

(ORD #06-03)

Chapter 62—Refuse, Garbage, Rubbish and Litter

62.010. Definitions.

Bulky rubbish---non-putrescible solid wastes consisting of combustible 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 Holden, Missouri.

Collecting---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 shall be the Mayor or the City or his authorized representative.

Disposable Solid Waste Container---disposable plastic or paper sacks with a capacity of 20 to 35 gallons specifically designed for storage or 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 or by other law, 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.

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, composing, 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, discarded appliances, special wastes, industrial wastes, and demolition and construction wastes.

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(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 Collector---a person, firm, or corporation who has satisfied the permit requirements of this article in order to collect, transport and dispose of solid waste.

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 deposition of solid waste by man.

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 a solid waste processing facility or solid waste disposal area.

Yard Wastes---grass clippings, leaves, tree trimmings.

62.020. 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 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 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 35 gallons nor less than 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 75 pounds. Galvanized metal containers, or rubber, fiberglass, or plastic containers which do not become brittle in cold weather, may be used.

4. Commercial solid waste shall be stored in solid waste containers. The containers shall be waterproof, leak proof 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 62.070.

5. When collected, tree limbs less than 4" in diameter and brush shall be securely tied in bundles not larger than 48" long and 18" in diameter when not placed in storage containers. The weight of any individual bundle shall not exceed 75 pounds.

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 rights of way. When collected, the weight of any individual container and contents shall not exceed 75 pounds.

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

62.030. 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 by contracting with a person, entity, 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, on the soonest date allowable under Chapter 260 RSMo. Until such contracting is in place, collection shall be the responsibility of each owner and occupant of a residential dwelling unit.

(b) Arranging for Commercial Solid Waste collection shall be the responsibility of the owner and occupant of any commercial premises.

(c) City may, from time to time, cause there to be a collection Yard waste within the City of Holden.

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 Mayor or his authorized representatives.

3. Tree limbs and yard wastes, as described in Sections 62.020.5 and 62.020.6 respectively, shall be placed at the curb for collection when and if collected. Solid waste containers as required by this ordinance for the storage of other residential solid waste shall be placed at the curb for collection. Any solid waste containers, tree limbs, yard wastes, or other solid waste permitted by this ordinance to be placed at the curb for collection shall not be so placed until the regularly scheduled collection day, or the evening before.

4. Bulky rubbish shall be collected at least twice annually. The Mayor or his authorized representative shall establish the procedure for collecting bulky rubbish.

5. 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.

6. 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 forty-eight (49) hours 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 Mayor or his authorized representative 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.

7. 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.

8. 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 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.

9. All solid waste generated from residential premises in the City shall be collected by the solid waste collector, subject to rules and regulations of the solid waste collector as approved by the Major or his authorized representative. All solid waste shall, upon being placed at the area of collection, become the property of the solid waste collector.

62.040. TRANSPORTATION OF SOLID WASTE.

1. Transportation vehicle 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 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.

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 rights of way.

3. Demolition and construction wastes shall be transported to a disposal area as provided in Section 62.050.1. 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 rights of way.

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4. In addition to any requirements promulgated under Section 62.070, no collector of residential solid waste may operate a vehicle with more than two axles.

62.050. DISPOSAL OF SOLID WASTE.

1. Solid wastes shall be deposited at a processing facility or disposal area approved by the director and complying with all requirements of the Missouri Solid Waste Management Law, Sections 260.200 to 260.245, RSMo., or any subsequent law, and the rules and regulations adopted thereunder, or any subsequent law, and the rules and regulations adopted thereunder, or any applicable law of state where the processing facility or disposal area is located, and any applicable federal law, rule or regulation.

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

62.060. PERMITS

1. No person, firm or entity shall engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the City; provided, however, that this provision shall not be deemed to apply to employees for the holder of any such permit. No person, firm or entity shall engage in the collection, transport, processing or disposing of residential solid waste except through contract with the City from and after the date the City first enters into such a contract.

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 or his authorized representative 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 One Million (\$1,000,000.00) Dollars for each occurrence. Should any such policy be canceled, the director or his authorized representative 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 therefore; (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 or his authorized representative to the convenient administration of this chapter.

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 or his authorized representative may with the consent of the City Council issue the permit authorized by this ordinance.

5. In order to insure compliance with the laws of this State, this ordinance and the rules and regulations authorized herein, the Mayor or his

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authorized representative is authorized to inspect all phases of solid waste management within the City of Holden. 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 Mayor or his authorized representative 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.

6. In all cases, when the corrective measures have not been taken within the time specified, the Mayor or his authorized representative may, after hearing, 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.

7. In the event a permit is revoked and the person continues to operate, the Mayor or his authorized representative may request the action of a court law to enjoin the acts and to enforce compliance with this ordinance or any rule or regulation promulgated thereunder. In any action, the court may grant to the City such prohibitory or mandatory injunction relief as the facts may warrant, in addition to all other legal remedies available.

8. Any person who feels aggrieved by any suspension or revocation violation or order issued pursuant thereto of the Mayor may seek judicial review according to law.

62.070. RULES AND REGULATIONS.

1. The Mayor and City Council 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.

(g) Schedules of and routes for collection and transportation of solid waste.

(h) Collection points of solid waste containers.

(i) Collection, transportation, processing and disposal of solid waste.

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(j) Processing facilities and fees for the use thereof.

(k) Disposal facilities and fees for the use thereof.

(l) Records of quantity and type of wastes received at processing and/or disposal facilities.

(m) Handling of special wastes such as sludge, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.

(n) Size limitations of collection vehicles.

2. Mayor and City Council 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, and to amend the same from time to time.

3. 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.

62.080. PROHIBITED PRACTICES.

1. It shall be unlawful for any person to:

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

(b) fail to have solid waste collected as provided in this ordinance;

(c) 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;

(d) 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;

(e) violate any section of this ordinance or any other rule or regulation promulgated under the authority of Section 62.070;

(f) accumulate or allow to accumulate on any premises owned or occupied by such person any solid waste in violation of any provision of this ordinance.

62.090. SERVICE CHARGE.

A monthly billing of service charge will be included with billings of water charges and payable under the same conditions as the water charges. The City Council shall, from time to time, enact rates for collection of solid waste by separate ordinance which reflect the cost of the City's operation hereunder.

62.100. NOTIFICATION TO OWNER OF SUBSTITUTE COLLECTION.

If the city approved collector of solid waste notifies the City no longer collecting said solid waste, then the City shall notify the owner or resident of the location where said solid waste has ceased to be collected and such owner or resident shall provide within forty-eight (48) hour's verification that they are causing said solid waste to be collected and disposed in a manner consistent with this ordinance, and failure to do so shall be a violation of this ordinance permissible herein provided.

62.110. PENALTIES.

Any person violating any of the provisions of this ordinance, or any lawful rules or regulations promulgated pursuant thereto, shall be guilty of an offense under the Code of Ordinances.

62.120. BONDS.

No permit shall be issued until the contractor has filed with the City a performance bond in the amount of (\$50,000.00) Dollars conditioned will observe the provisions of this chapter and all ordinances of the City and pay all taxes, licenses, fees and fines, penalties and forfeitures that may be adjudged against him under the ordinances of the City.

62.130. SEVERABILITY CLAUSE.

The provisions of this Chapter 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.