

DOCUMENT NAME	City of Columbia, MO: Refuse Ordinance
GENERAL DESCRIPTION	An ordinance giving the city authority to provide refuse collection and disposal services to residences and businesses.
GENERAL PROVISIONS	<p><u>Refuse Collection</u></p> <ul style="list-style-type: none"> • Requires the use of city provided or approved refuse bags and yard waste bags. <ul style="list-style-type: none"> – City provides residents 75 refuse bags and 10 yard waste bags/year. Extra bags available for a fee. (UNIT BASED) • Free large item collection on a continual basis. • Provides fees for collection of improperly placed disposal items. • Provides for bulk refuse containers provided by the city at residential complexes of 8 units or more. <p><u>Recycling</u></p> <ul style="list-style-type: none"> • Provides for 1x/week residential commingled recycling collection in bags provided by the city. • 54 bags provided/year with extra bags available for a fee. <p>Provides for separate rate schedules for commercial entities receiving hand refuse pickup or bulk container refuse collection.</p> <p>Provides for rate schedules for the city landfill and material recovery facility.</p>
SERVICE COSTS	<p>Residential (single family, duplex, apartments up to four (4) units): \$11.17/month</p> <p>Residential (when property is vacant): \$4.90/month</p> <p>Residential (units having centralized collection): \$10.42/month</p> <p>Commercial: Rates vary based on size of container and frequency of collection.</p> <p>Extra Refuse Bags: Fee not stated</p> <p>Extra Lawn Waste Bags: \$.50/bag</p>

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- (4) Reporting requirements of the volunteers and a plan for meeting those requirements.
- (5) Identification of volunteers who are responsible and methods to contact these people.
- (6) A plan for handling materials cleaned up, including recyclables, or materials expended in the case of beautification.
- (7) A plan for use and return of any city-supplied equipment or materials.
- (b) The city shall support volunteer efforts by:
 - (1) Assisting the volunteer or volunteer groups in creating the plans required by this section.
 - (2) Providing (where applicable) bags, gloves, safety vests and "Volunteers at Work" signs.
 - (3) Arranging for collection and disposal of the material collected.
 - (4) Maintaining records on amounts collected, number of volunteers involved, and hours of service.
 - (5) Providing identification signs to be placed in the adopted area.
 - (6) Assisting the volunteer group in recognizing safety issues and responding to these issues.

(c) The safety of volunteers participating in cleanup or beautification programs is the responsibility of the individual volunteer and volunteer groups and not the city. Each volunteer shall sign a statement to this effect releasing the city from responsibility for injuries occurring during participation in the program.
(Ord. No. 14884, § 1, 6-17-96)

Secs. 22-120–22-155. Reserved.

ARTICLE IV.

REFUSE COLLECTION*

* **Cross References:** Trash storage facilities requirement under minimum properties standards code, § 6-148; garbage storage or disposal facilities under minimum properties standards code, § 6-149; disposal of garbage under minimum properties standards code, § 6-170; garbage and rubbish disposal in food service establishments, § 11-156(f); junk dealers and junkyards, § 11-176 et seq.; littering, § 16-231; discarding refuse and trash in parks, § 17-66.

DIVISION 1.

GENERALLY

Sec. 22-156. Definitions.

For the purpose of this article, the following words and terms shall have the meanings respectively ascribed:

Battery, or lead-acid battery. A battery designed to contain lead and sulfuric acid with a nominal voltage of at least six (6) volts and of the type intended for use in motor vehicles and watercraft.

Bulky item. Any single item which cannot be contained in a refuse bag, can be easily collected by two (2) persons, as determined by the director, and weighs less than fifty (50) pounds.

Clean fill. Uncontaminated soil, rock, sand, gravel, concrete, asphaltic concrete, cinderblocks, brick, minimal amounts of wood and metal, and inert solids as approved by rule or policy of the state department of natural resources for fill, reclamation or other beneficial use.

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Director. The director of public works or his designated representative.

Garbage. Food wastes from homes, kitchens, apartments, hotels, restaurants, fraternity houses, sorority houses, stores, markets, and similar establishments.

Holidays. All holidays observed by the city.

Household hazardous waste. Small quantities of hazardous waste generated by use within residences which are exempt from regulation under the provisions of Sections 260.350 to 260.434, RSMo., but are considered flammable, explosive, corrosive, toxic or radioactive and considered a threat to the health or environment.

Major appliance. Clothes washers and dryers, water heaters, trash compactors, dishwashers, microwave ovens, conventional ovens, ranges, stoves, woodstoves, air conditioners, refrigerators and freezers.

Recyclable item. Recyclable items shall include aluminum and tin cans, #1 and #2 plastic, glass, cardboard, newsprint, magazines and catalogs, chipboard and any other item duly designated by regulation by the director.

Refuse. All solid wastes.

Residential unit. Premises used as residence for one or more persons which contains only one kitchen.

Solid waste. Garbage 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.

Tire. A continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle or trailer as defined in chapter 301, RSMo.

Yard Waste. Leaves, grass clippings, brush and limbs, yard and garden vegetation and Christmas trees. The term does not include stumps, roots or shrubs with intact root balls.

(Code 1964, § 10.9050; Ord. No. 12820, § 1, 12-10-90; Ord. No. 13056, § 1, 8-19-91; Ord. 15641, § 1, 6-15-98)

Sec. 22-157. Provision of service by city.

(a) *Generally; powers and duties of director.* The city shall provide refuse collection and disposal within the city in accordance with the provisions of this article and may provide contract services to other governmental units as further described in this article. The city shall encourage reclaiming and recycling of materials as an alternative to disposal in the city landfill. The director is authorized to make arrangements for the sale, in accordance with city ordinance, of recyclable or reclaimed items collected and of mulch and compost produced by city operations. The director shall have charge and supervision of the collection and disposal of refuse pursuant to this chapter and shall have the power to establish rules and regulations governing keeping, collection, removing and disposition of refuse not inconsistent with the provisions of this article. The director is authorized to negotiate terms and submit bids for providing solid waste transportation, processing or disposal services to other governmental units. Agreements for these services must be authorized by the city council. The director is authorized to establish rates equal to the actual costs to the city of collection and disposal of materials and objects which, by their nature or composition, require unusual or special treatment and handling.

- (1) Nothing herein shall require the city to accept, collect or dispose of any material, the collection or disposal of which is prohibited or regulated by the state or federal government; nor to require the city to collect or dispose of any material or object which, in the sole discretion of the director, poses any undue threat of harm to the citizens or employees of the city or to any public property or improvement, except that a program to provide for the collection and safe disposal of household hazardous waste in accordance with applicable state and federal regulations shall be established by April 1, 1992. The director is hereby authorized to implement such a program by regulation.
 - (2) The director shall establish a cost list for special handling charges wherever possible and shall develop costs upon request for materials or objects of which the city has not previously collected or disposed.
- (b) *Requirement of service; waiver.* Every owner, occupant, tenant or lessee within the city limits shall receive refuse

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service and tender payment therefor in accordance with the fees herein provided for, unless a waiver of service is authorized by the director or his authorized agent, after special investigation of the conditions upon which the waiver is requested.

(c) *Billing, deposits and discontinuance of service.* Billing, deposits, discontinuance of service and all aspects thereof shall be handled in accordance with the utility billing and service provisions of section 27-16 et seq. (Code 1964, § 10.9060; Ord. No. 13056 § 1, 8-19-91; Ord. No. 17836, § 1, 9-15-03)

Sec. 22-158. Prohibitions.

(a) *Unlawful items.* The city shall not collect for disposal at its sanitary landfill, nor shall it accept for disposal at its sanitary landfill, the following items:

- (1) Hazardous waste.
- (2) Household hazardous waste.
- (3) Infectious waste which has not been rendered innocuous.
- (4) Lead-acid batteries.
- (5) Tires which have not been cut, chipped or shredded in accordance with chapter 260, RSMo.
- (6) Major appliances.
- (7) Waste oil from motor vehicles.
- (8) Yard waste (except at designated compost areas).

(b) *Unlawful acts.*

- (1) It shall be unlawful for any person to conceal or attempt to conceal any unlawful items in refuse to be collected by the city or deposited in the city's sanitary landfill. The director shall be authorized to cause inspection of any materials brought to the landfill to assure conformance with this requirement.
- (2) It shall be unlawful for any person to utilize the refuse containers or bags of another for the disposal of his own refuse or garbage.
- (3) It shall be unlawful for any person to deposit yard waste at curbside for pick up which is not in a city bag marked specifically for yard waste or in the case of brush or limbs, in bundles exceeding the allowable dimensions hereinafter described.
- (4) It shall be unlawful for any person to deliver, deposit, drop off or set out at any residential yard waste site any materials, substances or thing other than yard waste from that person's personal residence.
- (5) It shall be unlawful for any person to dispose of any refuse by depositing the same in any public alley, street, roadway, vacant lot or property of any kind or character within the city or in any stream or body of water within the city, or by burning garbage. However, nothing in this section shall be construed to prohibit the disposition of refuse by means of burning the same in an incinerator enclosed within a building and complying with applicable state law.
- (6) It shall be unlawful for any person to block, either by parking a motor vehicle or by placing any barriers or other restrictive devices, the access to any refuse storage container by the city collection vehicles.
- (7) Information obtained from waste disposed or deposited in violation of this section may be a rebuttable presumption that the person so identified committed the violation of sections 22-158(b)(2) and (4).

(Ord. No. 13056 § 1, 8-19-91; Ord. No. 13055 § 1, 8-19-91; Ord. No. 15641, § 1, 6-15-98; Ord. No. 16572, § 1, 9-5-00)

Editors Note: Section 1 of Ord. No. 12820, adopted Dec. 10 1990, added a new § 22-158 and renumbered existing §§ 22-158--22-165 as §§ 22-159--22-166.

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Sec. 22-159. Residential customers.

(a) *Rates.* Residential service shall consist of the removal of refuse, in bags provided by the city or approved by the director, or in centralized containers set for grouped residential units as approved by the director, once weekly. The fees for such service shall be as follows:

Residences, per month, per residential unit (single-family, duplex, apartment up to four (4) units) \$ 11.17

Residences, per month, per residential unit when property is vacant and owner has requested discontinuance of a metered service 4.90

Grouped residential units having centralized collection containers instead of refuse bags, per unit, per month 10.42

(b) *Refuse bags and yard waste bags.* Residential customers shall be provided refuse bags by the city at the rate of twenty-five (25) bags every four (4) months and yard waste bags at the rate of ten (10) bags per year. Additional refuse bags will be made available for sale to the customer at a cost and location to be determined by the director. Additional yard waste bags will be made available for sale at the price of fifty cents (\$0.50) per bag at locations determined by the director.

(c) *Customer responsibility.* It shall be the duty of every customer to place the daily accumulation of refuse in refuse bags which are securely closed or other disposable container for pickup, and it shall be the duty of every person placing garbage in any such bag or container, to eliminate, as far as possible, all water and liquid from such garbage before placing same in such bag or container.

(d) *Location of refuse or yard waste for pickup.* All material to be removed by the city, or its authorized collector, shall be placed in an easily accessible location at the back of the curb, edge of the roadway or immediately adjacent to an alley, as the case may be. Material for disposal shall not be located within a building or structure. If more than one bag is necessary to hold the refuse accumulated at a customer's premises, or if more than one bag is used for the refuse from any one building, all bags shall be placed at the same location on the premises.

(e) *Unlawful to deposit other than refuse in bags for pickup.* It shall be unlawful for any person to deposit in a container or bag from which refuse is to be removed by the city or its authorized collector, any material other than refuse as defined in this article. If any container or bag contains material other than refuse, the city or its authorized collector shall not be obliged to remove the contents of such container or bag.

(f) *Unlawful to place refuse at curb, when:*

(1) It shall be unlawful for any person, partnership or corporation to place or allow any refuse, with the exception of grass clippings, leaves or brush, to remain at the curb or edge of the roadway, or in any other open and unscreened area accessible to animals, on any day other than the scheduled day of collection of refuse for that location. The "day of collection" is hereby defined to be the period from 4:00 p.m. of the day preceding collection until 6:00 p.m. the day of collection.

(2) The person or persons in whose name the refuse account is maintained and the owners of record of the property on which the refuse or garbage, with the exception of grass clippings, leaves or brush, is placed or allowed to remain shall be prima facie responsible for its placement and maintenance in violation hereof.

(3) Violation of this subsection shall constitute a Class "C" misdemeanor pursuant to the provisions of Chapter 16, Article II of this Code.

(g) *Dimensions and weight.* All material for collection must be in a bag, disposable containers, or securely bound bundles not greater than four (4) feet in length, two (2) feet in diameter, and shall not exceed fifty (50) pounds total weight each.

(h) *Collection and pickup.* Residential refuse pickup shall be made once weekly according to a schedule on file with the director. Yard waste pickup shall be on a seasonal schedule to be prepared annually by the director. The director may vary the schedule and will post notice of any such variance because of weather conditions or other conditions which make the normal

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collection schedule impractical. When a holiday is observed on the normal day of collection, the collection will be made the following day or as approved and publicly announced by the director.

(i) *Special pickup.* A special pickup for residential customers will be provided on a continuous basis at no additional charge. This service is intended for disposal of quantities or items which are too large for regular pickup. All material for special collection shall be placed in a visible and easily accessible location not to extend more than fifteen (15) feet from the back of curb, edge of roadway or immediately adjacent to an alley, as the case may be. Materials resulting from the erection, destruction or major remodeling of a building, felled trees, large automobile parts, hazardous materials, etc., and items which cannot be handled by the special collection crew will not be picked up. Material meeting the special pickup criteria but placed for collection by owners of commercial businesses or rental property will be collected based on the commercial hand pickup service charge, provided previous arrangements are made.

(j) *Suspension of bundle requirements.* In the event of a storm which causes widespread tree damage, the requirement to bundle brush and tree trimmings for collection may be suspended by the director.

(k) *House collection for physically disabled or handicapped:*

- (1) Any owner, occupant, tenant or lessee of a residential unit who, due to a physical disability or handicap, is unable to carry refuse to the curblines may receive house collection at the same service rate as curbside collection. A request for this service must be submitted in writing to the director. This request must include certification by a licensed health care provider of the applicant's physical disability or handicap.
- (2) Refuse to be collected from the house must be in bags and shall be located in plain view in an accessible location at ground level or on an open platform not more than four (4) feet above the ground level and so placed that they may be reached from the ground by the collector. Bags shall not be located within a building or structure. Collection will be made from only one location on the premises.

(l) *Major appliance pickup.* The director shall establish a date and time for pickup of major appliances at curbside upon the payment of a fee of ten dollars (\$10.00) and receipt of a permit for each appliance to be picked up by the person desiring the pickup. The permit shall be nonrefundable and nontransferable. Upon the applicant's request, the permit fee may be charged to the applicant's utility account.

(m) *Special pickup of unlawfully placed material.* The city may remove refuse that is untimely placed or allowed to remain at the curb or edge of the roadway in violation of subsection (f) of this section. The city may remove yard waste that is improperly deposited at curbside for pickup in violation of section 22-158(b)(3). The fee for material removal service under this subsection shall be as follows:

Special pickup \$ 25.00

Special pickup less than one (1) year after special pickup at same location by the same utility account holder 45.00

The person(s) whose refuse or yard waste is being disposed of, the person(s) who unlawfully placed the refuse or yard waste, the occupant(s) of the property where a special pickup occurs and the owner(s) of the property, if different, shall be jointly and severally liable for payment of the special pickup fee. Normally, special pickup fees shall be billed initially to the city utility customer for the location where the special pickup was made.

(Code 1964, § 10.9070; Ord. No. 9931, § 1, 9-6-83; Ord. No. 12023, § 1, 9-19-88; Ord. No. 12820, § 1, 12-10-90; Ord. No. 13055 § 1, 8-19-91; Ord. No. 13057, § 1, 8-19-91; Ord. No. 13925 § 1, 1-3-94; Ord. No. 14213 § 1, 9-19-94; Ord. No. 15641, § 1, 6-15-98; Ord. No. 16776, § 1, 2-5-01; Ord. No. 16851, § 1, 4-2-01; Ord. No. 17020, § 1, 9-17-01; Ord. No. 17836, § 1, 9-15-03)

Note: See the editor's note following § 22-158.

Sec. 22-159.1. Residential recycling program.

(a) As part of its basic service to residential customers, as set out in section 22-159, the city will also provide, by August 1, 1998, or as soon thereafter as is reasonably practicable, weekly pickup of recyclable material. The schedule for pickup shall be on file with the director. Any variances from the schedule shall be made in accordance with § 22-159(h).

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(b) *Duties of customer.* It shall be the duty of the customer to place recyclable items in bags identified for that purpose at the curb as provided for residential pickup (§ 22-159(d)). All recyclable items shall be separated and packaged according to rules promulgated by the director.

(c) Bags will be provided at the rate of 18 every four months. Commingled recycling bags will be provided to all customers receiving regular trash bags and having access to curbside recycling. Additional bags will be made available for sale to the customer at a cost and location to be determined by the director.
(Ord. No. 13056, § 1, 8-19-91; Ord. No. 15641, § 1, 6-15-98)

Sec. 22-160. Apartments in excess of four units per structure.

(a) *Refuse collection containers.* Bulk refuse storage containers shall be provided in lieu of refuse bags by the city for apartments in excess of eight (8) units. It shall be within the discretion of the director to determine whether or not to place bulk storage containers for use of apartments containing less than eight (8) units per structure. If bulk refuse containers are not placed at these structures, rates and provisions for bags for residential customers shall apply.

(b) *Yard waste collection container.* The owner or manager of an apartment complex having a bulk refuse storage container shall be provided yard waste bags at the rate of up to five (5) bags per apartment unit per year. The director shall be empowered to provide bulk yard waste storage containers in lieu of bags.

(c) *Collection methods and rates.* The following collection methods and rates shall apply to apartment complexes with more than four (4) units per structure:

- (1) The occupant, tenant or lessee of each apartment unit shall be charged ten dollars and forty-two cents (\$10.42) per month for pickup from bulk containers without bags furnished.
- (2) The owner or manager of an apartment complex may make application to the director for billing of an entire apartment complex to a single customer. This service with pickup from a bulk storage container without refuse bags shall be ten dollars and seventeen cents (\$10.17) per apartment unit per month, provided all apartment units in a complex are billed the same rate to a single customer.

(d) *Use of bulk storage containers.* The owner or manager of any such apartment complex, regardless of the collection method applicable, shall maintain a bulk storage container as approved by the director. It shall be the duty of every occupant, tenant, lessee and owner to place the daily accumulation of refuse in the container required above and when placing garbage in such container, to eliminate, as far as possible, all water and liquid from such garbage, and to securely wrap garbage in paper before placing the same in such container. It shall be unlawful for any person to deposit yard waste in a bulk refuse storage container.

(e) *Size of container.* The director shall determine the size and type of bulk storage containers to be placed at the apartment complex based upon the number of residential units and shall determine the number of times the containers shall be emptied. If additional pickups are needed, the director is authorized to set rates by duly promulgated regulation for the additional pickups, which shall not exceed the actual cost of service.

(f) *Collection and pickup.* Pickup shall be available once daily, except Sundays and legal Holidays, and shall be made as determined necessary by the director.

(g) *Upkeep and maintenance.* The owner of the premises shall bear the sole responsibility for upkeep and maintenance of private drives, parking lots or other paved surfaces over which city vehicles must travel to reach bulk storage containers.
(Code 1964, § 10.9080; Ord. No. 12023, § 1, 9-19-88; Ord. No. 12820, § 1, 12-10-90; Ord. No. 13055, § 1, 8-19-91; Ord. No. 13057, § 1, 8-19-91; Ord. No. 14213 § 1, 9-19-94; Ord. No. 15641, § 1, 6-15-98; Ord. No. 16776, § 1, 2-5-01; Ord. No. 17020, § 1, 9-17-01; Ord. No. 17836, § 1, 9-15-03)

Note: See the editor's note following § 22-158.

Sec. 22-161. Commercial service.

(a) *Customer responsibility.* Commercial customers shall comply with the following requirements:

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- (1) Every person owning, managing, operating, leasing or renting any commercial premises where excessive amounts of refuse accumulate shall maintain a metal bulk storage container or containers, approved by the director, of sufficient size to contain all refuse which the establishment accumulates between collections.
- (2) Every person owning, managing, operating, leasing or renting any premises shall place the daily accumulation of refuse in the required container or containers.
- (3) Every person placing garbage in any such container shall eliminate, as far as possible, all water and liquid from the garbage, and shall securely wrap the garbage in paper before placing it in the container.
- (4) It shall be unlawful for any person to deposit yard waste in a bulk refuse storage container.
- (5) It shall be unlawful for any person required to maintain a metal bulk storage container or containers to allow refuse to be deposited anywhere except within the container or to allow the container to become overly filled to the extent that all material cannot be confined to the container.

(b) *Commercial collection methods and rates.* The following refuse collection methods and rates shall apply to commercial customers as approved by the director.

