

Chapter 60 -- Solid Waste

60.010. Definition of terms. For the purpose of this Chapter the following terms shall be deemed to have the meaning indicated below:

1. "Approved Incinerator" shall mean an incinerator which complies with all current regulations of the responsible local, State, and Federal air pollution control agencies.
2. "Bulky Rubbish" shall mean 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 therefore.
3. "City" shall mean the City of Sarcoxie, Missouri.
4. "Collection" shall mean the removal of solid waste from the designated pickup location to the transportation vehicle.
5. "Demolition and Construction Waste" shall mean waste materials from the construction or destruction of residential, industrial or commercial structures.
6. "Director" shall mean the director of the Solid Waste Management Program of the City shall be the Director of Public Works.
7. "Dwelling Unit" shall mean 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.
8. "Hazardous Waste" shall mean 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) of the Missouri Hazardous Waste Management Law).
9. "Multiple Housing Facility" shall mean a housing facility containing more than one dwelling unit under one roof.
10. "Occupant" shall mean 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.
11. "Person" shall mean 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.

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

13. "Solid Waste" shall mean 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.

14. "Solid Waste Container" shall mean any receptacle used by any person to store solid waste during the interval between solid waste collections.

15. "Solid Waste Disposal" shall mean the process of discarding or getting rid of unwanted material. In particular the final deposition of solid waste by man.

16. "Solid Waste Management" shall mean the entire solid waste system of storage, collection, transportation, processing and disposal.

17. "Storage" shall mean keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

18. "Transportation" shall mean the transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.

19. "Yard Wastes" shall mean grass clippings, leaves, tree trimmings.

60.020. Solid Waste Storage.

1. The occupant or owner of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste 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.

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.

3. Residential solid waste shall be stored in containers of not more than thirty-five (35) gallons nor less than twenty (20) gallons in nominal capacity. Containers shall be leak proof, 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 light weight and sturdy construction. The weight of any individual container and contents shall not exceed seventy-five (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. Containers shall not be placed for pick up prior to 5:00 p.m. of the day prior to pickup, and shall be removed by 9:00 p.m. the day of pickup.

4. Commercial solid waste shall be stored in solid waste containers as approved by the Director. The containers shall be waterproof, 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 60.070.

5. Solid waste containers which do not meet the specifications as outlined in this Section will be collected together with their contents and disposed of.

60.030. Collection of solid waste.

1. The City shall provide for the collection of solid waste as follows.

a. The City shall provide for the collection of all residential solid waste in the City, provided, however, that 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, in the event that 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.

2. All solid waste from premises to which collection services are provided by the City shall be collected, except bulky rubbish as defined herein. Bulky rubbish will be collected in accordance with the rules and regulations as promulgated by the Director.

3. Bulky rubbish shall be collected at least once annually. The Director shall establish the procedure for collecting bulky rubbish.

4. 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 Ordinance. 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.

5. The following collection frequencies shall apply to collections of solid waste within the City:

All residential solid waste, other than bulky rubbish, shall be collected at least once weekly. At least five (5) days shall intervene between collections. 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.

6. 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; fully accessible to collection equipment, public health personnel and fire inspection personnel.

7. 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 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.

60.040. Disposal of solid waste.

1. Solid wastes shall be deposited at a processing facility or disposal area approved by the City and complying with all requirements of the Missouri Solid Waste Management Law, Sections 260.200 to 260.245, RSMo., and the rules and regulations adopted thereunder. The City may designate the processing or disposal facility to be utilized by persons operating under Section 60.050 of this Ordinance.

2. Hazardous wastes under provisions will require special handling and shall be disposed of only in a manner authorized by State regulations.

60.050. Permits.

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

2. No such permit shall be issued until and unless the applicant therefore, in addition to all other requirements set forth, shall file and maintain with the (Director) 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 \$250,000.00 for each person injured or killed, and in the amount of not less than \$500,000.00 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. Such policy may be written to allow the first \$1,000.00 of liability for damage to property to be deductible. Should any such policy be cancelled, the Director shall be notified of such cancellation by the insurance carrier in writing not less than ten (10) 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.

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.

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 shall have the authority to limit the number of annual permits issued under this Section in order to preserve the health, comfort, safety and welfare of the residents, to promote energy conservation, and to provide for collection and disposal consistent with good solid waste management practices. The permit shall be issued for a period of one year, and each applicant shall pay therefor a fee of \$5.00 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 (Director) shall notify the applicant in writing setting forth the modification to be made and the time in which it shall be done.

5. If the applicant does not make the modifications pursuant to the notice in 60.050-4 within the time limits 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 (Director), in writing, stating the reason for such denial. Nothing in this Section shall prejudice the right of the applicant to reapply - after the rejection of his application provided that all aspects of the reapplication comply with 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.

6. The annual permit may be renewed upon payment of the fee or fees as designated herein if the business has not been modified, the collection vehicles meet the requirements of State law, 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 60.050-2 and 60.050-3. No permits authorized by this Ordinance shall be transferable from person to person.

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 Sarcoxie. 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.

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.

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.

10. Any person who feels aggrieved by any notice of violation or order issued pursuant thereto of the Director may, within ten (10) days of the act for which redress is sought appeal directly to the Court of Sarcoxie in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal.

60.060. Rules and regulations. The Director shall make, amend, revoke, and

enforce reasonable rules and regulations, governing, but not limited to:

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. Handling of special wastes such as sludges, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.

The City Collector or such other 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 hereinafter provided for.

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.

60.070. 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 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. Dispose of solid waste at any facility or location which is not approved by the City and the Missouri Department of Natural Resources;
5. 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;
6. Violate any Section of this Ordinance or any other rule or regulation promulgated under the authority of Section 60.070.

60.080. Service Charges. 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 shall be determined by contract.

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