wastes shall be transported to a disposal area as provided in Section 5.1. A permit shall not be required for the hauling of demolition and construction waste, however, all such material shall be conveyed in tight vehicles, trucks, or receptacles, so constructed and maintained that none of the material being transported shall spill upon the public right-of-ways.

SECTION 5: DISPOSAL OF SOLID WASTE

Section 5.1: Solid wastes shall be deposited at a processing facility or disposal area approved by the Missouri Division of Health/Missouri Department of Natural Resources and complying with all requirements of the Missouri Solid Waste Management Law, Sections 260.200 and 260.245, RSMo., and the rules and regulations adopted thereunder.

Section 5.2: Hazardous wastes under provisions will require special handling and shall be disposed of only in a manner authorized by state regulations.

SECTION 6: PERMITS

Section 6.1: No person shall engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the city, without first obtaining an annual permit therefor from the city; provided, however, that this provision shall not be deemed to apply to employees of the holder of any such permit.

Section 6.2: No such permit shall be issued until and unless the applicant therefor, in addition to all other requirements set forth, shall file and maintain with the city evidence of a satisfactory public liability insurance policy, covering all operations of such applicant pertaining to such business and all vehicles to be operated in the conduct thereof, in the amount of not less than $150,000.00 for each person injured or killed, and in the amount of not less than $300,000.00 in the event of injury or death of two or more persons in any single accident, and in the amount of not less than $50,000.00 for damage to property. Should any such policy be canceled, the city shall be notified of such cancellation by the insurance carrier in writing not less than ten days prior to the effective date of such cancellation, and provisions to that effect shall be incorporated in such policy, which shall also place upon the company writing such policy the duty to give such notice.

Section 6.3: Each applicant for any such permit shall state in his application therefor:

A. The nature of the permit desired, as to collect, transport, process, or dispose of solid waste or any combination thereof;

B. The characteristics of solid waste to be collected, transported, processed, or disposed;

C. The number of solid waste transportation vehicles to be operated thereunder;

D. The precise location or locations of solid waste processing or disposal facilities to be used;

E. Boundaries of the collection area; and

F. Such other information as required by the director.

Section 6.4: If the application shows that the applicant will collect, transport, process or dispose of solid wastes without hazard to the public health or damage to the environment and in conformity with the laws of the State of Missouri and this ordinance, the director may issue the permit authorized by this ordinance. The permit shall be issued for a period of one year and each applicant shall pay therefor a fee five dollars for each solid waste processing or disposal facility to be operated and a fee of five dollars for each transportation vehicle to be used. If modifications can be made to the application regarding service, equipment, or mode of operation, so as to bring the application within the intent of this ordinance, the city shall notify the applicant in writing setting forth the modification to be made and the time in which it shall be done.

Section 6.5: If the applicant does not make the modifications pursuant to the notice in Section 6.4, within the time limit specified therein, or if the application does not clearly show that the collection, transportation, processing or disposal of solid wastes will create no public health hazard or be without harmful effects on the environment, the application shall be denied and the applicant notified by the city, in writing, stating the reason for such denial. Nothing in this section shall prejudice the right of the licant to reapply after the rejection of his application provided that all aspects of the reapplication comply with the provisions of this ordinance. Nothing in this section shall prevent the denial of a permit should the total number of annual permits have already been issued.

Section 6.6: The annual permit may be renewed upon payment of the fee or fees as designed herein if the business has not been modified, the collection vehicles meet the requirements of Section 4 of this ordinance, and the renewal is approved by the director. If modifications have been made, the applicant shall reapply for a permit as set forth in Sections 6.2 and 6.3. No permits authorized by this ordinance shall be transferable from person to person.

Section 6.7: In order to insure compliance with the laws of this state, this ordinance and the rules and regulations authorized herein, the director is authorized to inspect all phases of solid waste management within the city of Wood Heights, Missouri. No inspection shall be made in any residential unit unless authorized by the occupant or by due process of law. In all instances where such inspections reveal violation of this ordinance, the rules and regulations authorized herein for the storage, collection, transportation, processing or disposal of solid waste or the laws of the State of Missouri, the director shall issue notice for each such violation stating therein the violation or violations found, the time and date and the corrective measure to be taken, together with the time in which such corrections shall be made.

Section 6.8: In all cases, when the corrective measures have not been taken within the time specified, the director shall suspend or revoke the permit or permits involved in the violation; however, in those cases where an extension of time will permit correction and there is no public health hazard created by the delay, one extension of time not to exceed the original time period may be given.

Section 6.9: In the event a permit is revoked and the person continues to operate, the director may request the action of a court of law to enjoin the acts and to enforce compliance with this ordinance or any rule or regulation promulgated thereunder. In any such action, the court may grant to the city such prohibitory or mandatory injunctive relief as the facts may warrant.

Section 6.10: Any person who feels aggrieved by any notice of violation or order issued pursuant thereto of the director may, within ten days of the act for which redress is sought, appeal directly to the court of Ray County in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal.

Section 6.11: All motor vehicles operating under any permit required by this ordinance shall display the number or numbers on each side in colors which contrast with that of the vehicle, such numbers to be clearly legible and not less than six inches high. Each permit for processing or disposal facilities shall be prominently displayed at the facility.

SECTION 7: RULES AND REGULATIONS

The director shall make, amend, revoke, and enforce reasonable rules and regulations, governing, but not limited to:

A. Preparation, drainage and wrapping of garbage deposited in solid waste containers.

B. Specifications for solid waste containers, including the type, composition, equipment, size and shape thereof.

C. Identification of solid waste containers and of the covers thereof, and of equipment thereto appertaining, if any.

D. 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.

E. Storage of solid waste in solid waste containers.

F. Sanitation, maintenance and replacement of solid waste containers.

A copy of any and all rules and regulations made and promulgated under the provisions hereof shall be filed in the office of the city clerk of the city.

SECTION 8: PROHIBITED PRACTICES

It shall be unlawful for any person to:

Deposit solid waste in any solid waste container other than his own, without the written consent of the owner of such container and/or, with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal;

2. Fail to have solid waste collected as provided in this ordinance;

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 Missouri Department of Natural Resources;

6. Engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the city without a permit from the city, or operate under an expired permit, or operate after a permit has been suspended or revoked;

7. Violate any section of this ordinance or any other rule or regulation promulgated under the authority of Section 7.

SECTION 9: PENALTIES

Any person violating any of the provisions of this ordinance, or any lawful rules or regulations promulgated thereto, upon conviction, shall be punished by a fine of not less than $5.00, nor more than $500.00; provided, that each day's violation thereof shall be a separate offense for the purpose hereof.

SECTION 10: REPEALS

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 11: SEVERABILITY CLAUSE

The provisions of this ordinance are severable and if any provisions or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality or inapplicability shall not affect or

impair the remaining provisions of this ordinance.

Read three times and passed on December 1, 1987.