(1) *Commercial hand pickup:*

- a. *The service charge for hand pickup of businesses or commercial places, boarding and rooming houses, fraternities and sororities, shall be at the rate of one dollar and fifty-five cents (\$1.55) per collection minute, or a minimum of six dollars and seventy-six cents (\$6.76) per month. Such collection time shall be computed by the director from time to time and shall be based on the average collection time for such place of business. A notice from the director establishing the average collection time for hand pickup accounts shall be from time to time reestablished. Service to these accounts shall be rendered daily when and where needed, as determined by the director.*
- b. *Commercial customers served by hand pickup service, shall conform to container capacity of twenty (20) to thirty-three (33) gallons and weighing, with contents when full, not over fifty (50) pounds, or the equivalent thereof.*

(2) *Bulk storage container collection.* Rates per month for bulk storage containers shall be shown in the following table for container sizes indicated and number of collections per week:

Container Size	Number of Collections per Week						Extra Collections
	1	2	3	4	5	6	Each
1	\$ 32.07	\$ 47.66	\$ 62.23	\$ 76.45	\$ 92.29	\$106.70	\$ 29.55
2	41.51	59.02	75.84	90.10	108.82	126.57	29.55
3	53.51	74.64	95.42	117.23	137.85	159.77	29.55
4	62.32	87.12	111.95	136.95	161.75	186.76	29.55
6	84.35	94.25	122.50	149.27	176.29	204.25	29.55
8	100.35	119.18	154.45	188.73	224.04	258.34	29.55

Pickup shall be available once daily, except Sundays and legal holidays, and shall be made as determined necessary by the director. The director is authorized to order special collections or extra collections in the event containers are found to be overly filled prior to the regularly scheduled collection date and to direct that the customer be billed in

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accordance with the provisions of this article.

- (3) *Compactor collection.* The director shall set, by duly promulgated regulation, the rates for collection of privately owned, nonroll-off type compactors. These rates shall not exceed the cost of providing the service.
- (4) *Large volume user.* When a commercial, institutional or governmental customer has refuse collection needs which are of a larger volume than for the number of collections per week and number of containers for bulk container collection set out in subsection (2) above, and the director determines that a variation from the stated rates or methods of collection is appropriate, the director is hereby authorized to establish methods of collection and rates not less than the actual cost to the city of collection and disposing of the refuse of such large volume user. The city manager and city clerk are hereby authorized to enter into and execute agreements for this service with such large volume users when necessary or appropriate.
- (5) *Bulk yard waste container.* Bulk yard waste containers may be provided to commercial customers and collected by the city with rates set by the director not to exceed the cost of providing the service.

(c) The owner of the premises shall bear the sole responsibility for upkeep and maintenance of private drives, parking lots or other paved surfaces over which city vehicles must travel to reach collection containers.

(d) *Front loading construction dumpsters.* The city shall set a dumpster at a construction site upon payment of fifty-five dollars (\$55.00). Collection service from the dumpster shall be made upon request at a rate of thirty-five dollars and forty-five cents (\$35.45) per collection with a minimum monthly charge of thirty-five dollars and forty-five cents (\$35.45). In the event service is not requested within each thirty (30) days following placement, the container may be removed and a new placement charge will be levied to set the container again.

(Code 1964, § 14.895; Ord. No. 10059, § 2, 2-6-84; Ord. No. 12820, § 1, 12-10-90; Ord. No. 13055, § 1, 8-19-91; Ord. No. 13057, § 1, 8-19-91; Ord. No. 14213, § 1, 9-19-94; Ord. 15641, § 1, 6-15-98; Ord. No. 17836, § 1, 9-15-03)

Note: See the editor's note following § 22-158.

Sec. 22-162. Billing and credit.

All service fees provided for by this article and those uniform utility charges set by chapter 27, article II, shall be billed and collected as provided for by the procedures of chapter 27, article II. All service fees collected shall be credited to the account of the department of public works.

(Code 1964, § 10.9100; Ord. No. 12820, § 1, 12-10-90)

Note: See the editor's note following § 22-158.

Sec. 22-163. Landfill and disposal areas.

(a) *Rates for landfill.* Landfill fees shall be determined by weight unless scales are temporarily out of commission. The current state solid waste tonnage fee will be added to all rates where applicable except the "per ton" rate, set forth in subsection (1) below, which includes that fee. Charges for use of the landfill shall be determined by weight or volume as follows:

- (1) Per ton, or any fraction thereof \$32.50
Minimum fee 10.00
- (2) Automobiles, each \$10.00
Pickups, vans and trailers without specified rates, each 10.00
- (3) Any vehicle one ton or larger (trailers with dual wheels or more than one axle will be included in this category unless other specified rates apply), each 86.25
- (4) Noncompacted roll-off boxes, trailers greater than eighteen (18) feet in length (length to be determined by dimension of cargo area) and truck with haul bed greater than eighteen (18) feet in length, each 172.55

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- (5) Vehicle towing trailer:
 - a. No charge if empty.
 - b. Regular charge if hauling material to be deposited in the landfill.
- (6) Compactor trucks and compactor roll-off boxes, per cubic yard capacity 15.05
- (7) Uncovered or unsecured loads that may either blow or fall off of the haul vehicle during transit will be charged a ten dollar (\$10.00) service fee in addition to the basic charge for the haul vehicle.
- (8) The city may establish a monthly billing processing for regular customers of the landfill when approved by the director.
- (9) Construction demolition, clean fill, or other soil material which is determined by the director or his duly appointed representative to contain material that is totally compostable or recyclable on site will be charged at one-half (1/2) the normal rate, subject to standard minimum charges provided the material is delivered to a designated area at the landfill.
- (10) Yard waste consisting of grass clippings, leaves, and chipped brush and chipped tree limbs will be accepted at the landfill at no charge provided it is delivered to the designated compost area free of any contaminants. Tree limbs and brush which require chipping and yard waste that requires any further separation and handling will be charged at one-half (1/2) the normal rate subject to standard minimum charges.
- (11) Major appliances delivered to a designated location at the landfill:
 - a. Appliances equipped for use of refrigerants, per appliance \$ 15.00
 - b. Appliances not requiring refrigerants, per appliance 10.00
- (b) *Large volume discounts.* Landfill fees may be discounted in accordance with the following schedule for landfill users that haul large quantities to the landfill for disposal and meet all other requirements as to types and quality of materials and have been approved for monthly billing.
 - (1) 0--500 tons, per ton \$32.50
 - (2) 501--1000 tons, per ton 27.00
 - (3) 1001--1500 tons, per ton 22.50
 - (4) Over 1500 tons, per ton 18.75
- (c) *Operation of disposal area:*
 - (1) *Loitering at disposal area unlawful.* It shall be unlawful for any person to loiter at any area maintained by the city for disposal of refuse and which is posted as such by conspicuous signs; and further it shall be unlawful for any person to remove refuse or rubble from any such area without authority from the director, or in any way disturb, mar, mutilate any equipment, facility or property owned by the city or being used by the city at such areas.
 - (2) *Authority to establish hours.* The director shall have authority to establish the hours of operation for the disposal area.
- (d) *Rates for material recovery facility.* Recyclable material approved by the director or the director's designee may be delivered to the material recovery facility at the landfill by the general public, other governmental units or private businesses, or may be transported to the material recovery facility from other governmental units or private businesses by city crews in accordance with regulations promulgated by the director. The director is authorized to establish rates that are not less than the cost of providing the services and the processing of materials.

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(Code 1964, § 10.9110; Ord. No. 11621, § 1, 9-21-87; Ord. No. 12820, § 1, 12-10-90; Ord. No. 13055, § 1, 8-19-91; Ord. No. 13057, § 1, 8-19-91; Ord. No. 13437, § 1, 9-21-92; Ord. No. 14213, § 1, 9-19-94; Ord. No. 15641, § 1, 6-15-98; Ord. No. 16370, § 1, 3-6-00; Ord. No. 17836, § 1, 9-15-03)

Note: See the editor's note following § 22.158.

Sec. 22-164. City responsibility for items collected as refuse.

The city shall not be responsible for damage, replacement, return or reimbursement of any items picked up as refuse which have been placed in refuse bags or placed at the normal location of refuse pickup.

(Code 1964, § 10.9120; Ord. No. 12820, § 1, 12-10-90)

Note: See the editor's note following § 22.158.

Sec. 22-165. Unauthorized hauling of garbage.

(a) It shall be unlawful for any person, other than an agent of the city, to haul, convey, carry or transport any garbage from any location within the city .

(b) Notwithstanding the provisions of subsection (a), any generator of garbage that had been hauling its own garbage with the written permission of the director before April 7, 2003, shall be allowed to continue hauling its own garbage from its point of origin to a properly licensed disposal site.

(Code 1964, § 10.9130; Ord. No. 12820, § 1, 12-10-90; Ord. No. 17636, § 1, 4-7-03)

Note: See the editor's note following § 22-158.

Sec. 22-166. Delivery of refuse to authorized areas.

All refuse transported through any street or alley of the city shall be delivered to a disposal facility approved by the state. When delivered to a city disposal area it shall be dumped in a manner and in a place directed by the director or his authorized representative.

(Code 1964, § 10.9140; Ord. No. 12820, § 1, 12-10-90)

Editors Note: Section 1 of Ord. No. 12820, adopted Dec. 12, 1990, deleted former §§ 22-166 and 22-167, which pertained to depositing refuse or rubber in streams, lots, streets, using incinerators, and using bags or containers of another, and derived from Code 1964, §§ 10.9150, 10.9160.

Section 1 of Ord. No. 12820 also renumbered § 22-165 as 22-166. See the editor's note following § 22-158.

Secs. 22-167--22-169. Reserved.

DIVISION 2.

SPECIAL BUSINESS DISTRICT SOLID WASTE DISTRICT

Sec. 22-170. District boundaries; provision of service within district; character of the service.

(a) The Special Business District Solid Waste District (the "district") is established consisting of all property within the boundaries of the Columbia Special Business District.

(b) The city shall provide solid waste services within the district.

(c) Solid waste services within the district shall be based upon the common use of trash containers, trash compactors, recycling facilities and other solid waste management programs rather than individual customer service. Individual customer service in addition to the common solid waste services may be provided within the district when the director determines such service is necessary, appropriate and in the best interest of the city.

(Ord. No. 17498, § 1, 11-4-02)

Sec. 22-171. Establishment of container/compactor sites.

DOCUMENT NAME	City of Columbia, MO: Special Business District - Solid Waste District Ordinance
GENERAL DESCRIPTION	An ordinance creating a "Special Business Solid Waste District" with the boarders of the City for the purpose of solid waste fee collection from businesses.
GENERAL PROVISIONS	Provides for the creation of business customer categories and assigns monthly refuse billing rates for those customer categories.

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(Code 1964, § 10.9110; Ord. No. 11621, § 1, 9-21-87; Ord. No. 12820, § 1, 12-10-90; Ord. No. 13055, § 1, 8-19-91; Ord. No. 13057, § 1, 8-19-91; Ord. No. 13437, § 1, 9-21-92; Ord. No. 14213, § 1, 9-19-94; Ord. No. 15641, § 1, 6-15-98; Ord. No. 16370, § 1, 3-6-00; Ord. No. 17836, § 1, 9-15-03)

Note: See the editor's note following § 22.158.

Sec. 22-164. City responsibility for items collected as refuse.

The city shall not be responsible for damage, replacement, return or reimbursement of any items picked up as refuse which have been placed in refuse bags or placed at the normal location of refuse pickup.

(Code 1964, § 10.9120; Ord. No. 12820, § 1, 12-10-90)

Note: See the editor's note following § 22.158.

Sec. 22-165. Unauthorized hauling of garbage.

(a) It shall be unlawful for any person, other than an agent of the city, to haul, convey, carry or transport any garbage from any location within the city .

(b) Notwithstanding the provisions of subsection (a), any generator of garbage that had been hauling its own garbage with the written permission of the director before April 7, 2003, shall be allowed to continue hauling its own garbage from its point of origin to a properly licensed disposal site.

(Code 1964, § 10.9130; Ord. No. 12820, § 1, 12-10-90; Ord. No. 17636, § 1, 4-7-03)

Note: See the editor's note following § 22-158.

Sec. 22-166. Delivery of refuse to authorized areas.

All refuse transported through any street or alley of the city shall be delivered to a disposal facility approved by the state. When delivered to a city disposal area it shall be dumped in a manner and in a place directed by the director or his authorized representative.

(Code 1964, § 10.9140; Ord. No. 12820, § 1, 12-10-90)

Editors Note: Section 1 of Ord. No. 12820, adopted Dec. 12, 1990, deleted former §§ 22-166 and 22-167, which pertained to depositing refuse or rubber in streams, lots, streets, using incinerators, and using bags or containers of another, and derived from Code 1964, §§ 10.9150, 10.9160.

Section 1 of Ord. No. 12820 also renumbered § 22-165 as 22-166. See the editor's note following § 22-158.

Secs. 22-167--22-169. Reserved.

DIVISION 2.

SPECIAL BUSINESS DISTRICT SOLID WASTE DISTRICT

Sec. 22-170. District boundaries; provision of service within district; character of the service.

(a) The Special Business District Solid Waste District (the "district") is established consisting of all property within the boundaries of the Columbia Special Business District.

(b) The city shall provide solid waste services within the district.

(c) Solid waste services within the district shall be based upon the common use of trash containers, trash compactors, recycling facilities and other solid waste management programs rather than individual customer service. Individual customer service in addition to the common solid waste services may be provided within the district when the director determines such service is necessary, appropriate and in the best interest of the city.

(Ord. No. 17498, § 1, 11-4-02)

Sec. 22-171. Establishment of container/compactor sites.

Columbia, Missouri Special Business District Solid Waste District - 9-29-04

(a) The director shall inspect the territory within the district and identify suitable locations for placement of refuse containers and compactors. Whenever feasible, containers and compactors shall be located in places convenient to the greatest number of customers. The director shall review the placement of containers and compactors periodically for the purpose of improving service and reducing costs to the city and customers.

(b) When locating containers and compactors and establishing, changing or enhancing solid waste services within the district, the director shall meet with duly designated representatives of the Special Business District and any interested individual district customers in order to obtain their input and assistance in establishing economical, efficient and convenient refuse service within the district.

(Ord. No. 17498, § 1, 11-4-02)

Sec. 22-172. Establishment of rates.

(a) Refuse collection rates shall be based upon the total cost of providing solid waste services in the Special Business District and shall be proportioned among customers based on specific customer categories and the relative size of operation of the customer with respect to other customers within that category.

(b) The following customer categories are established:

- (1) *Restaurant*--Businesses that serve food or drinks as the primary function of the establishment and generate a combination of food waste, beverage container waste and product packaging waste.
 - (2) *Retail*--Businesses that sell products or services to the general public and generate product packaging and office waste materials and small quantities of food product waste from break rooms or employee consumption of food on-site.
 - (3) *Office*--Businesses that provide professional services or products not associated with retail sales and primarily generate paper or mixed fiber waste and small quantities of food product waste from break rooms or employee consumption of food on-site.
 - (4) *Bank*--Financial institutions recognized and regulated by state and federal law, operated for the purpose of providing checking, savings, lending and other financial management services and generate primarily paper fiber waste and small quantities of food product waste from break rooms or employee consumption of food on-site.
 - (5) *Church*--Places of worship that primarily generate mixed waste from office areas, congregational gatherings and occasional large quantities of food product waste from special events.
 - (6) *Production/industrial/processing*--Businesses that create, manufacture or process a product or service on a bulk quantity basis and generate primarily paper, cardboard and mixed fiber waste, shipping containers, production supply and material waste and small quantities of food product waste from break rooms or employee consumption of food on-site.
 - (7) *Lodging*--Businesses that provide temporary lodging for guests and generate a mixed waste of paper, cardboard and packaging materials, plastic, metal and glass containers, cloth materials, and variable quantities of food product waste consumed by guests in rooms or as part of a food service provided by the establishment.
 - (8) *Residential*--Living quarters for family units that generate mixed solid waste typical of residential units outside the Special Business District.
- (c) Each customer category shall contain the following three customer classifications;
- (1) *Class I*--A customer generating quantities of solid waste estimated to be equal to or greater than sixty-six and two-thirds ($66 \frac{2}{3}$) per cent of the quantity of solid waste generated by the largest solid waste generator in the same category as determined by the director.
 - (2) *Class II*--A customer generating quantities of solid waste estimated to be equal to thirty-three and one-third ($33 \frac{1}{3}$)

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per cent but less than sixty-six and two-thirds (66 2/3) per cent of the quantity of solid waste generated by the largest solid waste generator in the same category as determined by the director.

- (3) *Class III*--A customer generating quantities of solid waste estimated to be less than thirty-three and one-third (33 1/3) per cent of the quantity of solid waste generated by the largest solid waste generator in the same category as determined by the director.

(d) The director shall identify and assign all businesses, residences and other permanent establishments which can reasonably be expected to generate solid waste in the district to one of the established customer categories. The director shall review such assignments periodically or upon receipt of a request from a customer. When assigning and reviewing customer assignments, the director shall consult with duly designated representatives of the Special Business District. The director shall consider the costs of providing service and the amount and type of refuse generated when making category assignments. The director shall annually review the cost of providing solid waste service in the district. If the director determines that it is necessary to increase the fees set forth in subsection (e) in order to fully recover the costs of providing solid waste service in the district, the director shall submit the proposed fee increases to the Special Business District board of directors for review and comment before submitting proposed amendments to the rates in subsection (e) to the city council.

(e) The following monthly rates shall apply to the categories and classifications as established by this article and shall be billed and collected as provided for by the procedures of Chapter 27, Article II:

Monthly Rate			
Category	Classification		
	I	II	III
Restaurant	\$170.00	\$ 84.00	\$ 28.00
Retail	68.00	34.00	11.00
Office	85.00	42.00	14.00
Church	57.00	28.00	9.00
Production/industrial	606.00	196.00	101.00
Bank	90.00	45.00	15.00
Lodging	339.00	168.00	57.00
Residential	Current rate in Sec. 22-159. Residential customers.		

(f) The director shall establish fees for additional individual customer service which shall be billed and collected in addition to the category/classification monthly fee.
(Ord. No. 17498, § 1, 11-4-02)

Secs. 22-173--22-180. Reserved.

ARTICLE V.

RENTAL UNIT CONSERVATION LAW

Sec. 22-181. Title.

This article shall be known and may be cited as the "Rental Unit Conservation Law of the City of Columbia, Missouri."
(Code 1964, § 11.1100)

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- (4) Reporting requirements of the volunteers and a plan for meeting those requirements.
- (5) Identification of volunteers who are responsible and methods to contact these people.
- (6) A plan for handling materials cleaned up, including recyclables, or materials expended in the case of beautification.
- (7) A plan for use and return of any city-supplied equipment or materials.
- (b) The city shall support volunteer efforts by:
 - (1) Assisting the volunteer or volunteer groups in creating the plans required by this section.
 - (2) Providing (where applicable) bags, gloves, safety vests and "Volunteers at Work" signs.
 - (3) Arranging for collection and disposal of the material collected.
 - (4) Maintaining records on amounts collected, number of volunteers involved, and hours of service.
 - (5) Providing identification signs to be placed in the adopted area.
 - (6) Assisting the volunteer group in recognizing safety issues and responding to these issues.

(c) The safety of volunteers participating in cleanup or beautification programs is the responsibility of the individual volunteer and volunteer groups and not the city. Each volunteer shall sign a statement to this effect releasing the city from responsibility for injuries occurring during participation in the program.
(Ord. No. 14884, § 1, 6-17-96)

Secs. 22-120–22-155. Reserved.

ARTICLE IV.

REFUSE COLLECTION*

* **Cross References:** Trash storage facilities requirement under minimum properties standards code, § 6-148; garbage storage or disposal facilities under minimum properties standards code, § 6-149; disposal of garbage under minimum properties standards code, § 6-170; garbage and rubbish disposal in food service establishments, § 11-156(f); junk dealers and junkyards, § 11-176 et seq.; littering, § 16-231; discarding refuse and trash in parks, § 17-66.

DIVISION 1.

GENERALLY

Sec. 22-156. Definitions.

For the purpose of this article, the following words and terms shall have the meanings respectively ascribed:

Battery, or lead-acid battery. A battery designed to contain lead and sulfuric acid with a nominal voltage of at least six (6) volts and of the type intended for use in motor vehicles and watercraft.

Bulky item. Any single item which cannot be contained in a refuse bag, can be easily collected by two (2) persons, as determined by the director, and weighs less than fifty (50) pounds.

Clean fill. Uncontaminated soil, rock, sand, gravel, concrete, asphaltic concrete, cinderblocks, brick, minimal amounts of wood and metal, and inert solids as approved by rule or policy of the state department of natural resources for fill, reclamation or other beneficial use.

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Director. The director of public works or his designated representative.

Garbage. Food wastes from homes, kitchens, apartments, hotels, restaurants, fraternity houses, sorority houses, stores, markets, and similar establishments.

Holidays. All holidays observed by the city.

Household hazardous waste. Small quantities of hazardous waste generated by use within residences which are exempt from regulation under the provisions of Sections 260.350 to 260.434, RSMo., but are considered flammable, explosive, corrosive, toxic or radioactive and considered a threat to the health or environment.

Major appliance. Clothes washers and dryers, water heaters, trash compactors, dishwashers, microwave ovens, conventional ovens, ranges, stoves, woodstoves, air conditioners, refrigerators and freezers.

Recyclable item. Recyclable items shall include aluminum and tin cans, #1 and #2 plastic, glass, cardboard, newsprint, magazines and catalogs, chipboard and any other item duly designated by regulation by the director.

Refuse. All solid wastes.

