

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.

BE IT ORDAINED by the Board of Aldermen of the City of St. Mary, Missouri:

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 and State 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 St. Mary, Missouri.

COLLECTION - removal of solid waste from its place of storage to the transportation vehicle.

DEMOLITION AND CONSTRUCTION WASTE - waste materials from the construction or destruction of residential, industrial or commercial structures.

DIRECTOR - The Mayor of the City of St. Mary, Missouri, is hereby designated as the director of the Solid Waste Management Program of the City.

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.

GARBAGE - putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving, or consumption of food.

HAZARDOUS WASTES - including but not limited to: pathological wastes, explosive wastes, pesticides, pesticide containers, toxic or radioactive materials.

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.

REFUSE - solid waste.

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.

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.

SOLID WASTE MANAGEMENT - the entire solid waste system of storage, collection, transportation, 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 a 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 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 and/or establishment; and to maintain such solid waste containers at all times in good repair.

SECTION 2.2 - The occupant 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 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 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.

SECTION 2.4 - 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 7.

SECTION 2.5 - 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.

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 rights of way. The weight of any individual container and contents shall not exceed 75 pounds.

SECTION 2.7 - Solid waste containers which are not approved will be collected together with their contents and disposed of.

SECTION 2.8 - All solid waste containers used by residential or commercial establishments shall be lined with a plastic liner or bag that may be commonly purchased at groceries or other business establishments to facilitate the removal of the solid waste from the container by the collection agency.

SECTION 3. COLLECTION OF SOLID WASTE

SECTION 3.1 - The City shall provide for the collection of all 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.

SECTION 3.2 - All solid waste from premises to which collection services are provided by the City shall be collected, except bulky rubbish as defined herein, provided however, that bulky rubbish will be collected if tied securely in bundles not exceeding reasonable limitations of weight and bulk to be fixed by regulations to be made and promulgated by the Director as hereinafter provided. All solid waste collected shall, upon being loaded into transportation equipment, become the property of the collection agency.

SECTION 3.3 - Tree limbs and yard wastes, as described in Sections 2.5 and 2.6 respectively, shall be placed at the curb or alley for collection. Solid waste containers as required by this ordinance for the storage of other residential solid waste shall be placed at the curb or alley for collection. Any solid waste containers, tree limbs, yard wastes, or other solid waste permitted by this ordinance to be placed at the curb or alley for collection shall not be so placed until the regularly scheduled collection day.

SECTION 3.4 - Bulky rubbish shall be collected by request to the Director. The Director shall establish the procedure for collecting bulky rubbish.

SECTION 3.5 - 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. Commercial solid waste may be removed from within commercial establishments upon written request of the owner and approval by the Director.

SECTION 3.6 - 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 _____ (24) 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 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.

SECTION 3.7 - 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.

SECTION 3.8 - 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 point of collection to the transportation vehicle provided the solid waste was stored in compliance with Sections 2.3, 2.4, 2.5 and 2.6 of 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 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 water-tight 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 rights of way.

SECTION 4.3 - Transportation and disposal of demolition and construction wastes shall be in accordance with Sections 5 and 6.

SECTION 5. DISPOSAL OF SOLID WASTE

SECTION 5.1 - Solid wastes shall be deposited at a processing facility or disposal area approved by the City and complying with all requirements of the Missouri Division of Health.

SECTION 5.2 - The Director may classify certain wastes as hazardous wastes which will require special handling and shall be disposed of only in a manner acceptable to the Director and which will meet all local, State and Federal 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 - Each applicant for a permit hereunder shall state fully the type of operations he wishes to engage in, the solid waste to be collected, transported, processed or disposed, and the number of solid waste transportation vehicles to be operated thereunder.

SECTION 6.3 - If the applicant 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 on conformity with the laws of the State of Missouri and this ordinance, the Director shall issue a permit authorized by this ordinance. The permit shall be issued for a period of one year, and each applicant shall pay therefor a fee of Twenty Dollars (\$ 20.00) for each transportation vehicle to be used. No solid waste processing or disposal facility shall be operated in the City of St. Mary, Missouri.

SECTION 6.4 - Permits may be renewed annually upon the simple payment of the fee.

SECTION 6.5 - In order to insure compliance with the laws of the 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 St. Mary. 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 6.6 - 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 6.7 - Any person who feels aggrieved by any notice of violation or order issued pursuant thereto of the Director may, within twenty (20) days of the act for which redress is sought appeal directly to the City Court of St. Mary, Missouri, in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal.

SECTION 7. RULES AND REGULATIONS

The Director shall make, amend, revoke, and enforce reasonable and necessary 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 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.
- (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 toxic wastes, sludges, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.

The City Clerk 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.

SECTION 8. 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) 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; (3) burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency; (4) dispose of solid waste at any facility or location which is not approved by the City and the Missouri Division of Health; (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.

SECTION 9. SERVICE CHARGES

There is hereby imposed for the collection and disposal of solid waste and for improvement of the general public health and environment, a service charge for collection of residential solid waste in the amount of \$2.90 per calendar month; for residential solid waste in hardship cases the sum of \$1.45 per calendar month; and for commercial solid waste, but not including industrial waste, the sum of \$5.00 per calendar month. 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.

Hardship cases as defined in this Ordinance shall be those persons or families occupying a residence whose combined family income does not exceed \$4,000.00 per annum. Any person desiring an exemption based on hardship as herein defined shall complete an affidavit in substantially the following form:

STATE OF MISSOURI)
COUNTY OF STE. GENEVIEVE) SS.
CITY OF ST. MARY)

AFFIDAVIT

The undersigned being duly sworn, deposes and says that his or her income does not exceed \$4,000.00 or that the total income of the family residing at his or her residence does not exceed \$4,000.00.

That my income consists of the following:

	<u>ANNUAL AMOUNT</u>
() Social Security	\$ _____
() SSI	\$ _____
() Pension _____	\$ _____
() Other Welfare Benefits	\$ _____
() Interest	

_____	\$ _____
() Other	

_____	\$ _____

That this affidavit is made for the purpose of inducing the City to apply the hardship provision of the Refuse Collection Ordinance of the City of St. Mary, Missouri. I agree when requested to give proper authorization to various government agencies and to banks and other financial institutions for the City to verify my statements contained herein.

Subscribed and sworn to before me this _____ day of _____, 1975.

CITY CLERK

The system of services established by the provisions of this ordinance 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 sewerage 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 costs of such action.

The service charge herein provided for is hereby imposed upon the occupant of each occupied dwelling unit and the billing therefor shall be made to the person

contracting for City water and/or sewerage service or for other water service or otherwise providing water service to each such dwelling unit. In the event a dwelling unit is not serviced by City water and/or sewerage service, or in the absence of information that such person is neither the owner nor the tenant of such dwelling unit, in which event billing therefor shall be made to the owner. Service charges shall be payable to the department empowered to collect service charges imposed by the City.

The service charge hereby imposed will be added to the water and sewer bill of the occupant of each dwelling or the owner of each commercial establishment.

SECTION 10. 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.

SECTION 11. REPEALS

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

SECTION 12. 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.

This ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED THIS 8th day of October, 1975.

Wm R. Deane
MAYOR

ATTEST:

J. Ann E. Dangle
CITY CLERK