Residential unit. Premises used as residence for one or more persons which contains only one kitchen.

Solid waste. Garbage 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.

Tire. A continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle or trailer as defined in chapter 301, RSMo.

Yard Waste. Leaves, grass clippings, brush and limbs, yard and garden vegetation and Christmas trees. The term does not include stumps, roots or shrubs with intact root balls.

(Code 1964, § 10.9050; Ord. No. 12820, § 1, 12-10-90; Ord. No. 13056, § 1, 8-19-91; Ord. 15641, § 1, 6-15-98)

Sec. 22-157. Provision of service by city.

(a) *Generally; powers and duties of director.* The city shall provide refuse collection and disposal within the city in accordance with the provisions of this article and may provide contract services to other governmental units as further described in this article. The city shall encourage reclaiming and recycling of materials as an alternative to disposal in the city landfill. The director is authorized to make arrangements for the sale, in accordance with city ordinance, of recyclable or reclaimed items collected and of mulch and compost produced by city operations. The director shall have charge and supervision of the collection and disposal of refuse pursuant to this chapter and shall have the power to establish rules and regulations governing keeping, collection, removing and disposition of refuse not inconsistent with the provisions of this article. The director is authorized to negotiate terms and submit bids for providing solid waste transportation, processing or disposal services to other governmental units. Agreements for these services must be authorized by the city council. The director is authorized to establish rates equal to the actual costs to the city of collection and disposal of materials and objects which, by their nature or composition, require unusual or special treatment and handling.

- (1) Nothing herein shall require the city to accept, collect or dispose of any material, the collection or disposal of which is prohibited or regulated by the state or federal government; nor to require the city to collect or dispose of any material or object which, in the sole discretion of the director, poses any undue threat of harm to the citizens or employees of the city or to any public property or improvement, except that a program to provide for the collection and safe disposal of household hazardous waste in accordance with applicable state and federal regulations shall be established by April 1, 1992. The director is hereby authorized to implement such a program by regulation.
 - (2) The director shall establish a cost list for special handling charges wherever possible and shall develop costs upon request for materials or objects of which the city has not previously collected or disposed.
- (b) *Requirement of service; waiver.* Every owner, occupant, tenant or lessee within the city limits shall receive refuse

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service and tender payment therefor in accordance with the fees herein provided for, unless a waiver of service is authorized by the director or his authorized agent, after special investigation of the conditions upon which the waiver is requested.

(c) *Billing, deposits and discontinuance of service.* Billing, deposits, discontinuance of service and all aspects thereof shall be handled in accordance with the utility billing and service provisions of section 27-16 et seq. (Code 1964, § 10.9060; Ord. No. 13056 § 1, 8-19-91; Ord. No. 17836, § 1, 9-15-03)

Sec. 22-158. Prohibitions.

(a) *Unlawful items.* The city shall not collect for disposal at its sanitary landfill, nor shall it accept for disposal at its sanitary landfill, the following items:

- (1) Hazardous waste.
- (2) Household hazardous waste.
- (3) Infectious waste which has not been rendered innocuous.
- (4) Lead-acid batteries.
- (5) Tires which have not been cut, chipped or shredded in accordance with chapter 260, RSMo.
- (6) Major appliances.
- (7) Waste oil from motor vehicles.
- (8) Yard waste (except at designated compost areas).

(b) *Unlawful acts.*

- (1) It shall be unlawful for any person to conceal or attempt to conceal any unlawful items in refuse to be collected by the city or deposited in the city's sanitary landfill. The director shall be authorized to cause inspection of any materials brought to the landfill to assure conformance with this requirement.
- (2) It shall be unlawful for any person to utilize the refuse containers or bags of another for the disposal of his own refuse or garbage.
- (3) It shall be unlawful for any person to deposit yard waste at curbside for pick up which is not in a city bag marked specifically for yard waste or in the case of brush or limbs, in bundles exceeding the allowable dimensions hereinafter described.
- (4) It shall be unlawful for any person to deliver, deposit, drop off or set out at any residential yard waste site any materials, substances or thing other than yard waste from that person's personal residence.
- (5) It shall be unlawful for any person to dispose of any refuse by depositing the same in any public alley, street, roadway, vacant lot or property of any kind or character within the city or in any stream or body of water within the city, or by burning garbage. However, nothing in this section shall be construed to prohibit the disposition of refuse by means of burning the same in an incinerator enclosed within a building and complying with applicable state law.
- (6) It shall be unlawful for any person to block, either by parking a motor vehicle or by placing any barriers or other restrictive devices, the access to any refuse storage container by the city collection vehicles.
- (7) Information obtained from waste disposed or deposited in violation of this section may be a rebuttable presumption that the person so identified committed the violation of sections 22-158(b)(2) and (4).

(Ord. No. 13056 § 1, 8-19-91; Ord. No. 13055 § 1, 8-19-91; Ord. No. 15641, § 1, 6-15-98; Ord. No. 16572, § 1, 9-5-00)

Editors Note: Section 1 of Ord. No. 12820, adopted Dec. 10 1990, added a new § 22-158 and renumbered existing §§ 22-158--22-165 as §§ 22-159--22-166.

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Sec. 22-159. Residential customers.

(a) *Rates.* Residential service shall consist of the removal of refuse, in bags provided by the city or approved by the director, or in centralized containers set for grouped residential units as approved by the director, once weekly. The fees for such service shall be as follows:

Residences, per month, per residential unit (single-family, duplex, apartment up to four (4) units) \$ 11.17

Residences, per month, per residential unit when property is vacant and owner has requested discontinuance of a metered service 4.90

Grouped residential units having centralized collection containers instead of refuse bags, per unit, per month 10.42

(b) *Refuse bags and yard waste bags.* Residential customers shall be provided refuse bags by the city at the rate of twenty-five (25) bags every four (4) months and yard waste bags at the rate of ten (10) bags per year. Additional refuse bags will be made available for sale to the customer at a cost and location to be determined by the director. Additional yard waste bags will be made available for sale at the price of fifty cents (\$0.50) per bag at locations determined by the director.

(c) *Customer responsibility.* It shall be the duty of every customer to place the daily accumulation of refuse in refuse bags which are securely closed or other disposable container for pickup, and it shall be the duty of every person placing garbage in any such bag or container, to eliminate, as far as possible, all water and liquid from such garbage before placing same in such bag or container.

(d) *Location of refuse or yard waste for pickup.* All material to be removed by the city, or its authorized collector, shall be placed in an easily accessible location at the back of the curb, edge of the roadway or immediately adjacent to an alley, as the case may be. Material for disposal shall not be located within a building or structure. If more than one bag is necessary to hold the refuse accumulated at a customer's premises, or if more than one bag is used for the refuse from any one building, all bags shall be placed at the same location on the premises.

(e) *Unlawful to deposit other than refuse in bags for pickup.* It shall be unlawful for any person to deposit in a container or bag from which refuse is to be removed by the city or its authorized collector, any material other than refuse as defined in this article. If any container or bag contains material other than refuse, the city or its authorized collector shall not be obliged to remove the contents of such container or bag.

(f) *Unlawful to place refuse at curb, when:*

- (1) It shall be unlawful for any person, partnership or corporation to place or allow any refuse, with the exception of grass clippings, leaves or brush, to remain at the curb or edge of the roadway, or in any other open and unscreened area accessible to animals, on any day other than the scheduled day of collection of refuse for that location. The "day of collection" is hereby defined to be the period from 4:00 p.m. of the day preceding collection until 6:00 p.m. the day of collection.
- (2) The person or persons in whose name the refuse account is maintained and the owners of record of the property on which the refuse or garbage, with the exception of grass clippings, leaves or brush, is placed or allowed to remain shall be prima facie responsible for its placement and maintenance in violation hereof.
- (3) Violation of this subsection shall constitute a Class "C" misdemeanor pursuant to the provisions of Chapter 16, Article II of this Code.

(g) *Dimensions and weight.* All material for collection must be in a bag, disposable containers, or securely bound bundles not greater than four (4) feet in length, two (2) feet in diameter, and shall not exceed fifty (50) pounds total weight each.

(h) *Collection and pickup.* Residential refuse pickup shall be made once weekly according to a schedule on file with the director. Yard waste pickup shall be on a seasonal schedule to be prepared annually by the director. The director may vary the schedule and will post notice of any such variance because of weather conditions or other conditions which make the normal

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collection schedule impractical. When a holiday is observed on the normal day of collection, the collection will be made the following day or as approved and publicly announced by the director.

(i) *Special pickup.* A special pickup for residential customers will be provided on a continuous basis at no additional charge. This service is intended for disposal of quantities or items which are too large for regular pickup. All material for special collection shall be placed in a visible and easily accessible location not to extend more than fifteen (15) feet from the back of curb, edge of roadway or immediately adjacent to an alley, as the case may be. Materials resulting from the erection, destruction or major remodeling of a building, felled trees, large automobile parts, hazardous materials, etc., and items which cannot be handled by the special collection crew will not be picked up. Material meeting the special pickup criteria but placed for collection by owners of commercial businesses or rental property will be collected based on the commercial hand pickup service charge, provided previous arrangements are made.

(j) *Suspension of bundle requirements.* In the event of a storm which causes widespread tree damage, the requirement to bundle brush and tree trimmings for collection may be suspended by the director.

(k) *House collection for physically disabled or handicapped:*

- (1) Any owner, occupant, tenant or lessee of a residential unit who, due to a physical disability or handicap, is unable to carry refuse to the curblines may receive house collection at the same service rate as curbside collection. A request for this service must be submitted in writing to the director. This request must include certification by a licensed health care provider of the applicant's physical disability or handicap.
- (2) Refuse to be collected from the house must be in bags and shall be located in plain view in an accessible location at ground level or on an open platform not more than four (4) feet above the ground level and so placed that they may be reached from the ground by the collector. Bags shall not be located within a building or structure. Collection will be made from only one location on the premises.

(l) *Major appliance pickup.* The director shall establish a date and time for pickup of major appliances at curbside upon the payment of a fee of ten dollars (\$10.00) and receipt of a permit for each appliance to be picked up by the person desiring the pickup. The permit shall be nonrefundable and nontransferable. Upon the applicant's request, the permit fee may be charged to the applicant's utility account.

(m) *Special pickup of unlawfully placed material.* The city may remove refuse that is untimely placed or allowed to remain at the curb or edge of the roadway in violation of subsection (f) of this section. The city may remove yard waste that is improperly deposited at curbside for pickup in violation of section 22-158(b)(3). The fee for material removal service under this subsection shall be as follows:

Special pickup \$ 25.00

Special pickup less than one (1) year after special pickup at same location by the same utility account holder 45.00

The person(s) whose refuse or yard waste is being disposed of, the person(s) who unlawfully placed the refuse or yard waste, the occupant(s) of the property where a special pickup occurs and the owner(s) of the property, if different, shall be jointly and severally liable for payment of the special pickup fee. Normally, special pickup fees shall be billed initially to the city utility customer for the location where the special pickup was made.

(Code 1964, § 10.9070; Ord. No. 9931, § 1, 9-6-83; Ord. No. 12023, § 1, 9-19-88; Ord. No. 12820, § 1, 12-10-90; Ord. No. 13055 § 1, 8-19-91; Ord. No. 13057, § 1, 8-19-91; Ord. No. 13925 § 1, 1-3-94; Ord. No. 14213 § 1, 9-19-94; Ord. No. 15641, § 1, 6-15-98; Ord. No. 16776, § 1, 2-5-01; Ord. No. 16851, § 1, 4-2-01; Ord. No. 17020, § 1, 9-17-01; Ord. No. 17836, § 1, 9-15-03)

Note: See the editor's note following § 22-158.

Sec. 22-159.1. Residential recycling program.

(a) As part of its basic service to residential customers, as set out in section 22-159, the city will also provide, by August 1, 1998, or as soon thereafter as is reasonably practicable, weekly pickup of recyclable material. The schedule for pickup shall be on file with the director. Any variances from the schedule shall be made in accordance with § 22-159(h).

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(b) *Duties of customer.* It shall be the duty of the customer to place recyclable items in bags identified for that purpose at the curb as provided for residential pickup (§ 22-159(d)). All recyclable items shall be separated and packaged according to rules promulgated by the director.

(c) Bags will be provided at the rate of 18 every four months. Commingled recycling bags will be provided to all customers receiving regular trash bags and having access to curbside recycling. Additional bags will be made available for sale to the customer at a cost and location to be determined by the director.
(Ord. No. 13056, § 1, 8-19-91; Ord. No. 15641, § 1, 6-15-98)

Sec. 22-160. Apartments in excess of four units per structure.

(a) *Refuse collection containers.* Bulk refuse storage containers shall be provided in lieu of refuse bags by the city for apartments in excess of eight (8) units. It shall be within the discretion of the director to determine whether or not to place bulk storage containers for use of apartments containing less than eight (8) units per structure. If bulk refuse containers are not placed at these structures, rates and provisions for bags for residential customers shall apply.

(b) *Yard waste collection container.* The owner or manager of an apartment complex having a bulk refuse storage container shall be provided yard waste bags at the rate of up to five (5) bags per apartment unit per year. The director shall be empowered to provide bulk yard waste storage containers in lieu of bags.

(c) *Collection methods and rates.* The following collection methods and rates shall apply to apartment complexes with more than four (4) units per structure:

- (1) The occupant, tenant or lessee of each apartment unit shall be charged ten dollars and forty-two cents (\$10.42) per month for pickup from bulk containers without bags furnished.
- (2) The owner or manager of an apartment complex may make application to the director for billing of an entire apartment complex to a single customer. This service with pickup from a bulk storage container without refuse bags shall be ten dollars and seventeen cents (\$10.17) per apartment unit per month, provided all apartment units in a complex are billed the same rate to a single customer.

(d) *Use of bulk storage containers.* The owner or manager of any such apartment complex, regardless of the collection method applicable, shall maintain a bulk storage container as approved by the director. It shall be the duty of every occupant, tenant, lessee and owner to place the daily accumulation of refuse in the container required above and when placing garbage in such container, to eliminate, as far as possible, all water and liquid from such garbage, and to securely wrap garbage in paper before placing the same in such container. It shall be unlawful for any person to deposit yard waste in a bulk refuse storage container.

(e) *Size of container.* The director shall determine the size and type of bulk storage containers to be placed at the apartment complex based upon the number of residential units and shall determine the number of times the containers shall be emptied. If additional pickups are needed, the director is authorized to set rates by duly promulgated regulation for the additional pickups, which shall not exceed the actual cost of service.

(f) *Collection and pickup.* Pickup shall be available once daily, except Sundays and legal Holidays, and shall be made as determined necessary by the director.

(g) *Upkeep and maintenance.* The owner of the premises shall bear the sole responsibility for upkeep and maintenance of private drives, parking lots or other paved surfaces over which city vehicles must travel to reach bulk storage containers.
(Code 1964, § 10.9080; Ord. No. 12023, § 1, 9-19-88; Ord. No. 12820, § 1, 12-10-90; Ord. No. 13055, § 1, 8-19-91; Ord. No. 13057, § 1, 8-19-91; Ord. No. 14213 § 1, 9-19-94; Ord. No. 15641, § 1, 6-15-98; Ord. No. 16776, § 1, 2-5-01; Ord. No. 17020, § 1, 9-17-01; Ord. No. 17836, § 1, 9-15-03)

Note: See the editor's note following § 22-158.

Sec. 22-161. Commercial service.

(a) *Customer responsibility.* Commercial customers shall comply with the following requirements:

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- (1) Every person owning, managing, operating, leasing or renting any commercial premises where excessive amounts of refuse accumulate shall maintain a metal bulk storage container or containers, approved by the director, of sufficient size to contain all refuse which the establishment accumulates between collections.
- (2) Every person owning, managing, operating, leasing or renting any premises shall place the daily accumulation of refuse in the required container or containers.
- (3) Every person placing garbage in any such container shall eliminate, as far as possible, all water and liquid from the garbage, and shall securely wrap the garbage in paper before placing it in the container.
- (4) It shall be unlawful for any person to deposit yard waste in a bulk refuse storage container.
- (5) It shall be unlawful for any person required to maintain a metal bulk storage container or containers to allow refuse to be deposited anywhere except within the container or to allow the container to become overly filled to the extent that all material cannot be confined to the container.

(b) *Commercial collection methods and rates.* The following refuse collection methods and rates shall apply to commercial customers as approved by the director.

(1) *Commercial hand pickup:*

- a. *The service charge for hand pickup of businesses or commercial places, boarding and rooming houses, fraternities and sororities, shall be at the rate of one dollar and fifty-five cents (\$1.55) per collection minute, or a minimum of six dollars and seventy-six cents (\$6.76) per month. Such collection time shall be computed by the director from time to time and shall be based on the average collection time for such place of business. A notice from the director establishing the average collection time for hand pickup accounts shall be from time to time reestablished. Service to these accounts shall be rendered daily when and where needed, as determined by the director.*
- b. *Commercial customers served by hand pickup service, shall conform to container capacity of twenty (20) to thirty-three (33) gallons and weighing, with contents when full, not over fifty (50) pounds, or the equivalent thereof.*

(2) *Bulk storage container collection.* Rates per month for bulk storage containers shall be shown in the following table for container sizes indicated and number of collections per week:

Container Size	Number of Collections per Week						Extra Collections Each
	1	2	3	4	5	6	
1	\$ 32.07	\$ 47.66	\$ 62.23	\$ 76.45	\$ 92.29	\$106.70	\$ 29.55
2	41.51	59.02	75.84	90.10	108.82	126.57	29.55
3	53.51	74.64	95.42	117.23	137.85	159.77	29.55
4	62.32	87.12	111.95	136.95	161.75	186.76	29.55
6	84.35	94.25	122.50	149.27	176.29	204.25	29.55
8	100.35	119.18	154.45	188.73	224.04	258.34	29.55

Pickup shall be available once daily, except Sundays and legal holidays, and shall be made as determined necessary by the director. The director is authorized to order special collections or extra collections in the event containers are found to be overly filled prior to the regularly scheduled collection date and to direct that the customer be billed in

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accordance with the provisions of this article.

- (3) *Compactor collection.* The director shall set, by duly promulgated regulation, the rates for collection of privately owned, nonroll-off type compactors. These rates shall not exceed the cost of providing the service.
- (4) *Large volume user.* When a commercial, institutional or governmental customer has refuse collection needs which are of a larger volume than for the number of collections per week and number of containers for bulk container collection set out in subsection (2) above, and the director determines that a variation from the stated rates or methods of collection is appropriate, the director is hereby authorized to establish methods of collection and rates not less than the actual cost to the city of collection and disposing of the refuse of such large volume user. The city manager and city clerk are hereby authorized to enter into and execute agreements for this service with such large volume users when necessary or appropriate.
- (5) *Bulk yard waste container.* Bulk yard waste containers may be provided to commercial customers and collected by the city with rates set by the director not to exceed the cost of providing the service.

(c) The owner of the premises shall bear the sole responsibility for upkeep and maintenance of private drives, parking lots or other paved surfaces over which city vehicles must travel to reach collection containers.

(d) *Front loading construction dumpsters.* The city shall set a dumpster at a construction site upon payment of fifty-five dollars (\$55.00). Collection service from the dumpster shall be made upon request at a rate of thirty-five dollars and forty-five cents (\$35.45) per collection with a minimum monthly charge of thirty-five dollars and forty-five cents (\$35.45). In the event service is not requested within each thirty (30) days following placement, the container may be removed and a new placement charge will be levied to set the container again.

(Code 1964, § 14.895; Ord. No. 10059, § 2, 2-6-84; Ord. No. 12820, § 1, 12-10-90; Ord. No. 13055, § 1, 8-19-91; Ord. No. 13057, § 1, 8-19-91; Ord. No. 14213, § 1, 9-19-94; Ord. 15641, § 1, 6-15-98; Ord. No. 17836, § 1, 9-15-03)

Note: See the editor's note following § 22-158.

Sec. 22-162. Billing and credit.

All service fees provided for by this article and those uniform utility charges set by chapter 27, article II, shall be billed and collected as provided for by the procedures of chapter 27, article II. All service fees collected shall be credited to the account of the department of public works.

(Code 1964, § 10.9100; Ord. No. 12820, § 1, 12-10-90)

Note: See the editor's note following § 22-158.

Sec. 22-163. Landfill and disposal areas.

(a) *Rates for landfill.* Landfill fees shall be determined by weight unless scales are temporarily out of commission. The current state solid waste tonnage fee will be added to all rates where applicable except the "per ton" rate, set forth in subsection (1) below, which includes that fee. Charges for use of the landfill shall be determined by weight or volume as follows:

- (1) Per ton, or any fraction thereof \$32.50
Minimum fee 10.00
- (2) Automobiles, each \$10.00
Pickups, vans and trailers without specified rates, each 10.00
- (3) Any vehicle one ton or larger (trailers with dual wheels or more than one axle will be included in this category unless other specified rates apply), each 86.25
- (4) Noncompacted roll-off boxes, trailers greater than eighteen (18) feet in length (length to be determined by dimension of cargo area) and truck with haul bed greater than eighteen (18) feet in length, each 172.55

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- (5) Vehicle towing trailer:
 - a. No charge if empty.
 - b. Regular charge if hauling material to be deposited in the landfill.
- (6) Compactor trucks and compactor roll-off boxes, per cubic yard capacity 15.05
- (7) Uncovered or unsecured loads that may either blow or fall off of the haul vehicle during transit will be charged a ten dollar (\$10.00) service fee in addition to the basic charge for the haul vehicle.
- (8) The city may establish a monthly billing processing for regular customers of the landfill when approved by the director.
- (9) Construction demolition, clean fill, or other soil material which is determined by the director or his duly appointed representative to contain material that is totally compostable or recyclable on site will be charged at one-half (1/2) the normal rate, subject to standard minimum charges provided the material is delivered to a designated area at the landfill.
- (10) Yard waste consisting of grass clippings, leaves, and chipped brush and chipped tree limbs will be accepted at the landfill at no charge provided it is delivered to the designated compost area free of any contaminants. Tree limbs and brush which require chipping and yard waste that requires any further separation and handling will be charged at one-half (1/2) the normal rate subject to standard minimum charges.
- (11) Major appliances delivered to a designated location at the landfill:
 - a. Appliances equipped for use of refrigerants, per appliance \$ 15.00
 - b. Appliances not requiring refrigerants, per appliance 10.00
- (b) *Large volume discounts.* Landfill fees may be discounted in accordance with the following schedule for landfill users that haul large quantities to the landfill for disposal and meet all other requirements as to types and quality of materials and have been approved for monthly billing.
 - (1) 0--500 tons, per ton \$32.50
 - (2) 501-- 1000 tons, per ton 27.00
 - (3) 1001--1500 tons, per ton 22.50
 - (4) Over 1500 tons, per ton 18.75
- (c) *Operation of disposal area:*
 - (1) *Loitering at disposal area unlawful.* It shall be unlawful for any person to loiter at any area maintained by the city for disposal of refuse and which is posted as such by conspicuous signs; and further it shall be unlawful for any person to remove refuse or rubble from any such area without authority from the director, or in any way disturb, mar, mutilate any equipment, facility or property owned by the city or being used by the city at such areas.
 - (2) *Authority to establish hours.* The director shall have authority to establish the hours of operation for the disposal area.
- (d) *Rates for material recovery facility.* Recyclable material approved by the director or the director's designee may be delivered to the material recovery facility at the landfill by the general public, other governmental units or private businesses, or may be transported to the material recovery facility from other governmental units or private businesses by city crews in accordance with regulations promulgated by the director. The director is authorized to establish rates that are not less than the cost of providing the services and the processing of materials.

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(Code 1964, § 10.9110; Ord. No. 11621, § 1, 9-21-87; Ord. No. 12820, § 1, 12-10-90; Ord. No. 13055, § 1, 8-19-91; Ord. No. 13057, § 1, 8-19-91; Ord. No. 13437, § 1, 9-21-92; Ord. No. 14213, § 1, 9-19-94; Ord. No. 15641, § 1, 6-15-98; Ord. No. 16370, § 1, 3-6-00; Ord. No. 17836, § 1, 9-15-03)

Note: See the editor's note following § 22.158.

Sec. 22-164. City responsibility for items collected as refuse.

The city shall not be responsible for damage, replacement, return or reimbursement of any items picked up as refuse which have been placed in refuse bags or placed at the normal location of refuse pickup.

(Code 1964, § 10.9120; Ord. No. 12820, § 1, 12-10-90)

Note: See the editor's note following § 22.158.

Sec. 22-165. Unauthorized hauling of garbage.

(a) It shall be unlawful for any person, other than an agent of the city, to haul, convey, carry or transport any garbage from any location within the city .

(b) Notwithstanding the provisions of subsection (a), any generator of garbage that had been hauling its own garbage with the written permission of the director before April 7, 2003, shall be allowed to continue hauling its own garbage from its point of origin to a properly licensed disposal site.

(Code 1964, § 10.9130; Ord. No. 12820, § 1, 12-10-90; Ord. No. 17636, § 1, 4-7-03)

Note: See the editor's note following § 22-158.

Sec. 22-166. Delivery of refuse to authorized areas.

All refuse transported through any street or alley of the city shall be delivered to a disposal facility approved by the state. When delivered to a city disposal area it shall be dumped in a manner and in a place directed by the director or his authorized representative.

(Code 1964, § 10.9140; Ord. No. 12820, § 1, 12-10-90)

Editors Note: Section 1 of Ord. No. 12820, adopted Dec. 12, 1990, deleted former §§ 22-166 and 22-167, which pertained to depositing refuse or rubber in streams, lots, streets, using incinerators, and using bags or containers of another, and derived from Code 1964, §§ 10.9150, 10.9160.

Section 1 of Ord. No. 12820 also renumbered § 22-165 as 22-166. See the editor's note following § 22-158.

Secs. 22-167–22-169. Reserved.

DIVISION 2.

SPECIAL BUSINESS DISTRICT SOLID WASTE DISTRICT

Sec. 22-170. District boundaries; provision of service within district; character of the service.

(a) The Special Business District Solid Waste District (the "district") is established consisting of all property within the boundaries of the Columbia Special Business District.

(b) The city shall provide solid waste services within the district.

(c) Solid waste services within the district shall be based upon the common use of trash containers, trash compactors, recycling facilities and other solid waste management programs rather than individual customer service. Individual customer service in addition to the common solid waste services may be provided within the district when the director determines such service is necessary, appropriate and in the best interest of the city.

(Ord. No. 17498, § 1, 11-4-02)

Sec. 22-171. Establishment of container/compactor sites.

DOCUMENT NAME	City of Rolla, MO: Ordinance for Garbage, Trash, and Refuse
GENERAL DESCRIPTION	Ordinance outlining collection of refuse and yard waste for the municipality.
GENERAL PROVISIONS	<ul style="list-style-type: none"> • Outlines that the City has the exclusive right to collect and remove refuse within the city limits. <p><u>Refuse Collection</u></p> <ul style="list-style-type: none"> • City provided plastic 35 or 90 gallon containers <ul style="list-style-type: none"> – Once per week collection. – Refuse must be bagged before placed in containers. – Customers may purchase bags for extra refuse at \$1.00/bag <p><u>Yard Waste Collection</u></p> <ul style="list-style-type: none"> • Collected in paper, biodegradable bags • Once per week collection
SERVICE COSTS	<ul style="list-style-type: none"> • 35 gallon residential refuse containers: \$10.00/month • 90 gallon residential refuse containers: \$12.50/month • Bags for extra residential refuse: \$1.00/bag • Special Collections: • Tires: \$3.00/each • Limbs and Brush: \$15.00/first 15 minutes + \$1.00/minute thereafter • Major Appliances: \$10.00/each • Special Household Waste and bulky items: \$20.00/cubic yard • Paper Shredding: \$25.00/hour (\$10.00 minimum charge)

City of Rolla, MO: Ordinance for Garbage, Trash and Refuse

Chapter 18 - Garbage, Trash and Refuse

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Article II - Residential Refuse Disposal and Collection

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- § 18-23. *Number of commercial collections; special collections.*
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- § 18-32. *Review Committee; selection of members; authority.*
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City of Rolla, MO: Ordinance for Garbage, Trash and Refuse

- § 18-38. *Procedure for recovery of expenses incurred in emergency actions in response to releases or threatened releases of material into or upon the environment.*
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Article I - In General

Sec. 18-1. Definitions.

For the purposes of this Chapter, the following words and terms shall have the meanings respectively ascribed to them by this Section:

Commercial refuse customer - The term "commercial refuse customer" shall mean any commercial, industrial or institutional establishment or group of establishments together with its/their owner(s) or officer(s), and housing facilities containing more than two dwelling units if so designated by the superintendent.

Commercial Trash Hauler - Any person who, except as an agent of the city, collects and disposes of solid waste and receives money or other considerations for said service.

Dwelling unit - The term "dwelling unit" shall mean any room or group of rooms located within a structure which form(s) a single habitable unit with facilities for living, sleeping, cooking and hygiene.

Garbage - The word "garbage" shall mean all animal and vegetable wastes subject to decay resulting from the handling, preparation, cooking and consumption of food.

Major appliances - The term "major appliances" means clothes washers and dryers, water heaters, trash compactors, dishwashers, microwave ovens, conventional ovens, ranges, stoves, woodstoves, air conditioners, refrigerators and freezers.

Occupant - The word "occupant" shall mean any person who singly or jointly or severally with others shall be in actual possession of any dwelling unit either as owner or tenant.

Refuse - The word "refuse" shall include both garbage and solid waste as defined in this Section.

Residential refuse customer - The term "residential refuse customer" shall mean the occupant of any dwelling unit, unless said occupant is otherwise designated in the manner established in this Chapter.

Solid waste - The word "solid waste" shall mean paper products, metal, cans, glassware, etc. The words "solid waste" and "inorganic material" shall be interchangeable in this Chapter.

Superintendent - The word "superintendent" shall mean the head of the sanitation department.

Yard waste - The term "yard waste" means organic debris (e.g. grass clippings, leaves, tree limbs, bark, branches, flowers, etc.) which is produced as part of yard and garden development and maintenance. (Ord. 2083, §1; Ord. 2683, §1; Ord. 2818, §1.)

Sec. 18-2. City to have exclusive right to collect and remove refuse.

City of Rolla, MO: Ordinance for Garbage, Trash and Refuse

The health and safety of the City of Rolla waste collectors are provided for in the City of Rolla's Employee Personnel Rules and Regulations.

The city, through its duly authorized agents, shall have an exclusive right to collect and remove refuse within the city, and it shall be unlawful for any other person to collect and remove refuse in the city, except as may otherwise be provided in this Chapter (Ord. 2083, §1.)

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. (Ord. 2919, §2)

Sec. 18-3. Recycling of solid waste materials encouraged.

The city shall, as a matter of public welfare, adopt such charges as will encourage refuse customers to recycle appropriate solid waste materials. (Ord. 2083, §1.)

Sec. 18-4. Authorization for commercial solid waste haulers.

A person may be authorized to operate as a commercial solid waste hauler within the city upon obtaining such licenses as may be required by the city and a determination by the City Council that the public convenience and necessity are served by such authorization. (Ord. 2083, §1.)

All vehicles used to collect and transport solid waste shall be maintained in a safe, clean and sanitary condition. The vehicles are to be of standard refuse packer body design with watertight and covered bodies. (Ord. 2919, §3)

Sec. 18-5. Allowance for customers to dispose of their own refuse; allowance not to relieve customers of other provisions and minimum charges; exception.

Any refuse customer may collect his own refuse from his own premises and remove that refuse to a landfill or transfer station approved by the state, provided that in so doing no nuisance is caused or maintained. (Ord. 2083, §1; Ord. 2993, §1.)

Sec. 18-6. Removal of debris from earth-moving or construction activity.

Debris from earth-moving or construction activity shall be removed by the owner or contractor. Should the construction activity customer want to utilize the city as the waste hauler, the following shall apply:

City of Rolla, MO: Ordinance for Garbage, Trash and Refuse

(a) Each construction activity customer shall pay to the city a service charge of \$1.00 per day (Monday through Friday) plus a handling charge of \$13.00 plus \$60.00 transfer tipping fee for each 4 yard container emptied.

(b) Each construction activity customer shall pay to the city a service charge of \$1.50 per day (Monday through Friday) plus a handling charge of \$19.50 plus \$80.00 transfer tipping fee for each 6 yard container emptied.

(c) Each roofing contractor shall pay to the city a service charge of \$1.00 per day (Monday through Friday) plus a handling charge of \$13.00 plus \$125.00 transfer tipping fee for each 4 yard container emptied. (Ord. 2083, §1; Ord. 3045, §1.)

Sec. 18-7. Prohibited practices.

It shall be unlawful for any refuse customer to:

(a) Deposit refuse in any refuse container other than his/her own or that assigned for his/her use by the city.

(b) Accumulate or dispose of refuse in any manner or at any location which the superintendent deems a nuisance to the public health or safety.

(c) Fail to place their refuse container at the nearest street curb or street edge on the date of collection for collection purposes, except refuse customers who have provided the city with a written verification from a physician stating they are physically unable to place the refuse container at the street, in which case all refuse will be placed in securely tied plastic bags.

(d) Fail to remove the refuse container from the curb side or street edge to the front line of the house within twenty-four (24) hours of the day of collection.

(e) Fail to place garbage in tied plastic bags prior to depositing such refuse in containers. (Ord. 2499, §1 (A); Ord. 2684, §1; Ord. 2993, §2; Ord. 3045, §2.)

Sec. 18-8. Enforcement of service charge collection.

The city may enforce collection of such service charge as may be established in this Chapter by bringing legal action against any refuse customer to recover any sums due for services plus the cost of such action. (Ord. 2083, §1.)

Sec. 18-9. Yard waste procedures.

It shall be the duty of all customers to comply with the following procedures pertaining to yard waste:

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(a) All yard waste shall be separated by the owner or occupant from all other garbage and refuse accumulated on the premises and shall be composted on the premises or placed in paper biodegradable bags and set out for collection by the City.

(b) All yard waste shall be collected from residential, commercial, industrial and institutional premises at least once each week.

(c) Yard waste must be placed at the curb on the customers' regular pick up day in a paper biodegradable bag.

(d) The number of paper biodegradable bags containing yard waste which citizens may place out for collection shall be unlimited.

(e) Persons choosing not to compost yard waste on their own property may place yard waste in paper biodegradable bags.

(f) Nothing in this Chapter is intended to prevent an owner from transporting yard wastes accumulating on premises of the owner, provided such yard waste is disposed of at city-approved composting station or neighborhood collection sites in accordance with policies established by the City. (Ord. 2818, §2; Ord. 3078, §1)

Secs. 18-10 to 18-13. Reserved.

Article II - Residential Refuse Disposal and Collection

Sec. 18-14. Number of residential collections; special collections.

The city shall provide residential customers with special collections as requested, for which the city shall be entitled to assess a reasonable charge as determined by the sanitation superintendent. Special collection fees are as follows: tires - \$3.00 each; limbs and brush - minimum charge \$15.00 for the first 15 minutes plus a \$1.00 per minute charge thereafter; major appliances - \$10.00 each; special household waste, including transfer station fees and involving items too large to discard in a refuse container - \$20.00 for each cubic yard; paper shredding - \$25.00 per hour charged on a quarter-hour basis with a \$10.00 minimum charge, paper to be delivered to the shredding facility, paper will not be picked up for shredding.

Semi-annually a pick-up of bulky items will be provided at no cost to the residential customers. Items exempted from this pick-up are listed above as well as yard waste. (Ord. 2499, §1 (B).) (Ord. 2818, §3; Ord. 2919, §4; Ord. 3222, §2)

Sec. 18-15. Residential refuse container and storage requirements.

It shall be the duty of every residential refuse customer to comply with the following provisions pertaining to the storage of refuse:

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(a) All refuse shall be stored in containers provided by the customer or rollout containers obtained from the City, in accordance with provisions of Section 18-7.

(b) All putrescible solid waste containers shall be watertight, or corrugated, galvanized metal or durable plastic construction and equipped with tight-fitting lids that restrict contact by animals, insects and weather with convenient handles for carriage.

(c) Refuse containers provided by the customer shall have a capacity of not more than thirty (30) gallons.

(d) Refuse containers shall be kept tightly closed and maintained in a clean, neat and sanitary condition at all times. (Ord. 2499, §1 (C); Ord. 2818, §4; Ord. 2919, §5.)

Sec. 18-16. Service charge rates for residential refuse collection.

(a) Each residential refuse customer shall pay to the city a service charge of \$10.00 per month for the weekly collection of the contents of each 35 gallon container, all acceptable yard wastes in biodegradable bags, and all specified recyclables. Each residential refuse customer shall pay to the City a service charge of \$12.50 per month for the weekly collection of the contents of each 90 gallon container, all acceptable yard wastes in biodegradable bags, and all specified recyclables.

(b) For those occasions when a residence has extra household refuse beyond what will fit in the City-provided refuse container, the City may sell special bags to be used for the additional refuse. The rate to be charged shall be \$1.00 for each of these bags with a capacity of approximately 30 gallons. These bags are intended to be used only for "extra" or "overflow" refuse to augment the regularly weekly collection and are not to be used in lieu of the City-provided container or regular weekly collection.

(c) This Ordinance shall be in full force and effect as of January 2, 2003. (Ord. 2237, §1; Ord. 2504, §1; Ord. 2557, §1; Ord. 2645, §1; Ord. 2818, §5; Ord. 2955, §1; Ord. 2993, §3; Ord. 3474, §1; Ord. 3514, §1)

Sec. 18-17. Service charge to be included and itemized on electric and/or water service bill.

The service charges established in Section 18-16 herein shall be included and itemized on municipal utilities electric and/or water service bills and payment of such charges shall be made at the same time and in the same manner as electric and/or water bills are paid.

However, should any residential refuse customer receive neither municipal electric or water service, then the city shall prepare and mail special service charge bills to such customers. (Ord. 2083, §1; Ord. 2818, §6.)

Sec. 18-18. Exemption.

City of Rolla, MO: Ordinance for Garbage, Trash and Refuse

Residential customers may be exempt from the monthly charge if the dwelling is unoccupied for a minimum of one (1) month and giving prior notification to the City's Solid Waste Director. (Ord. 2818, §7)

Secs. 18-19 to 18-22. Reserved.

Article III - Commercial Refuse Disposal and Collection

Sec. 18-23. Number of commercial collections; special collections.

The city shall provide commercial customers with special collections as requested, for which the city shall be entitled to assess a reasonable charge as determined by the sanitation superintendent. Special collection fees are as follows: tires - \$3.00 each; limbs and brush - minimum charge \$15.00 for the first 15 minutes plus a \$1.00 per minute charge thereafter; major appliances - \$10.00 each; special household waste, including transfer station fees and involving items too large to discard in a refuse container - \$20.00 for each cubic yard; paper shredding - \$25.00 per hour charged on a quarter-hour basis with a \$10.00 minimum charge, paper to be delivered to the shredding facility, paper will not be picked up for shredding. (Ord. 2083, §1; Ord. 2557, §2; Ord. 2645, §2; Ord. 2818, §8; Ord. 3222, §3)

Sec. 18-24. Commercial refuse container and storage requirements.

It shall be the duty of every commercial refuse customer to comply with the same provisions pertaining to the storage of refuse as set for residential customers in Section 18-15 herein, unless such commercial customer shall deposit his refuse in a one cubic yard metal container designed for his use by the city, in which circumstance such commercial customer shall only comply with those provisions set forth in Section 18-15(d) herein. (Ord. 2083, §1; Ord. 2913, §1.)

Sec. 18-25. Service charge rates for commercial refuse collection.

Each commercial refuse customer shall pay to the city a service charge for collection as follows:

(a) Each commercial refuse customer shall subscribe to one of the following service levels and pay monthly to the City the following service charge(s) for the corresponding dumpster(s) and frequency of service:

One (1) cubic yard container

1 service per week \$ 34.10/month

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2 services per week \$ 68.20/month

3 services per week \$102.30/month

4 services per week \$136.40/month

5 services per week \$170.50/month

There will be a \$20.00 charge for any additional service request.

Two (2) cubic yard container

1 service per week \$ 54.96/month

2 services per week \$109.92/month

3 services per week \$164.88/month

4 services per week \$219.84/month

5 services per week \$274.80/month

There will be a \$25.00 charge for any additional service request.

Four (4) cubic yard container

1 service per week \$ 94.12/month

2 services per week \$188.24/month

3 services per week \$282.36/month

4 services per week \$376.48/month

5 services per week \$470.60/month

There will be a \$30.00 charge for any additional service request.

Six (6) cubic yard container

1 service per week \$140.90/month

2 services per week \$281.88/month

3 services per week \$422.82/month

4 services per week \$563.76/month

5 services per week \$704.70/month

There will be a \$40.00 charge for any additional service request.

The initial container requested will be delivered at no extra charge. However, there will be a \$10.00 fee for changing container sizes after the initial delivery.

This Ordinance shall be in full force and these service rates shall be effective as of April 1, 2001. (Ord. 2919, §6; Ord. 3420, §2-4)

(b) Each commercial refuse customer shall pay to the city a service charge of \$15.20 per month for collection of one (1) roll-out container once per week.

(c) Each commercial refuse customer shall pay to the city a service charge of \$15.20 per month for collection of one (1) thirty gallon refuse container (can).

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(d) Each commercial refuse customer shall pay to the City a service charge of \$3.00 per day (Monday through Friday) plus a charge of \$90.00 per pull plus appropriate landfill or transfer station tipping fees for each 30 yard open top roll-off container and each commercial refuse customer shall pay to the City a service charge of \$2.75 per day (Monday through Friday) plus a charge of \$65.00 per pull plus appropriate landfill or transfer station tipping fees for each 20 yard open top roll-off container, and each commercial refuse customer shall pay to the City a service charge of \$1.50 per day (Monday through Friday) plus a charge of \$40.00 per pull plus appropriate landfill or transfer station tipping fees for each 10 yard open top roll-off container. (Ord. 2237, §2; Ord. 2504, §1; Ord. 2557, §3; Ord. 2645, §3; Ord. 2688, §1; Ord. 2818, §9; Ord. 2913, §2; Ord. 2955, §2; Ord. 2993, §4; Ord. 3179, §2; Ord. 3395, §1)

Sec. 18-26. Service charge bills to be prepared by city.

The city shall prepare and mail all special service charge bills to all commercial refuse customers. (Ord. 2083, §1.)

Secs. 18-27 to 18-31. Reserved.

Article IV - Refuse Service Review Board

Sec. 18-32. Review Committee; selection of members; authority.

Should any refuse customer desire an exemption from any of the provisions of this Ordinance, he shall make his request known to the city council. Thereafter, it shall be the duty of the council to select a committee composed of 3 of its members to review such request. Such committee shall have the authority to uphold, modify, or suspend any of the provisions of this Ordinance, provided that in so doing no nuisance to the public health, safety, or welfare is caused or maintained. (Ord. 2271, §1.)

Secs 18-33 to 18-37. Reserved.

Sec. 18-38. Procedure for recovery of expenses incurred in emergency actions in response to releases or threatened releases of material into or upon the environment.

When used in this section, "emergency action" shall mean all exigent activities conducted in order to prevent or mitigate harm to the public health and safety or the

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environment from a release or threatened release of any material into or upon land, water or air.

When used in this section, "governmental entity" shall include the City of Rolla, and any entity responding under a mutual aid agreement with the City of Rolla.

When used in this section, "person" shall include any individual, corporation, association, partnership, firm, trustee, legal representative, or any combination thereof.

When used in this section, "recoverable expenses" shall include the full costs of the responding governmental entity that are reasonable, necessary and allocable to an emergency action. Recoverable expenses shall not include expenditures that are incurred in the course of providing routine firefighting protection. Expenses allowable for recovery may include, but are not limited to:

- (1) Disposable materials and supplies consumed and expended specifically for the purpose of the emergency action.
- (2) Compensation of employees for the time and efforts devoted specifically to the emergency action.
- (3) Rental or leasing of equipment used specifically for the emergency action (e.g., protective equipment or clothing, scientific and technical equipment).
- (4) Replacement costs for equipment owned by the governmental entity that is contaminated beyond reuse or repair, if the equipment was a total loss and the loss occurred during the emergency action (e.g., self-contained breathing apparatus irretrievably contaminated during the response).
- (5) Decontamination of equipment contaminated during the response.
- (6) Special technical services specifically required for the response (e.g., costs associated with the time and efforts of technical experts or specialists not otherwise provided for by the governmental entities).
- (7) Other special services specifically required for the emergency action.
- (8) Laboratory costs of analyzing samples taken during the emergency action.
- (9) Any costs of cleanup, storage, or disposal of the released material.
- (10) Costs associated with the services, supplies and equipment procured for a specific evacuation of persons or property.
- (11) Medical expenses incurred as a result of response activities.
- (12) Legal expenses and administrative costs that may be incurred as a result of the emergency action, including efforts to recover expenses pursuant to this ordinance.

When used in this section, "release" shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into or upon land, water or air, of any material which the city determines may be harmful to the public health and welfare or the environment.

When used in this section, "threatened release" shall mean any imminent or impending event potentially causing but not resulting in a release, but causing the governmental entities to undertake an emergency action.

Any person causing or responsible for a release or threatened release resulting in an emergency action shall be strictly liable to the governmental entity for the recoverable expenses resulting from the emergency action. There shall be a rebuttable presumption

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that any person owning or controlling property causing a release or threatened release is responsible for such release or threatened release.

The city administrator of the City of Rolla shall keep an itemized record of its recoverable expenses resulting from the emergency action. Promptly after completion of the emergency action, he shall certify those expenses to the city clerk.

The city clerk shall submit a written, itemized claim for the total certified expenses incurred by the City of Rolla for the emergency action to the responsible party and a written notice that, unless the amounts are paid in full to the City of Rolla within 30 days after the date of the mailing of the claim and notice, the city counselor of the City of Rolla will file a civil action for the stated amount.

The city clerk may cause a lien in the amount of the recoverable expenses to be placed on any real property located within the boundaries of the City of Rolla owned by the person causing or responsible for the emergency action.

Nothing in this ordinance shall be construed to conflict with the state or federal laws requiring persons causing or responsible for releases or threatened releases from engaging in remediation activities and/or paying the costs thereof.

In the event a release occurs, the person causing or responsible for such release shall immediately notify the city clerk and request emergency action. Failure of any person to report any release shall be an ordinance violation and upon conviction thereof shall be punished by a fine of not more than \$500.00 or by imprisonment of not more than six months or by both such fine and imprisonment. (Ord. 2817, §1)

DOCUMENT NAME	City of Rolla, MO: Fire Protection
GENERAL DESCRIPTION	Ordinance providing regulations for the burning of trash, paper, and wood.
GENERAL PROVISIONS	<ul style="list-style-type: none">• Disallows any burning from sunset to sunrise.• Allows year-round burning of grass, leaves, and other vegetation generated upon a land owners property<ul style="list-style-type: none">– Must have fire chief approval• Sets regulations for the size, duration and permitting of bon fires.

City of Rolla, MO: Fire Protection

Chapter 14 - Fire Protection

Sec. 14-4. Burning trash, paper, wood, etc. - Prohibited during darkness.

It is unlawful for any person to burn, set fire to or ignite any trash, paper, wood, grass, leaves, weeds or any other debris or refuse within the city, during the hours of darkness, from sunset to sunrise. (Ord. 998, §1)

Sec. 14-5. Burning trash, paper, wood, etc. permitted during daylight under certain conditions..

(a) It shall be unlawful for any person to burn, set fire to or ignite any solid waste, paper, wood, grass, leaves, weeds or any other debris or refuse. Provided, that this section shall not apply to the burning of grass, leaves, weeds, or natural vegetation generated upon a landowners property by special permit. (Ord. 2919, §1)

(b) Open burning of grass, leaves, weeds, or natural vegetation generated upon a land owners property shall be permitted year round, under the terms and conditions set forth in any written or verbal permit which may be issued by the fire chief or his designee. Such written or verbal permit, issued by such fire chief or his designee, shall specify the time and place such burning shall be permitted.

(c) Open burning shall be allowed after obtaining a permit or other proper authorization from the fire chief or his designee for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, heating for warmth of outworkers, and a bonfire.

(d) A bonfire shall be no more than 5 feet by 5 feet by 5 feet in dimension and shall burn not longer than 3 hours. The size and duration of a bonfire shall only be increased by the fire chief or his designee when it is determined that fire safety requirements of the situation and the desirable duration of burn, warrant the increase.

(e) Fuel for a bonfire shall consist only of seasoned dry firewood and be ignited with a small quantity of paper. The fire shall not be used for waste disposal purposes and the fuel shall be chosen to minimize the generation of air contaminants.

(f) Applications for open burning bonfires shall be submitted in writing at least 10 days before the fire is set and shall be in such form and contain such information as required by the fire chief or his designee. Such applications shall contain, as a minimum, information regarding: the purpose of the proposed burning, the nature and quantities of material to be burned, the date when such burning will take place, and the location of the burning site.

(g) All permits shall be requested by and issued to the owner of the land upon which the bonfire is to be kindled.

City of Rolla, MO: Fire Protection

(h) The location for any open burning shall be not less than 50 feet from any structure and provisions shall be made to prevent the fire spreading to within 50 feet of any structure. Fires in approved containers shall be permitted to be not less than 15 feet from any structure. All burning shall take place on the owners property. No burning shall be permitted on City right-of-way.

(i) Open burning shall not be used for waste disposal purposes, shall be of the minimum size of the intended purpose, and the fuel shall be chosen to minimize the generation and emission of air contaminants.

(j) Any open burning shall be constantly attended until the fire is extinguished. Fire extinguishing equipment shall be available for immediate use.

(k) Open burning shall be allowed without prior notification to the fire chief or his designee for: highway safety flares, smudge pots and similar occupational needs.

(l) The fire chief or his designee shall prohibit open burning which will be offensive or objectionable due to smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous. The fire chief or his designee shall order the extinguishment, by the permit holder or the fire department, or any open burning which creates or adds to a hazardous or objectionable situation.

(m) Open burning shall be allowed with prior notification to the fire chief or his designee and upon receipt of written permission from the jurisdictional EPA (Environmental Protection Agency) authority, provided that any conditions specified in the permission are followed, for: disposal of hazardous or toxic material where the EPA determines that there is no practical alternative method of disposal, instruction in methods of fire fighting or for research in control of fires, in emergency or other extraordinary circumstances research in control of fires, in emergency or other extraordinary circumstances for any purpose determined to be necessary by the EPA, disposal of landscape waste other than residential and agricultural waster, and recognized agricultural or horticultural management purposes to maintain or increase the quantity or quality of agricultural or horticultural production. When jurisdictional EPA written permission is not applicable, the fire chief or his designee shall give written permission only after it has been determined that approved fire safety requirements and emission standards are to be met.. (Ord. 998, §2; Ord. 1490, §1; Ord. 2874, §2)

DOCUMENT NAME	City of Kirksville, MO: Ordinance for Solid Waste and Recyclable Collection, Transportation, and Disposal Services.
GENERAL DESCRIPTION	Ordinance outlining services for solid waste, recycling, and yard waste collection for the municipality.
GENERAL PROVISIONS	<ul style="list-style-type: none"> • Contract Duration: Three years • Residential Accounts defined as less than five dwelling units under one roof. Accounts are serviced by city approved contractor only. • Residential Commercial Accounts defined as five or more dwelling units under one roof. Accounts may contract with other city licensed residential haulers. • Nonresidential Commercial Accounts are commercial, industrial establishments – excluding Residential Commercial Accounts. Accounts may contract with any licensed hauler. • Commercial Accounts defined as commercial, industrial accounts with five or more dwelling units under one roof. Accounts are not regulated by the City. • City requires that the contractor provide a “base of operations” within the city limits and requires publishing a “Yellow Pages” ad in the city directory. <p><u>Refuse Collection</u></p> <ul style="list-style-type: none"> • Metal or plastic containers up to 33 gallons with lids. <ul style="list-style-type: none"> – Once per week collection. – One container at regular fee, extra containers or bags must be affixed with a \$1.00 sticker. <p><u>Recycling Collection</u></p> <ul style="list-style-type: none"> • Commingled materials placed in clear 33 gallon plastic bags. <ul style="list-style-type: none"> – Once per week collection. – OCC separately flattened and bundled. – ONP separately bundled and placed in a clear bag, brown bag or box. – Unlimited materials may be set out. <p><u>Yard Waste Collection</u></p> <ul style="list-style-type: none"> • Collected in plastic bags. • Minimum of once per month collection (March – December). • Contractor must maintain a roll-off container for residential drop-off. <p><u>Special Collection</u></p> <p>City may direct the contractor to collect trash at any location with a 24hr notice for \$4/bag.</p>

SERVICE COSTS	Once per month residential: \$6.00/month (Limit one (1) bag/week) Two (2) dwelling unit housing facility: \$12.00/month (Limit one (1) bag/unit/week) Three (3) dwelling unit housing facility: \$18.00/month (Limit one (1) bag/unit/week) Four (four) dwelling unit housing facility: \$24.00/month (Limit one (1) bag/unit/week) Refuse Stickers (for extra containers of refuse): \$1.00/sticker
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ARTICLE IV. SOLID WASTE AND RECYCLABLE MATERIAL COLLECTION, TRANSPORTATION AND DISPOSAL SERVICES*

***Editor's note:** Ord. No. 11551, §§ 1--3, adopted Feb. 18, 2002 amended and repealed Art. IV, §§ 11-51--11-57, 11-71--11-82, 11-101--11-109 and enacted a new Art. IV as set out herein. The former Art. IV pertained to solid waste storage, collection, transportation and disposal. For complete derivation see the Code Comparative Table at the end of this volume.

Sec. 11-51. Definitions.

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

Bags. Plastic sacks, with sufficient wall strength, to maintain physical integrity when lifted by top; securely tied at the top for collection, with a capacity not to exceed thirty-three (33) gallons and a loaded weight not to exceed forty (40) pounds.

Bulky rubbish. Nonputrescible solid wastes consisting of combustible and/or noncombustible waste materials from dwelling units, commercial, industrial, institutional, or agricultural establishments which are either too large or too heavy to be loaded in solid waste collection vehicles with safety and convenience by solid waste collectors, with the equipment available therefor.

Bundle. Newspapers and magazines securely tied together forming an easily handled package not exceeding forty (40) pounds in weight.

City. Refers to the City of Kirksville, Missouri empowered under state law to solicit and award contracts for the collection of refuse and solid waste. "City" also refers to the appropriate employee or office of the city authorized to act as its agent in handling pertinent matters of this contract.

Commercial account. Refers to any commercial, industrial, institutional or agricultural establishment including institutional housing and other commercially oriented residential establishments including fraternities, sororities and housing facilities with five (5) or more dwelling units under one (1) roof.

Containers.

(1) *Reusable containers.* A receptacle made of plastic, metal, rubber or fiberglass with a capacity not to exceed thirty-three (33) gallons, loaded weight of no more than forty (40) pounds, a tightfitting lid, and handles of adequate strength for lifting.

(2) *Nonreusable containers.* See definition of bags.

(3) *Recyclable containers* such as cardboard boxes not exceeding thirty-three (33) gallons or forty (40) pounds loaded weight.

Contractor. The individual, firm, partnership, joint venture, corporation, or association performing refuse solid waste collection and disposal under contract with the city.

Demolition and construction waste. Waste materials from the construction or destruction

of residential, industrial or commercial structures.

Disposal site. A refuse depository for the processing or final disposal of refuse including, but not limited to, sanitary landfills, transfer stations, incinerators, composting sites, recycling centers and waste processing separation centers, licensed, permitted or approved by all governmental bodies and agencies having jurisdiction.

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 and including food containers.

Hazardous waste. Waste designated as hazardous by the United States Environmental Protection Agency or appropriate state agency.

Nonresidential commercial account. Is any commercial, industrial, institutional or agricultural establishment excluding residential commercial accounts.

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, copartnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, or organization of any kind, or their legal representative, agent or assigns.

Recyclable materials. All types of metal containers, all types of plastic containers, newsprint, magazines, mixed paper, corrugated cardboard, paper board and computer paper, and yard waste.

Recyclable materials container. Transparent plastic bags (or other plastic bags which permit the contents of the bag to be visible) designed with sufficient wall strength to maintain physical integrity when lifted by top; securely tied at the top for collection, with a capacity not to exceed thirty-three (33) gallons and a loaded weight not to exceed forty (40) pounds. Corrugated cardboard and paper board may be bundled, or may be flattened and boxed loosely for collection. Consequently, for such recyclables, cardboard boxes shall also be defined as a recyclable material container.

Recycling business. A depository for the processing/sorting of recyclable materials.

Refuse. Discarded waste materials in a solid or semiliquid state, consisting of garbage, rubbish or a combination thereof.

Refuse sticker. An adhesive label for use on refuse bags/containers purchased from the contractor or contractor's agent.

Residential account. An account containing less than five (5) dwelling units under one (1) roof, including mobile homes/trailers, and not used for commercial purposes.

Residential commercial account. An account that has five (5) or more independent dwelling units under one (1) roof.

Rubbish. Nonputrescible solid wastes consisting of combustible and noncombustible materials.

Solid waste. Unwanted or discarded waste materials in a solid or semisolid 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.

(Ord. No. 11551, § 1, 2-18-2002)

Sec. 11-52. Insurance coverage.

The contractor shall purchase and maintain the following insurance coverage:

- (1) Worker's compensation, including employer's liability insurance, complying with state requirements.
- (2) Comprehensive general public liability insurance including coverage for products and completed operations work, and contractual liability insurance covering the indemnity clauses in this contract, with minimum limits of five hundred thousand dollars (\$500,000.00) for bodily injury and property damage combined single limit per occurrence.
- (3) Automobile liability insurance with minimum limits of five hundred thousand dollars (\$500,000.00) for bodily injury and property damage combined single limit per occurrence.
- (4) Contractor shall indemnify and hold harmless the City of Kirksville from any and all losses, damages, claims, fines, penalties, suits and costs, including injury or death of any persons, or damage to or loss of property, as well as fines, assessments and penalties imposed by any authority which arise out of all violation of law by, and all acts and omission of the contractor, the contractor's agents, employees, or customers, occurring in connection with the products and services covered herein. The contractor will sign and have notarized the attached hold harmless and indemnification agreement. The agreement must be furnished to the city within twenty (20) days after requested by the city, along with insurance certificates specifically naming the City of Kirksville as an additional insured.

(Ord. No. 11551, § 2, 2-18-2002)

Sec. 11-53. Certificate of insurance.

A certificate evidencing insurance coverage as above shall be provided by the contractor to City of Kirksville. The City of Kirksville shall be named as an additional named insured for all coverages, except the worker's compensation coverage, and an endorsement of the same shall be submitted with a certificate. It shall be the contractor's responsibility to keep the insurance coverage in full force and effect during the term of this contract [article]. Such certificates shall provide that thirty (30) days' advance written notice shall be given to the city in the event of any change in, or cancellation of such insurance.

(Ord. No. 11551, § 3, 2-18-2002)

Sec. 11-54. Performance bond.

The contractor will furnish a bond or certified check, or other acceptable security payable to the City of Kirksville, Missouri, in the amount of two hundred and fifty thousand dollars (\$250,000.00) during the entire term of the contract. Such bond or deposit must be furnished to the city within twenty (20) days after execution of the contract. The form of the performance bond is attached.

(Ord. No. 11551, § 4, 2-18-2002)

Sec. 11-55. General bond requirements.

All bonds must be furnished by such surety company or companies as are authorized and licensed to transact business in the State of Missouri; checks must be drawn on a solvent and federally insured lending institution licensed to do business in the State of Missouri. Attorneys-in-fact who sign bonds must file with each bond a certified and effectively dated copy of their power of attorney. Failure to maintain the bonds and insurance shall be grounds for contract cancellation.

(Ord. No. 11551, § 5, 2-18-2002)

Sec. 11-56. Types of accounts.

Accounts as defined in section 11-51 are enumerated below:

- (1) Residential account is an account that contains less than five (5) dwelling units under one (1) roof, including mobile homes/trailers, and not used for commercial purposes.
- (2) Residential commercial account is an account that has five (5) or more dwelling units under one (1) roof, including a fraternity or sorority.
- (3) Nonresidential commercial account is any commercial, industrial, institutional or agricultural establishment excluding residential commercial accounts.
- (4) Commercial account is any commercial, industrial, institutional or agricultural establishment including institutional housing and other commercially oriented residential establishments including fraternities, sororities and housing facilities with five (5) or more dwelling units under one (1) roof.

(Ord. No. 11551, § 6, 2-18-2002)

Sec. 11-57. Account regulation.

Accounts shall be regulated under the terms of this contract [article] as follows:

- (1) Residential accounts shall be served only by the city approved contractor.
- (2) Residential commercial accounts shall be free to contract with other licensed residential haulers holding current licenses with the city.
- (3) Nonresidential commercial accounts shall be free to contract with any licensed hauler holding a current license.
- (4) The rates charged by contractors for commercial account service shall not be regulated under the terms of this contract [article].
- (5) If any account shall fail to dispose of its solid waste and refuse properly, and upon creation of a health, odor or litter problem, and upon conviction thereof, then the city shall have the right to designate the contractor and the owner shall pay an appropriate charge for the service.
- (6) Nothing herein contained shall be construed to limit or restrain the city from separately contracting with recycling or trash disposal vendors for handling of residential commercial and nonresidential commercial accounts.

(7) The city will remit the monthly contract fee to the hauler once each month for every residential unit covered by this agreement with an active water meter in service for at least half the month, less a negotiated percentage for delinquencies, and exclusive of contractor payments for partial month service. The city will not charge an administrative fee to the contractor for billing and collection, other than the franchise fees stipulated by ordinance.

(Ord. No. 11551, § 7, 2-18-2002)

Sec. 11-58. Refuse collection containers.

(a) Residential accounts shall use bags or reusable containers as defined herein. Residential accounts have the option of placing the bags in metal or plastic containers with tight fitting lids up to thirty-three (33) gallon capacity. Fifty-five (55) gallon drums are expressly prohibited. The owners of three- and four-unit residential structures may make alternate container arrangements if the city agrees in writing, if provision is made for recycling collection, and if the monthly per unit price remains unchanged.

(b) Residential commercial accounts shall have the option of using bags, reusable containers, containers of one (1) yard or larger size metal or plastic containers with tight fitting lids.

(c) No occupant shall place more solid waste in a container so that the lid cannot be closed. Provided, however, that where there is a problem locating a container as determined by the contractor and the city, then an exception on the requirement of the container may be granted by the city in writing to the owner. Fifty-five (55) gallon drums are expressly prohibited.

(d) Nonresidential commercial accounts shall use a bag, reusable container or one (1) yard or larger size metal or plastic container with tight fitting lids. No occupant shall place more solid waste in a container so that the lid cannot be closed. Fifty-five (55) gallon drums are expressly prohibited.

(e) The contractor shall be responsible for the maintenance and sanitation of all containers owned or used by the contractor. The contractor's name and telephone number shall appear on the side of all containers. This shall only apply to containers of a one (1) yard size or larger. Lids shall be tight fitting and in working order. It shall be the responsibility of the contractor to maintain the containers and to make sure that the platform or pad under the container is maintainable and easily cleaned. The platform or pad under the container is maintainable and easily cleaned. The platform or pad shall be maintained by the account owner, except for the requirement that all strewn materials and litter in the immediate area shall be cleaned up by the contractor.

(Ord. No. 11551, § 8, 2-18-2002)

Sec. 11-59. Refuse collection frequency.

(a) The contractor shall provide once weekly solid waste (trash) collection for all residential accounts.

(b) Residential commercial accounts shall be picked up a minimum of once a week, unless a higher frequency is required by the occupant/owner or the city. For health reasons or violations of city ordinances, the city can order the frequency of the collection increased above the minimum or the size of the container increased for commercial accounts, if the city so [determines]. If so ordered by the city, the occupant or owner

shall pay an appropriate monthly charge.

(c) Nonresidential commercial accounts shall be picked up a minimum of once a week, unless a higher frequency is required by the occupant/owner or the city. For health reasons or violations of city ordinances, the city can order the frequency of the collection increased above the minimum or the size of the container increased, for commercial accounts, if the city so determines. If so ordered by the city, the occupant or owner shall pay an appropriate monthly charge.

(Ord. No. 11551, § 9, 2-18-2002)

Sec. 11-60. Residential refuse collection quantity.

(a) Solid waste (trash) to be picked up at residential accounts shall consist of ordinary household waste only. Other arrangements with the hauler are not price regulated by this contract [article].

(b) Residential accounts may place one (1) container/bag of solid waste (trash) without a sticker for collection per refuse pickup. Additional containers/bags will only be collected if they have been tagged with the appropriate sticker.

(Ord. No. 11551, § 10, 2-18-2002)

Sec. 11-61. Recyclable material collection containers.

(a) Residential accounts shall use transparent bags as defined herein.

(b) Recycling for commercial accounts is not regulated by this agreement.

(c) All recyclable materials shall be placed in transparent bags as defined herein with the exception of corrugated cardboard and newspaper. Corrugated cardboard must be flattened, tied in bundles and kept dry for collection or may be flattened and boxed loosely for collection. Newspaper must be tied in bundles or placed in transparent bags, cardboard boxes or brown grocery sacks and kept dry for collection. Bundles or bags may not exceed forty (40) pounds.

(d) All recyclables other than newsprint, cardboard, paper board and mixed paper may be placed together in the same clear plastic bag. Paper products shall be bagged or bundled for recycling.

(e) All recyclable yard waste shall be bagged. The number of bags is unlimited.

(Ord. No. 11551, § 11, 2-18-2002)

Sec. 11-62. Recyclable material collection frequency.

(a) The contractor shall provide once a week recyclable material collection for all residential accounts. The collection of recyclables may be made on a separate day or the same day as the refuse collection day. The contractor shall be required to take all recyclable materials to an approved recycling facility, and shall be responsible for adequately informing all customers of pickup days and times.

(b) The contractor shall provide once a month bagged yard waste (leaves and grass clippings) on the regular trash pickup day during the last full week of each month, except January and February.

(Ord. No. 11551, § 12, 2-18-2002)

Sec. 11-63. Residential recyclable material collection quantity.

There is no limit on the amount of recyclable materials that residential accounts may place for collection. Limitations only relate to the types of recyclable materials (see recyclable materials definition).

(Ord. No. 11551, § 13, 2-18-2002)

Sec. 11-64. Recyclable materials included.

(a) Contractor shall provide for the collection and disposal of the following recyclables: All types of metal containers, all types of plastic containers, newsprint, magazines, mixed paper, corrugated cardboard, paper board and computer paper, once each week at all residential locations covered by this agreement.

(b) In addition to weekly pickup of recyclables as defined herein, the contractor will provide collection and disposal of grass, leaves, small branches and similar yard wastes which are contained in plastic bags at curbside, at least once each month, ten (10) months per year, from March through December.

(c) The contractor shall have the responsibility to collect and properly recycle or compost all recyclables listed herein, regardless of the contractor's ability to cost effectively recycle and/or compost them or obtain other satisfactory cost recovery for the variable costs of collection and recycling.

(Ord. No. 11551, § 14, 2-18-2002)

Sec. 11-65. Collection hours.

Hours of collection are to be from 6:30 a.m. to 5:30 p.m. Monday through Saturday, except for commercial accounts. Exceptions may be made only when the contractor has reasonably determined that it is not possible to service an existing route due to unusual circumstances or upon the mutual agreement of the city and the contractor.

(Ord. No. 11551, § 15, 2-18-2002)

Sec. 11-66. Collection location.

Solid waste and recycling collections shall be made only on streets or highways maintained by the state highway department or the City of Kirksville, or private streets open to the public (no alleys). Solid waste (trash) and recyclable materials shall be placed adjacent to said streets or highways in containers or bags suitable for the amount and weight load of solid waste (trash) or recyclable materials being placed for collection. Residential containers/bags shall not exceed thirty-three (33) gallon capacity. Solid waste (trash) containers/bags, yard waste and recyclable materials bags shall be placed adjacent to said streets or highways no later than 6:30 a.m. on the scheduled day of pickup. Containers/bags containing solid waste or bags containing recyclable materials shall not be placed outside the confines of any dwelling unit or weather/animal proof structure no sooner than noon the day preceding the regularly scheduled collection day. Other location arrangements with the hauler are not regulated by this contract [article].

(Ord. No. 11551, § 16, 2-18-2002)

Sec. 11-67. Mandatory refuse collection.

(a) The occupant of every residential account which contains only one (1) dwelling unit shall pay the appropriate monthly charge to a contractor. The occupants of every residential account which contains two (2), three (3) or four (4) dwelling units with separate water service shall pay the appropriate monthly charge.

(b) The owner of every residential account which contains two (2), three (3) or four (4) dwelling units with single water service shall pay the appropriate monthly charge to a contractor.

(c) The occupant of a residential account which contains only one (1) dwelling unit and is the holder of a City of Kirksville business license; who can provide evidence of a written contract for trash collection service at the business license location utilizing a one (1) yard or larger container on a regular weekly basis; who shall affirm on an affidavit that all the solid waste from the residential account location is being transported to the business license location in the occupant's personal vehicle and no other vehicle shall be allowed to not pay the monthly residential charge for one (1) unit. No employee, partner or person other than the holder of the business license, shall be allowed to waive the monthly residential fee. A person wishing to be approved for a residential waiver shall apply at the department of finance who shall forward a notification to the appropriate district contractor. The person requesting a waiver shall not be delinquent of any taxes, fees or other charges owed the city as a condition of receiving the waiver.

(Ord. No. 11551, § 17, 2-18-2002)

Sec. 11-68. Failure to collect.

Contractor shall pay the sum of five hundred dollars (\$500.00) as liquidated damages to city for each and every day that contractor shall fail or refuse to perform his duties and obligations under the terms of this contract [article], and the contractor shall further pay as liquidated damages the sum of fifty dollars (\$50.00) for each dwelling unit pickup point which, after investigation by city, has been determined by it to have been missed on any collection day; provided, however, that contractor shall not be penalized in a said amount of fifty dollars (\$50.00) for a missed collection point if a pickup at any such point is made within twenty-four (24) hours of the appointed pickup date, and provided, further, that contractor shall not be so penalized if such failure shall be caused by fire, riots, civil commotion or acts of God. Penalties for nonperformance are in addition to claims made by the city against the contractor's performance bond (section 11-54 above).

(Ord. No. 11551, § 18, 2-18-2002)

Sec. 11-69. Litter.

The contractor shall pick up and dispose of all refuse that has been strewn about in the immediate area by an animal or animals; created by weather conditions or strewn about during the collection process. The city will assist with animal control enforcement where repeated litter caused by animals occurs.

(Ord. No. 11551, § 19, 2-18-2002)

Sec. 11-70. Prohibited items.

Contractor may decline to collect any container, bag or bundle not so placed in the proper location; any container not defined in the definitions; any containers/bags that contain sharp objects or liquids; any container/bag without the proper sticker; any solid waste or recyclable material not properly contained; or any recyclable material bag containing nonrecyclable materials. Where the contractor has reason to leave solid waste uncollected at a location, he or his agents shall inform the occupant owner within one (1) day by written notice, mailing, or telephone about why the solid waste was not collected, i.e., type of solid waste, hazardous waste, unapproved containers or bundles, improper placement, etc.

(Ord. No. 11551, § 20, 2-18-2002)

Sec. 11-71. Service complaints.

The contractor shall receive and respond to all complaints regarding services provided under this contract [article]. Any complaints received by the city will be directed to the contractor's office. Should a complaint go unresolved for more than two (2) days, the city will have the right to demand an explanation or resolution to its satisfaction.

(Ord. No. 11551, § 21, 2-18-2002)

Sec. 11-72. Holidays.

Contractor shall send written notification to the code administrator at least two (2) weeks before any holiday to be observed with appropriate alternate/make-up schedule. The contractor shall be responsible for placing newspaper and radio ads announcing holiday schedules. Pickup after a holiday shall be made the same week as the holiday. Adequate advanced notice shall be given to the customers affected by the holiday.

(Ord. No. 11551, § 22, 2-18-2002)

Sec. 11-73. City contact person.

The contact person for the city shall be the code administrator for the day-to-day operation. Contractor shall provide route schedules to the code administrator within thirty (30) days of contract execution. The contact person for the city, for all city health code and ordinance violations, shall be the code administrator.

(Ord. No. 11551, § 23, 2-18-2002)

Sec. 11-74. Base of operations.

Contractor shall be required to establish a base of operations to serve the City of Kirksville upon the effective date of the contract [April 1, 2002] at which time he shall have an appropriate amount of equipment to insure capability of meeting a full level of service, including the ability to respond to emergency situations, acceptable to the city in all respects. Further, a responsible person must be available during normal business hours via a local call (approximately 9:00 a.m.--5:00 p.m., Monday--Friday), to respond to calls regarding solid waste collection, recycling or complaints about service and billing. The contractor shall provide for a telephone listing in the "Yellow Pages" of the Kirksville phone book under the trash hauling section. The listing will include the address of the contractor's base of operations and a local telephone number. The contractor shall be required to respond to citizen questions and/or

complaints in a timely fashion, generally no longer than two (2) working days.

(Ord. No. 11551, § 24, 2-18-2002)

Sec. 11-75. Contractor vehicles.

(a) The contractor shall make the solid waste (trash) collection either in packer type trucks or in enclosed trucks constructed so as not to permit the contents thereof to blow, fall, or leak from said trucks. The vehicles shall be maintained in good working order, shall be cleaned regularly in accordance with any applicable health department regulations, and shall have presentable appearances. The exterior of the vehicles shall be washed at least once every two (2) weeks. An adequate number of vehicles shall be provided by the contractor to collect refuse in accordance with the terms of this contract [article]. The vehicles shall be licensed in the State of Missouri and shall operate in compliance with all vehicles manufactured and maintained to conform with the American National Standards Institute's (ANSI) standard Z245.1.

(b) The contractor shall, with its own forces or through a subcontract approved by the city, make recyclable materials collection in truck/trailers (no packer trucks) so as to not permit the contents thereof to blow, fall, or leak from said trucks. The vehicles shall be maintained in good working order, shall be cleaned regularly in accordance with any applicable health department regulations, and shall have presentable appearance. The exterior of the vehicles shall be washed at least once every two (2) weeks. An adequate number of vehicles shall be provided by the contractor to collect recyclable materials in accordance with the terms of this contract [article]. The vehicles shall be licensed in the State of Missouri and shall operate in compliance with all vehicles manufactured and maintained to conform with the American National Standards Institute's (ANSI) standard Z245.1.

(c) All vehicles and other equipment shall be kept in proper repair and sanitary condition. Each vehicle shall bear, as a minimum, the name and phone number of the contractor plainly visible on both sides of the truck. Each truck shall have at least one (1) broom to clean up solid waste that may be spilled or otherwise scattered during the process of collection. All vehicles shall be sufficiently secure to prevent any littering of solid waste and/or leakage of fluid.

(d) The contractor shall not use pup trailers, or trailers attached to other collection vehicles, in the collection of garbage or recyclables. The contractor shall not use packer trucks in the collection of recyclables or yard waste.

(Ord. No. 11551, § 25, 2-18-2002)

Sec. 11-76. Contractor's employees.

(a) The contractor shall require his employees to be courteous at all times, to work quietly and not to use loud or profane language and to obey all traffic laws. Each employee's clothing will be as neat and clean as circumstances permit. Shirts will be required at all times.

(b) The contractor's employees shall follow the regular walks for pedestrians when on private property, shall not trespass or loiter on private property, and shall not cross property to adjoining property, and shall not meddle or tamper with property which does not or should not concern them. Each employee assigned to drive a vehicle shall always carry a valid driver's license for the type of vehicle he is driving.

(c) The city shall have the right to make a complaint regarding any employee of the

contractor who violates any provision hereof or who is negligent, or discourteous in the performance of his duties. The city may suggest action to be taken in its complaint, but it shall not be binding on the contractor.

(Ord. No. 11551, § 26, 2-18-2002)

Sec. 11-77. Refuse disposal site.

Solid waste and yard waste collected by the contractor shall be deposited in a state-permitted facility.

(Ord. No. 11551, § 27, 2-18-2002)

Sec. 11-78. Recyclable materials site.

The recyclable and yard waste materials collected by the contractor shall be taken to recycling and composting facilities approved by the city. Contractor agrees to permit representatives of the city to make irregular and unannounced inspections of contractor facilities, and the facilities of recycling, composting and landfill subcontractors, for purposes of verifying contract compliance. Contractor shall obtain written agreements with subcontractors which provide for and ensure compliance with this contract provision.

(Ord. No. 11551, § 28, 2-18-2002)

Sec. 11-79. Hazardous waste.

The contractor agrees that the collection of hazardous waste materials as determined by the United States Environmental Protection Agency and the Missouri Department of Natural Resources are not covered by the contract. Hazardous material collection is to be handled separately from and outside the terms of this contract [article].

(Ord. No. 11551, § 29, 2-18-2002)

Sec. 11-80. City information and contractor's responsibilities.

The city shall continue to provide the same level and type of information to the contractor over the term of the contract. Additional periodic public information about the importance of recycling shall also be the responsibility of the city. If changes occur, adequate information will be provided to set up new customer accounts. It shall be the responsibility of the contractor to collect solid waste (trash), and other wastes, and recyclable materials from each residential account in the city regardless of whether the customer's account is in arrears, so long as water service is active. If water service is not active, it is assumed that the dwelling is not occupied and there will be no fee assessed for trash.

The city will distribute to each new residential water service customer (excluding transfers), a copy of the educational materials regarding the solid waste program and one (1) transparent plastic bag for recyclable materials. These items will be provided at the time the customer applies for water service. The contractor is solely responsible for sale of refuse stickers.

(Ord. No. 11551, § 30, 2-18-2002)

Sec. 11-81. Exclusive right.

(a) The city, as grantor, grants the contractor, as grantee, the exclusive right during the term of this contract to collect and dispose of residential refuse and solid waste, recyclables and yard waste, except hazardous wastes, located within the city. The city warrants that it has the authority to grant such an exclusive right as described in this contract [article], for residential locations with less than five (5) independent living units.

(b) The city, as grantor, grants the contractor, as grantee, the nonexclusive right to collect and dispose of residential, commercial, industrial and nonresidential commercial refuse and solid waste within any district in the city, subject to business licensing requirements.

(Ord. No. 11551, § 31, 2-18-2002)

Sec. 11-82. Contract rates.

TABLE INSET:

		Contractor Billing	City Billing
(a). Residential Accounts			
(1)	Price per residence per month [(Limit of one (1) bag/container of refuse per pickup]	\$N/A	\$6.00
(2)	Price per two (2) dwelling unit housing facility per month [Limit of one (1) bag/container of refuse per unit per pickup]	N/A	12.00
(3)	Price per three (3) dwelling unit housing facility per month [Limit of one (1) bag/container of refuse per unit per pickup]	N/A	18.00
(4)	Price per four (4) dwelling unit housing facility per month [Limit of one (1) bag/container of refuse per unit per pickup]	N/A	24.00
(5)	Refuse stickers: price per sticker [Additional bags/containers will only be picked up with valid sticker]	N/A	1.00

Prices above shall include a once-a-week collection of an unlimited quantity of recyclables under the rules stipulated herein, and once-a-month collection of bagged yard wastes, as provided herein for ten (10) months each year.

(Ord. No. 11551, § 32, 2-18-2002)

Sec. 11-83. Additional yard waste removal.

In addition to the monthly curbside yard waste removal and composting the contractor shall maintain one (1) 20-yard roll-off container at the city's public works garage year round exclusively for disposal of additional yard wastes. It will be emptied on an as-needed basis by the contractor. The contractor will empty the roll-off container on a monthly basis. If more frequent collection is required, the city will notify the contractor and the contractor will provide more frequent collection.

(Ord. No. 11551, § 33, 2-18-2002)

Sec. 11-84. Purchase of stickers.

The contractor shall provide for the sale of refuse collection stickers at a minimum of three (3) Kirksville service or retail establishments. The contractor shall publicize these locations. Additionally, residential accounts may purchase stickers directly from the contractor by mail or at the contractor's place of business.

(Ord. No. 11551, § 34, 2-18-2002)

Sec. 11-85. Permits, licenses and taxes.

The contractor shall obtain and assume the cost of all licenses and permits (other than the license and permit granted by the contract) and promptly pay all taxes required by the city. The contractor shall, within thirty (30) days of the end of the month following each calendar quarter, pay the city a franchise fee equal to two (2) percent of the gross quarterly receipts for all accounts within the city limits during that period.

(Ord. No. 11551, § 36, 2-18-2002)

Sec. 11-86. Contract assignment.

The contract shall not be assignable or transferable by the contractor, nor shall any services be performed by a subcontractor for the contractor without the prior consent in writing of the city.

(Ord. No. 11551, § 37, 2-18-2002)

Sec. 11-87. Miscellaneous penalties.

The contractor shall not offer residential solid waste collection services to any residential account, as defined herein, in the City of Kirksville, outside this contract [article], and the contractor shall exercise due diligence to ensure that other haulers in the business of providing residential solid waste collection services do not do so in the city.

(Ord. No. 11551, § 38, 2-18-2002)

Sec. 11-88. Contract term.

The starting date of the contract and commencement of service shall be upon the date of award of the contract. The term of the contract shall run from April 1, 2002 until March 31, 2005. Either party may elect to terminate this contract [article] at the end of the first year of the term of this contract [article] by giving the other party one hundred twenty (120) days prior written notice of its intention to terminate the contract.

(Ord. No. 11551, § 39, 2-18-2002)

Sec. 11-89. Annexation.

Whenever the city shall expand the number of residents in the city through development

or annexation, such residences shall be added to the contractor's routes as soon as possible and shall receive the same services at the same costs as all other residential locations.

(Ord. No. 11551, § 40, 2-18-2002)

Sec. 11-90. Contract cancellation.

In the event that contractor shall fail or refuse to perform his duties and obligations, or shall become insolvent or shall become the subject of a proceeding in bankruptcy (including and proceeding under Chapter 10 or Chapter 11 of the Bankruptcy Act), or shall become the subject of any proceeding for the appointment of a receiver, or in the even of an assignment by contractor for the benefit of its creditors, or the taking of its trucks, equipment, vehicles and other facilities used in connection with the performance of the work under any execution against contractor, in such events, city may at its option, upon five (5) days' written notice, declare the contractor to be in breach of his agreement and city may terminate the agreement and declare same canceled and terminated and shall, in addition, be entitled to recover damages and take such other actions and seek such other remedies as may be permitted by law including acting against the performance bond.

(Ord. No. 11551, § 41, 2-18-2002)

Sec. 11-91. Compliance with applicable laws.

The parties to this contract agree that the laws of the State of Missouri shall govern the validity construction, interpretation, and effect of this contract [article]. The contractor shall conduct the service of solid waste and refuse collection as provided for by this contract [article] in compliance with all applicable federal and state regulations and laws. This contract [article] and the work to be done as described herein are also subject to the provisions of all pertinent municipal ordinances which are hereby made a part hereof with the same force and effect as if specifically set out herein.

(Ord. No. 11551, § 42, 2-18-2002)

Sec. 11-92. Waivers.

A waiver by either party of any breach of any provisions hereof shall not be taken or held to be a waiver of any succeeding breach of such provision or as a waiver of any provision itself. Where the condition to be waived is a material part of the contract such that its waiver would affect the essential bargains of the parties, the waiver must be supported by consideration and take the form of a contract change as provided for elsewhere in this section.

(Ord. No. 11551, § 43, 2-18-2002)

Sec. 11-93. Illegal and invalid provisions.

Should any term, provision or other part of this contract [article] be declared illegal, it shall be exercised and modified to conform to the appropriate laws or regulations. Should any term, provision or other part of this contract [article] be held to be inoperative, invalid or unenforceable, then such provision or portion thereof shall be reformed in accordance with applicable laws or regulations. In both cases of illegal and invalid provisions, the remainder of the contract shall not be affected, but shall remain in full force and effect.

(Ord. No. 11551, § 44, 2-18-2002)

Sec. 11-94. Joint and several liability.

If the contractor is comprised of more than one (1) individual, corporation or other entity, each of the entities comprising the contractor shall be jointly and severally liable.

(Ord. No. 11551, § 45, 2-18-2002)

Sec. 11-95. Binding effect.

The provisions, covenants, and conditions in this contract [article] apply to bind the parties, their legal heirs, representatives, successors and assigns.

(Ord. No. 11551, § 46, 2-18-2002)

Sec. 11-96. Amendment of the contract.

No change or amendment of the terms hereof shall be effective unless written and signed by the authorized representatives of all parties entitled to receive a right or obligated to perform a duty under this contract [article]. A signed original is to be fastened to the original contract with signed copies retained by all the parties. The written change is not to become effective for a period of ten (10) business days during which time either party may revoke the writing upon delivery to the other party of written notice to that effect, dated and signed by a notary.

(Ord. No. 11551, § 47, 2-18-2002)

Sec. 11-97. Previous agreements superseded.

This agreement constitutes the final and complete agreement and understanding between the parties. All prior and contemporaneous agreements and understandings, whether oral or written, are to be without effect in the construction of any provision or term of this contract [article] as they alter, vary or contradict this agreement.

(Ord. No. 11551, § 48, 2-18-2002)

Sec. 11-98. Indemnity.

The contractor will indemnify and save harmless the city, its officers, agents, servants and employees from and against any and all suits, actions, legal proceedings, claims, demands, damages, costs, expenses and attorney's fees resulting from a willful or negligent act or omission of the contractor, its officers, agents, servants and employees in the performance of this contract [article] provided, further that the city will indemnify and save harmless contractor, its officers, agents, servants and employees from and against any and all suits, actions, legal proceedings, claims, demands, damages, costs, expenses and attorney's fees arising out of the award of this contract, or resulting from a willful or negligent act or omission of the city, its officers, agents, servants and employees in the performance of this contract [article].

(Ord. No. 11551, § 49, 2-18-2002)

Sec. 11-99. Additional services.

In consideration of this exclusive contract, the contractor shall provide to the city collection of municipal dumpsters at locations listed in Appendix A [subsection] 3(f) at no charge. The contractor will also agree to accept appliances collected by the city during spring cleanup at a rate to be negotiated in the future, but in any event not more than the lowest rate charged to other cities for the same service, and to advertise its bulky waste pickup services in newspaper and radio in Kirksville on a quarterly basis.

(Ord. No. 11551, § 50, 2-18-2002)

Sec. 11-100. Special collections.

The contractor agrees, at the city's direction, to make collection and disposal of extra bags of trash, at any location in the city within twenty-four (24) hours' notice for four dollars (\$4.00) per bag.

(Ord. No. 11551, § 51, 2-18-2002)

Sec. 11-101. Disposal and subcontractors.

(a) Contractor proposes to dispose of garbage at the following landfill:

DNR Permit # _____

Permit Expires (date) _____

(b) Contractor proposes to compost yard waste at the following site(s):

(c) Contractor prepares to contract with the following recycling vendors:

(Ord. No. 11551, § 52, 2-18-2002)

Appendix A

3. (f) CITY DUMPSTER AND ROLLOFF LOCATIONS

TABLE INSET:

City Hall	201 South Franklin Street
Telecommunications Community Resource Center (T.C.R.C.)	315 South Franklin Street
Fire Department	601 South Franklin Street
Adair County Animal Shelter	Highway 6, West

Public Works Complex	2001 North Osteopathy Street
Water Plant	Old Highway 6 West
Wastewater Plant	4100 Atlas Lane
Regional Airport	Highway 63, South
Parks & Recreation	200 West Potter Avenue
Aquatics Center	801 East Mill Street
Fields of the Future (North Park)	North Baltimore Street

(Ord. No. 11551, 2-18-2002)

DOCUMENT NAME	Sikeston, MO: Solid Waste Ordinance
GENERAL DESCRIPTION	Ordinance outlining requirements for garbage, yard waste, and recycling collection within the municipality.
GENERAL PROVISIONS	<p><u>Refuse Collection</u></p> <ul style="list-style-type: none"> • Waste container requirements • Service to be established by the City. • Commercial/Businesses <ul style="list-style-type: none"> – Three times/week collection required. <p><u>Private Collector Requirements</u></p> <ul style="list-style-type: none"> • Approved licenses. • Collection vehicle requirements.

Chapter 13.04

SOLID WASTE

Sections:

- 13.04.010 Definitions.
- 13.04.020 Containers--Required.
- 13.04.030 Containers--Use of--Required.
- 13.04.040 Containers--Requirements.
- 13.04.050 Containers--Storage of.
- 13.04.060 Containers--Placement of.
- ~~13.04.070 Containers--Unapproved.~~
- 13.04.080 Commercial waste--Storage.
- ~~13.04.090 Tree limbs.~~
- 13.04.100 Yard waste storage.
- ~~13.04.110 City collections--Residential solid waste.~~
- ~~13.04.120 City collections--Private contracts.~~
- ~~13.04.130 City collections--Bulky rubbish.~~
- ~~13.04.140 Contract collections--Bond required.~~
- ~~13.04.150 Contract collectors--Bulky rubbish.~~
- 13.04.160 Entry upon property for collection purposes.
- ~~13.04.170 Private collector licenses--Required.~~
- 13.04.180 Private collector licenses--Insurance requirement.
- ~~13.04.190 Private collector licenses--Application.~~
- 13.04.200 Private collector licenses--Issuance--Modifications.
- 13.04.210 Private collector licenses--Denial.
- 13.04.220 Private collector licenses--Annual renewal.
- 13.04.230 Transportation--Earth and rock.
- 13.04.240 Transportation--Construction wastes.
- 13.04.250 Disposal--Approved location.
- 13.04.260 Disposal--Hazardous wastes.
- 13.04.270 Inspections.
- 13.04.280 Failure to take corrective measures.
- 13.04.290 Display of license on vehicle.
- 13.04.300 Collection vehicles--Requirements.

Sections: (Continued)

- 13.04.310 Collection frequency.
- 13.04.320 Regulatory authority.
- 13.04.330 Prohibitions.
- 13.04.340 Open burning.
- 13.04.350 Service charges--Rate.
- 13.04.360 Service charges--Added to water bill.
- 13.04.370 Service charges--Responsibility.
- 13.04.380 Service charges--Collection.
- 13.04.390 Service charges--Disposition of collected funds.
- 13.04.400 Additional penalty.

13.04.010 Definitions. For the purposes of this chapter, the following terms shall have the meanings indicated below:

A. "Approved incinerator" means an incinerator which complies with all current regulations of the Missouri Air Conservation Commission.

B. "Bulky rubbish" means nonputrescible solid wastes consisting of combustible and/or noncombustible 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 collection vehicles by solid waste collectors, with the equipment available therefor.

C. "Collection" means removal and transportation of solid waste from its place of storage to its place of processing or disposal.

D. "Collector" means a person, firm or corporation with whom the city has contracted for performance of one or more elements of residential and/or commercial solid waste management for the city, or a person, firm or corporation licensed by the city to perform one or more elements of residential and/or commercial solid waste management in the city.

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

F. "Disposable solid waste container" means disposable plastic or paper sacks with a capacity of twenty to thirty-five gallons specifically designed for storage of solid waste.

G. "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.

H. "Garbage" means putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food.

I. "Hazardous wastes" includes, but is not limited to pathological wastes, explosive wastes, pesticides, pesticide containers, toxic or radioactive materials.

J. "Multiple housing facility" means a housing facility containing more than one dwelling unit under the same roof.

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

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

M. "Refuse" means solid waste.

N. "Solid waste" means unwanted or discarded waste materials in a solid or semisolid 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.

1. "Commercial solid waste" means solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment and multiple housing facilities with more than four dwelling units.

2. "Residential solid waste" means solid waste resulting from the maintenance and operation of dwelling units, excluding multiple housing facilities with more than four dwelling units.

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

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

Q. "Solid waste management" means the entire solid waste system of storage, collection, transportation, processing and disposal.

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

S. "Yard wastes" means grass clippings, leaves, tree trimmings. (Prior code §5-301).

13.04.020 Containers--Required. 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 shall maintain such solid waste containers at all times and in good repair. (Prior code §5-302).

* Produced or accumulated

13.04.030 Containers--Use of--Required. The occupant of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment shall place all solid waste to be collected in proper solid waste containers and the area surrounding them shall be maintained in a clean, neat and sanitary condition at all times. (Prior code §5-303).

13.04.040 Containers--Requirements. Residential solid waste shall be stored in containers of not more than thirty-five gallons nor less than twenty gallons in nominal capacity. Containers shall be leakproof, waterproof, and fitted with fly-tight lids, 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 each emptying. They shall be of light weight and sturdy construction. The weight of any individual container and contents shall not exceed seventy-five pounds. Galvanized metal containers, rubber or fiberglass containers, and plastic containers which do not become brittle in cold weather, may be used. Disposable solid waste containers (plastic garbage bags) are approved for the storage and disposal of residential solid waste. These disposable solid waste containers shall be composed of 2--3 millimeter plastic material, be leakproof, waterproof, and securely bound for disposing purposes. Disposable containers shall be of a type originally manufactured for residential solid waste. (Ord. 4520 §1, 1985: prior code §5-304).

*Containers
20 gal.*

13.04.050 Containers--Storage of. Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property unless the owner has 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. (Prior code §5-315).

13.04.060 Containers--Placement of. Tree limbs and yard wastes, as described in Sections 13.04.090 and 13.04.100 respectively, shall be placed at the curb or alley for collection. Solid waste containers as required by this chapter for the storage of other residential solid waste shall be placed at the curb or alley or at the rear of the building for collection. Any solid waste containers, tree limbs, yard wastes or other solid waste permitted by this

chapter to be placed at the curb or alley for collection shall not be so placed until the regularly scheduled collection day, and empty containers shall not be permitted to remain on the street after they are emptied by the collector. (Prior code §5-311).

13.04.070 Containers--Unapproved. Solid waste containers which are not approved will be collected together with their contents and disposed of. (Prior code §5-308)

** may be tagged listing type of non-compliance failure of the recipient to comply with container requirements may result in failure to collect refuse solid waste, other than...*

13.04.080 Commercial waste--Storage. Commercial solid waste shall be stored in solid waste containers as approved by the city manager. 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 comply with all rules and regulations adopted pursuant to the terms of this chapter. (Prior code §5-305).

Yard waste is no longer collected at residences.

13.04.090 Tree limbs. Tree limbs less than four inches in diameter and brush shall be securely tied in bundled 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. (Prior code §5-306).

13.04.100 Yard waste storage. 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 seventy-five pounds. (Prior code §5-307).

13.04.110 City collections--Residential solid waste. 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 licensing one or more private collectors to collect residential solid waste or by contracting with one or more contract collectors, a county, or another city or a combination thereof, for collection of residential solid waste from the entire city or portions thereof, as deemed to be in the best interests of the city. (Prior code §5-309(a)).

13.04.120 City collections--Private contracts. The city shall provide for the collection of commercial solid waste by licensing one or more private collectors to collect commercial solid waste; by contracting with one or more contract collectors to collect commercial solid waste; or by permitting the owners or persons in charge of any establishment or property producing commercial solid waste to provide for collection in compliance with all applicable laws, ordinances and regulations of all solid waste produced upon any such premises. (Prior code §5-309(b)).

No longer
part of
solid waste
collection
service

13.04.130 City collections--Bulky rubbish. 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; provided, however, that bulky rubbish will be collected if tied securely in bundles not exceeding limitations of weight and bulk established in this chapter or in rules and regulations made and promulgated by the city manager, adopted pursuant to the terms of this chapter. All solid waste collected shall, upon being loaded into collection equipment, become the property of the collection agency. (Prior code §5-310).

13.04.140 Contract collectors--Bond required. Each contract collector shall post with the city a cash or surety bond in the amount of eighteen thousand dollars per ward to guarantee performance in accord with the terms of the agreement with the city and to insure payment of laborers and materialmen and satisfaction of all penalties imposed for failure to comply with all provisions of the agreement. (Prior code §5-325).

V

13.04.150 Contract collectors--Bulky rubbish. Bulky rubbish shall be collected by contract collector or private collector at the request of the person responsible for it. The fee for such collection shall be based on the weight, size and type of the bulky rubbish to be collected. (Prior code §5-312).

fee of collector of same

13.04.160 Entry upon property for collection purposes. Solid waste collection personnel, employed by a contract collector or private collector, are authorized to enter upon private property serviced by their employer for the purpose of collecting solid waste therefrom as required by this chapter. Solid waste collection personnel 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. (Prior code §5-313).

13.04.170 Private collector licenses--Required. 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 private collector's license from the city; provided, however, that this provision shall not be deemed to apply to employees of such licensee. (Prior code §5-320(a)).

13.04.180 Private collector licenses--Insurance requirement. No private collector's license shall be issued until and unless the applicant therefor, in addition to all other requirements set forth, files and maintains with the

Contract

city manager 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 hundred thousand dollars for each person injured or killed, and in the amount of not less than three hundred thousand dollars in the event of injury or death of two or more persons in any single accident, and in the amount of not less than fifty thousand dollars for damage to property. Should any such policy be cancelled, the city manager 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 provision 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. (Prior code §5-320(b)).

check limits for up to 1000

13.04.190 Private collector licenses--Application.

Each applicant for any such license 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 vehicles to be operated thereunder;

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

E. The boundaries of the collection area;

F. The rate schedule specifying the monthly cost of each type and level of service to be offered; and

G. Such other information as may be required by the city manager. (Prior code §5-320(c)).

13.04.200 Private collector licenses--Issuance--Modifications. 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 and this chapter, the city manager shall issue the license authorized by this chapter. The license shall be issued for a period of one year, and each applicant shall pay therefor a fee of fifty dollars for each collection vehicle to be used. If in the opinion of the city manager, 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 chapter, the city manager shall notify the applicant in writing, setting forth the modification to be made and the time in which it shall be done. (Prior code §5-320(d)).

13.04.210 Private Collector Licenses--Denial: If the applicant does not make the modifications pursuant to the notice in Section 13.04.200 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 Manager 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 the provisions of this chapter. (Prior code §5-320(e)).

13.04.220 Private Collector Licenses--Annual Renewal: The license may be renewed annually on or before January 1st, simply upon payment of the fee or fees as designated in this chapter if the business has not been modified. If modifications have been made, the applicant shall reapply for a license as set forth in Sections 13.04.180 and 13.04.190. No licenses authorized by this chapter shall be transferable from person to person. (Prior code §5-320 (f)).

13.04.230 Transportation--Earth and Rock: 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. (Prior code §5-317).

13.04.240 Transportation--Construction Wastes: Transportation and disposal of demolition and construction wastes shall be in accordance with Sections 13.04.170 through 13.04.220 and 13.04.250 through 13.04.290. (Prior code §5-318).

13.04.250 Disposal--Approved Location: Solid wastes shall be disposed of at a processing facility or disposal area approved by the City and complying with all requirements of the Missouri Division of Health. Disposal at other than an approved site will be cause for suspension or termination of the license of a private collector or for invoking the penalty clause of an agreement between the City and a contract collector. (Prior code §5-319 (a)).

13.04.260 Disposal--Hazardous Wastes: Hazardous wastes will require special handling and shall be disposed of only in a manner acceptable to the City Manager and which will meet all local, state and federal regulations.

- A. It shall be unlawful to dispose of hypodermic syringes except as follows:
 - 1. Hypodermic syringes shall be taken to the Scott County Health Department and deposited with that institution.

2. Hypodermic syringes shall be removed from the waste stream delivered by householders to the city's solid waste collector.
- B. Failure to dispose of hypodermic syringes in the manner herein provided shall constitute a violation of the law. (Prior code §5-319(b)), Ord. 5062 §II, 6/95).

13.04.270 Inspections: In order to insure compliance with the laws of the state, this chapter and the rules and regulations in this chapter, the City Manager is authorized to inspect all phases of solid waste management within the City. 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 chapter, the rules and regulations authorized in this chapter for the storage, collection, transportation, processing or disposal of solid waste, or the laws of the state, the City Manager 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. (Prior code §5-320 (g)).

13.04.280 Failure to Take Corrective Measures: In all cases, when the corrective measures have not been taken within the time specified, the City Manager shall suspend or revoke the license or licenses 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. (Prior code §5-320 (h)).

13.04.290 Display of License on Vehicle: All motor vehicles operated by a contract collector or by a private collector under any license required by this chapter shall display the collector's name and 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 three inches high. Each permit for processing or disposal facilities shall be prominently displayed at the facility. (Prior code §5-320 (i)).

13.04.300 Collection Vehicles--Requirements: All collection 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 collection of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall be separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secure 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. (Prior code §5-316).

13.04.310 Collection frequency: 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 twice weekly. At least forty-eight hours shall intervene between collections. All commercial solid waste shall be collected twice weekly, except that commercial solid waste containing garbage or hazardous wastes shall be collected daily, and other commercial solid waste shall be collected at such intervals as may be required to preserve public health and safety. (Prior code §5-314).

13.04.320 Regulatory authority:

- A. The Board of Municipal Utilities is authorized to make and promulgate reasonable and necessary rules and regulations for the billing and collection of solid waste collections and/or disposal service charges, as hereinafter provided for. The City Manager is authorized to make and promulgate reasonable and necessary rules and regulations for operation of each element of the solid waste disposal system serving the City.
- B. 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. (Prior code §5-321).

13.04.330 Prohibitions: It is 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 and/or with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal;
- B. Interfere in any manner with solid waste collection equipment, or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collection shall be those of the City, or those for a solid waste collection agency operating under contract or with license from the City;
- C. Engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the City without a contract with the City for one of more elements of solid waste management or private collector's license from the City, or operate under an expired license or operate after a license has been suspended or revoked; and
- D. Burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency, with the following exceptions:
 - 1. The burning of leaves, twigs (not more than two inches in diameter), and vegetation originating on the property on which it is to be burned, so long as the wind is not blowing in excess of 10 m.p.h.
 - 2. After obtaining a permit in accordance with Chapter 8.12, sections 100, 110, and 120 the following activities may be undertaken:

- a. Open burning of tree trunks, tree limbs, and vegetation for land clearing operations when such burning takes place at a distance less than two hundred yards from the nearest dwelling or improvement.
 - b. Fires set in connection with agricultural or forestry operations related to the growing or harvesting of crops,
 - c. Fires set for the purpose of instructing and training firemen in the methods of fighting fires, and
 - d. Campfires and other fires used solely for recreational purposes, for ceremonial occasions, or for the outdoor noncommercial preparation of food. (Prior code §5-322 (part), Ord. 4942 §2, 3/93)
3. Fires set in connection with agricultural or forestry operations related to the growing or harvesting of crops,
 4. Fires set for the purpose of instructing and training firemen in the methods of fighting fires, and
 5. Campfires and other fires used solely for recreational purposes, for ceremonial occasions, or for outdoor noncommercial preparation of food. (Prior code §5-322 (part)).

13.04.340 Open burning: Nothing in Section 13.04.330 may be construed to permit open burning which causes or constitutes a hazard to vehicular or air traffic nor which violates any other regulations. (Prior code §5-322 (part)).

13.04.350 Service charges--Rate: There is levied a charge of six dollars and fifty cents per month against each dwelling unit within the boundaries of the City for the collection and disposal of refuse, garbage and rubbish as defined in this chapter. (Prior code §5-323 (1)).

13.04.360 Service charges--Added to water bill: The monthly charge for collection and disposal of refuse, garbage and rubbish shall be added to and collected along with the water bill for each dwelling unit or separate water customer. (Prior code §5-323 (2)).

13.04.370 Service charges--Responsibility: Each person, being responsible for the payment of the water bill for each dwelling unit, shall be responsible for the payment of the refuse, garbage and rubbish collection and disposal charge. (Prior code §5-323 (3)).

13.04.380 Service charges--Collection: The monthly charge for collection and disposal or refuse, garbage and rubbish may be collected for each person responsible for or in charge of each dwelling unit entitled to the use of such service, by legal action brought by the City in a court of competent jurisdiction, with the costs thereof to be charged against and collected from the person entitled to the use of such service, including a reasonable attorney fee to be set by the court. (Prior code §5-323(5)).

13.04.390 Service charges--Disposition of collected funds: The monthly charge provided for in Section 13.04.350 shall be paid to the City board of Municipal Utilities, and shall be collected along with the regular monthly service charge for water and utility service. The Board of Municipal Utilities is authorized and directed to transfer each week for the Board of Municipal Utilities to the general revenue fund of the City, such funds as may have been deposited therein from the monthly charge for collection and disposition of refuse, garbage and rubbish. (Prior code §5-323 (6)).

13.04.400 Additional penalty: Any contract collector or private collector shall forfeit twenty-five dollars as liquidated damages to the City for each and every day of failure to comply with the provisions of this chapter and one dollar for each solid waste container missed on any collection day. (Prior code §5-324).

DOCUMENT NAME	St. Charles County, MO: Solid Waste Code
GENERAL DESCRIPTION	Code language for municipal solid waste and recycling related services and operations within the county.
GENERAL PROVISIONS	<ul style="list-style-type: none"> • Provides requirements for recycling containers for single, two, three, and four + unit residential premises. • Solid waste and recycling containers must conform with specifications provided in the annual hauler's contract. <p><u>Collection Frequencies:</u></p> <ul style="list-style-type: none"> • Solid Waste and Recycling must be collected once/week with an option for twice/week service for an additional fee. • Yard waste must be collected once/week (April – November). • Bulky Waste must be collected once every six (6) months. <p><u>Permitting Sections:</u></p> <ul style="list-style-type: none"> • Provides for rules for permitting and regulating SW haulers. • Provides for rules for permitting and registering composing facilities. • Provides for rules for permitting and registering entities generating special waste and demolition waste. • Provides for authority for rulemaking and enforcement of SW rules – including a sample Citation of Violation and a penalty schedule for various SW infractions. • Provides for the ability to designate future Solid Waste Zones in unincorporated areas if population numbers justify the need.

SOLID WASTE MANAGEMENT CODE OF ST. CHARLES COUNTY, MISSOURI

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- 240.110. Scope.

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- 240.201. Definitions.

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- 240.325. Location of Containers for Solid Waste and Recyclables.
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ARTICLE 1
TITLE AND SCOPE

240.101. Title.
240.110. Scope.

240.101 Title.

This Chapter may be cited and shall be known as the "Solid Waste Management Code of St. Charles County, Missouri."

240.110 Scope.

The provisions of this Chapter shall be effective within unincorporated St. Charles County and shall also be effective elsewhere if authorized pursuant to Article 18 or 19 of this Chapter or by intergovernmental contract.

ARTICLE 2 DEFINITIONS

240.201. Definitions.

As used in this Chapter, and unless the context clearly requires a different meaning, references to one gender include references to the other gender, singular references include the plural and plural references include the singular, statements including the word "shall" are mandatory and not directory. The following specific definitions apply to this Chapter.

1. *Aquifer* means a subsurface water-bearing bed or stratum of sand, gravel or bedrock which stores or transmits water in recoverable quantities or is capable of yielding water to wells or springs.
2. *Bedrock* means the solid rock stratum underlying solid and unconsolidated surface materials.
3. *Bulky waste* means non-putrescible solid waste consisting of 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 waste transportation vehicles by waste haulers with the equipment available therefor. "Bulky residential waste" is bulky waste generated on residential premises other than automobiles and construction and demolition materials.
4. *Cell* means compacted waste in a landfill that is enclosed on all sides by cover material.
5. *Clean fill* means uncontaminated soil, rock, sand, gravel, concrete, asphalted concrete, cinder blocks, brick, minimal amounts of wood and metal, and inert solids as approved by rule or policy by the Missouri Department of Natural Resources for fill, reclamation, or other beneficial use.
6. *Compost* means the biological decomposition of organic constituents under controlled conditions.
7. *Composting facility* means a non-residential premise which collects and/or accepts organic constituents from off-site for the purpose of biological decomposition and shall be defined as a waste processing facility.
8. *Demolition and construction waste* means waste materials generated from the demolition and construction of residential, industrial or commercial structures.
9. *Demolition landfill* means a disposal area used for the disposal of demolition and construction waste, untreated wood wastes, soil, rock, asphaltic concrete, and other non-decomposable inert solids insoluble in water.
10. *Department* means the St. Charles County Department of Community Health and the Environment.

11. *Division Director* means the Division Director of the Division of Environmental Services of the St. Charles County Department of Community Health and the Environment, and the deputies, assistants and employees of that division designated to perform functions on his behalf.
12. *Director* means the Director of the St. Charles County Department of Community Health and the Environment, and the deputies, assistants and employees of that department designated to perform functions on his behalf.
13. *Division* means the Division of Environmental Services of the St. Charles County Department of Community Health and the Environment.
14. *Engage in the business of hauling waste* means to either:
 - a. Use a vehicle designed for the collection of waste from storage at residential or non-residential premises to haul such waste, regardless of the number of times the vehicle is so used, including such use by municipalities; or
 - b. Use a vehicle to haul waste in the unincorporated part of St. Charles County more than five (5) times during any waste hauling vehicle licensing year. The expression includes municipalities which own or operate vehicles to provide waste hauling services within the unincorporated part of St. Charles County and who enter into intergovernmental cooperative agreements pursuant to Article 19 Section 240.1930, but shall exempt residential property owners hauling their own waste.
15. *Facility*, with no modifying words appearing before it, used only in sections where a landfill, waste processing facility or transfer station is being discussed, means any landfill, waste processing facility or transfer station which is the subject of such section.
16. *Facility expansion* means an increase or intended increase of the operation or use laterally, beyond the licensed perimeter previously licensed by the Division Director.
17. *Facility modification* means a change in design, facility plan or operation within the ground of previously licensed perimeter or Conditional Use Permit area. Modification would include an increase or change of final elevation or overall depth of landfills or extension into areas previously permitted by the Division Director, but not yet engineered.
18. *Final cover* means the cover material placed over waste in a landfill which is more substantial than a daily cover.
19. *Flood plain* means the area designated as the one-hundred (100) year special flood hazard and floodway on the flood boundary and floodway maps and flood insurance rate maps approved by the Federal Emergency Management Agency.
20. *Free liquid* means liquid that will drain freely by gravity from solid materials.
21. *Hazardous waste* means any waste, or combination of wastes, as determined to be hazardous by Sections 260.350 to 260.430, RSMo, as amended, and the

corresponding rules promulgated by the Missouri Department of Natural Resources (MDNR).

22. *Human tissue* means any part or component of human body origin generated by hospital or medical clinic surgical or routine activities that is discarded as waste in the course of operating practices including limbs or portions thereof, organs or culture stock.
23. *Industrial/commercial special waste* means special wastes generated as a result of commercial/industrial processes or activities.
24. *Infectious waste or biohazard waste* shall include the following:

Isolation wastes. Wastes generated by patients who have communicable diseases which are capable of being transmitted to others via those wastes.

Cultures and stocks of etiologic agents. Included in this category are all cultures and stocks of infectious organisms as well as culture dishes and devices used to transfer, inoculate and mix cultures.

Blood and blood products. All discarded blood, and blood products generated by a medical facility including serum, plasma and other components.

Pathological wastes. These wastes include tissues, organs, body parts and body fluids that are removed during surgery and autopsy. All such wastes shall be considered infectious waste. Also included are animal carcasses, body parts and bedding from animals contaminated with infectious agents capable of being transmitted to a human host.

Sharps. This includes all sharps, including hypodermic needles, syringes and scalpel blades. Sharps also include broken glass or other sharp items that have come in contact with material considered infectious by definition.

Surgery and autopsy wastes. Wastes contaminated with bodily fluids, tissue, or pathogens which are generated by surgery, dialysis and laboratory departments.

Contaminated laboratory wastes. All medical laboratory wastes which have been contaminated with bodily fluids, tissues, or pathogens.

In addition, the term infectious waste means waste in quantities and with characteristics as established by rule by the Division Director pursuant to the rulemaking power granted in Section 240.1710.

25. *Landfill* means an engineered waste disposal site in which waste is deposited and managed in a manner protective of the environment.
26. *Leachate* means liquid that has percolated through waste and contains extracted, dissolved, or suspended materials from it.

27. *Materials facility plan* means the plan for construction, operation and closure (as the case may be) of a yard waste composting facility.
28. *Medical facility* means an individual, office, facility or institution which generates infectious waste in the course of conducting its primary business or whose act or process first causes an infectious waste.
29. *Medical special waste* means infectious waste that has been rendered innocuous via a physical treatment process established by the Missouri Department of Health, the Missouri Department of Natural Resources and the St. Charles County Department of Community Health and the Environment.
30. *Mobile/roll-off waste container* means a container which has a capacity of at least ten (10) cubic yards and which is used for storing solid waste collected in the unincorporated areas of St. Charles County and transporting that waste to the disposal or transfer/processing point over public roadways.
31. *Non-residential* means commercial, industrial, agricultural, institutional and recreational.
32. *On Site* means the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a crossroads intersection and access is by crossing, as opposed to going along the right-of-way. Non-contiguous properties owned by the same person but connected by a right-of-way which s/he controls and to which the public does not have access is also considered on-site property. Situations which do not meet this definition shall be deemed "off-site."
33. *Person* means individual, partnership, corporation, association, institution, or municipality.
34. *Puncture resistant container* means a container that resists piercing by a sharp object such as a hypodermic needle. Notwithstanding the foregoing, a container made of glass does not satisfy this definition.
35. *Recovered materials* mean those materials which have been diverted or removed from the solid waste stream for sale, use, reuse or recycling, whether or not they require subsequent separation and processing.
36. *Recyclables* means materials removed from the general waste stream for the purpose of resource recovery and includes at a minimum, glass bottles and jars, aluminum beverage cans, newspaper, corrugated containers (cardboard), office paper, miscellaneous paper fiber grades, plastics 1 (PETE, soda bottles) and 2 (HDPE, milk jugs, detergent), and steel cans, and may also include other materials for which resource recovery systems or end-use markets have been identified.
37. *Recycle* means the separation and reuse of source separated materials which otherwise might be disposed of as waste.

38. *Recycling center* means any collection (not manufacturing) facility or system that accepts source-separated materials for resale to markets for resource recovery for example, aluminum cans and scraps, tin, copper, glass, paper products, tires, plastics, bi-metal and steel containers, ferrous and nonferrous metals and from which offal from the material does not exceed ten percent (10%) by volume.
39. *Resource recovery facility* means any facility where recovery of materials, which might otherwise be disposed of as solid waste and which have not been separated at the point of generation, takes place.
40. *Sanitary Landfill* means a solid waste disposal area which accepts residential and non-residential waste for permanent management using detailed engineered controls.
41. *Sludge* means the accumulated semi-solid suspension of settled solids deposited from wastewaters or other fluids in tanks or basins.
42. *Soil* means unconsolidated geologic material above the bedrock.
43. *Solid waste* means all waste in a solid or semisolid state generated by residential, commercial, institutional and industrial sources, but does not include hazardous waste or special waste.
44. *Source separated material* means that recovered material which has been diverted or removed from the solid waste stream at the point the recovered materials and the solid waste are generated. The term does not require that various types of recovered materials be separated from each other.
45. *Special waste* means waste that is declared by the Division Director, pursuant to his rule making authority, or by the Missouri Department of Natural Resources to be nonhazardous but requiring handling other than normally used for municipal wastes, examples being sludges (biosolids from water and wastewater treatment processes), ash, contaminated soils (generated from site remediation), and process residues.
46. *Special waste landfill* means a solid waste disposal area licensed for the disposal of one (1) or more special wastes.
47. *Transfer station* means a site or facility which accepts solid waste for temporary storage, or consolidation and further transfer to a waste disposal, processing or storage facility. Transfer station includes, but is not limited to, a site or facility where waste is transferred from: a rail carrier, motor vehicle or water carrier to another carrier, if the waste is removed from the container or vessel. A licensed residential waste hauling operation which exclusively involves the transportation, storage, and disposal of non-putrescible banned landfill items (i.e., white goods, tires, etc.) as the service it provides to its customers shall be exempt from transfer station status provided the storage of all collected material does not exceed thirty (30) days and does not create a public health or aesthetic nuisance. In addition, the transfer of waste directly from one waste hauling vehicle/container to another waste hauling vehicle/container, in the regular operation of providing waste collection service, shall be exempt from transfer station status; providing, however, that all such vehicles and

containers are permitted by St. Charles County under the same company name or its subsidiary.

48. *Vector* means an organism that is capable of transmitting a pathogen from one organism to another.
49. *Waste* means garbage, rubbish, refuse and other discarded materials, including liquid, gaseous, solid, and semisolid materials resulting from industrial, commercial, institutional, agricultural, residential, and other domestic activities, but does not include recovered materials that are managed in such a manner so as to prevent a public health nuisance. For the purpose of all provisions of this Code imposing duties with respect to the generation, storage, collection or transportation of waste, the term "waste" includes hazardous waste, infectious waste, and special waste, unless the context clearly requires a contrary instruction.
50. *Waste facility plan* means the plan for construction, operation and closure of a sanitary landfill, demolition landfill, waste processing facility or transfer station, as the case may be, as more fully described in Sections 240.620, 240.630 and 240.640 and other provisions of this Chapter.
51. *Waste processing facility* is defined as an incinerator, compost plant, transfer station or any facility where solid wastes (excluding hazardous wastes) received from off-site are salvaged, processed or treated, using methods other than landfilling.
52. *Waste transportation vehicle* means a vehicle used to collect solid waste in the unincorporated areas of St. Charles County and to transport that solid waste on any highway, road or street, all as provided by Article IV of this Solid Waste Management Code of St. Charles County.
53. *White goods* means household appliances such as refrigerators, stoves, dishwashers, hot water heaters and other similar household devices, not capable of being directly disposed of in a sanitary landfill.
54. *Working face* means that portion of the sanitary landfill where wastes are discharged and are spread and compacted prior to the placement of cover material.
55. *Yard waste* means source separated leaves, grass clippings, yard and garden vegetation generated by residential activities and Christmas trees. The term does not include waste generated in the production of decorative or ceremonial items, stumps, roots or shrubs with intact root balls, railroad ties, or tree limbs greater than six (6) inches in diameter.
56. *Yard waste composting facility* means a non-residential premises which collects and/or accepts recovered yard by-product (and brush/tree waste if incorporated into an approved facility plan) generated off-site for the purpose of controlled biological decomposition.

ARTICLE 3

STORAGE AND COLLECTION OF WASTE ON PREMISES WHERE GENERATED

- 240.301. Persons Responsible for Storage and Collection of Solid Wastes on Premises Where Generated.
 - 240.310. Solid Waste Containers Required on All Premises.
 - 240.315. Requirements for Separate Containers for Recyclables for Each Residence on Single-, Two- and Three-Family Residential Premises.
 - 240.320. Requirements for Separate Containers for Recyclables on Residential Premises Having Four or More Units.
 - 240.325. Location of Containers for Solid Waste and Recyclables.
 - 240.330. Specifications for Containers for Solid Waste and Recyclables.
 - 240.335. Containers for Solid Waste and Recyclables For Exclusive Use of Residents or Possessors of Premises Served.
 - 240.340. Storage of Infectious, Hazardous and Special Wastes.
 - 240.345. Demolition and Construction Waste.
 - 240.350. Medical facilities generating and/or disposing of medical wastes.
 - 240.355. Collection of Solid Waste and Recyclables.
 - 240.360. Violations, Notices.
 - 240.365. Notice of Proper Disposal of Sharps.
- 240.301. Persons Responsible for Storage and Collection of Solid Wastes on Premises Where Generated.

The persons described in this Section shall be responsible for complying with the provisions of this Article.

1. All residents seventeen (17) years old or older shall be responsible for complying with the provisions of this Article with respect to the storage and collection of residential waste on the premises at which they reside.
 2. All persons in possession of common areas of multi-family residential premises or responsible for providing or contracting for waste collection services for such premises and for the benefit of their residents shall be responsible for complying with the provisions of this Article with respect to the storage and collection of solid waste generated on such premises, and this duty shall extend to each manager, agent or employee of such persons.
 3. All persons in possession of nonresidential premises shall be responsible for complying with the provisions of this Article with respect to the storage and collection of nonresidential waste on the premises they possess, and this duty shall extend to each manager, agent or employee of such persons.
 4. On all premises, it shall be a violation of this Article to perform any act which would make the premises fail to comply with the requirements of this Article, whether or not the person charged resides on the premises or is in possession of the premises or is the agent or employee of a person in possession of the premises.
- 240.310. Solid Waste Containers Required on All Premises.

There shall be provided on each premises where waste is generated, whether such premises are residential or nonresidential, containers for the storage of all waste except the following: bulky waste, demolition and construction waste, yard waste, and infectious, hazardous and special wastes. The containers shall be leak-proof, waterproof, and fly-tight and shall be properly covered at all times except when waste is being deposited in the containers or is being removed from them. The containers must be sufficient in quantity and size to hold all the aforementioned waste.

240.315. Requirements for Separate Containers for Recyclables for Each Residence on Single-Two- and Three-Family Residential Premises.

Where owners or occupants of single-, two- or three-family residential premises separate recyclables for collection, those owners or occupants shall use for that purpose separate containers or sacks approved by the Division Director and provided by or meeting the requirements of the trash hauler holding an Annual Solid Waste Collection and Transportation Permit from St. Charles County and serving the premises.

240.320. Requirements for Separate Containers for Recyclables on Residential Premises Having Four or More Units.

Where persons responsible for residential premises having four (4) or more units provide for the separate collection recyclables, those persons shall provide centrally located recycling containers meeting the requirements of the solid waste hauler holding an Annual Solid Waste Collection and Transportation permit from St. Charles County and serving those premises.

240.325. Location of Containers for Solid Waste and Recyclables.

Solid waste containers and containers for recyclables shall be stored upon the premises where the solid wastes or recyclables are generated, unless the person responsible provides the trash hauler serving the property his or her signed written agreement with the owner of an alternative site to use that alternative site for storing containers. The site of these containers shall be maintained in a neat, clean, odor-free and sanitary condition, and in the case of non-residential premises shall be fully accessible to collection equipment. The site where containers are placed that serve commercial establishments shall meet all the aforementioned requirements as well as being accessible to all public health personnel and fire inspection personnel.

240.330. Specifications for Containers for Solid Waste and Recyclables.

All containers for solid waste and for recyclables must conform to the requirements of the solid waste hauler serving the premises as those requirements are stated in the hauler's Annual Solid Waste Collection and Transportation permit issued by St. Charles County.

240.335. Containers for Solid Waste and Recyclables For Exclusive Use of Residents or Possessors of Premises Served.

No person may place solid waste or recyclables in any containers serving premises on which others reside or which others possess without their consent.

240.340. Storage of Infectious, Hazardous and Special Wastes.

1. No person possessing or generating infectious, hazardous or special waste shall permit such infectious, hazardous or special waste to be placed in storage containers ordinarily used for waste that is not infectious, hazardous or special waste, as the case may be.
2. Any person possessing or generating infectious, hazardous or special waste shall place such waste in storage containers clearly marked "INFECTIOUS," "HAZARDOUS WASTE," or "SPECIAL WASTE," as the case may be.
3. Infectious waste shall be stored in a manner that does not pose a significant hazard or nuisance in the workplace, to the public, or to the environment. All infectious waste shall be stored in the following manner prior to pickup:
 - a. All infectious waste shall be stored in sealed leakproof containers. Discarded sharps shall be placed in closed containers which are rigid and puncture resistant.
 - b. All containers shall be clearly marked with the universal biohazard symbol prominently displayed and shall be labeled "Infectious Waste" or "Biohazard Waste." The symbol and label shall be clearly visible.
 - c. All containers shall be closed in such a manner as to completely contain all waste and the outside of the container shall be kept free of contamination.
 - d. The storage area shall be posted with the universal biohazard symbol. The symbol shall be clearly visible.
 - e. The storage area shall be accessible only to authorized personnel.
 - f. Exterior storage areas shall be locked or otherwise secured at all times.
4. Medical special waste shall be stored in a manner that does not pose a significant hazard or nuisance in the workplace, to the public, or to the environment. All medical special waste shall be stored in the following manner prior to pickup:
 - a. All medical special waste shall be stored in sealed leakproof containers.
 - b. All containers shall be labeled "Medical Special Waste" affixed to the container. All labeling shall be clearly visible and legible.
 - c. The storage area shall be accessible only to authorized personnel.
 - d. Exterior storage areas shall be locked or otherwise secured at all times.
5. Industrial/commercial special waste and sewage sludges shall be stored in a manner that does not pose a significant hazard or nuisance in the workplace, to the public, or the environment and as approved in the Special Waste application. The storage

area shall be accessible only to authorized personnel, and exterior storage area shall be locked or otherwise secured at all times.

6. Hazardous wastes shall be stored in accordance with applicable state and federal regulations.

240.345. Demolition and Construction Waste.

1. No person shall store in or place additional demolition and construction waste in a mobile/roll-off waste container which is full. A mobile/roll-off waste container is full if no more waste can be added to it without making it unsafe to transport, filled in excess of the rated capacity, or in excess of established public roadway weight limits.
2. The person who has requested that a mobile/roll-off waste container be located to receive demolition or construction waste or container be removed from a site shall require that a mobile/roll-off waste container which is full be removed and the waste deposited at an appropriate facility.
3. Demolition and construction waste shall be stored in a secure container or otherwise secured to prevent dispersal by the wind.
4. Demolition and construction waste shall not be stored in a floodplain unless it is stored in a mobile/roll-off waste container.

240.350. Medical facilities generating and/or disposing of medical wastes.

1. At least once annually, every medical facility generating or disposing of medical wastes shall file a statement with the Division Director registering the medical facility as a medical waste generator. The statement shall contain such other information as the Division Director requests, including more particular detail concerning the amounts of medical waste disposed or expected to be disposed of during the year.
2. Waste generators disposing of treated infectious waste (medical special waste) are required to submit an application for disposal of special waste in accordance with Section 240.1610.

240.355. Collection of Solid Waste and Recyclables.

For all residential or nonresidential premises where solid wastes are generated, persons responsible for complying with the provisions of this Article shall contract for the collection of solid waste by a hauler serving the premises and holding an Annual Solid Waste Collection and Transportation Permit issued by the Division Director. Such services shall meet the following requirements.

1. Solid waste, including recyclables but excluding bulky waste, demolition and construction waste, yard waste, and infection, hazardous and specials wastes, shall be collected not less often than once per week. In the event no waste hauler serves the area, the aforementioned wastes must be removed from the premises not less

often than once per week, and deposited at a licensed sanitary landfill, waste processing facility or transfer station.

- a. Solid waste containers and containers for recyclables described in Sections 240.310 through 240.330 shall be placed at the curb or mailbox for collection or shall be placed at a location pursuant to Section 240.325 no earlier than dusk on the day prior to regularly scheduled collection day. The waste containers and recycling containers shall be returned to their appropriate storage places following collection and on the same day as collection.
 - b. Solid waste collectors operating under an Annual Solid Waste Collection and Transportation Permit issued by St. Charles County are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required. 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.
2. Infectious waste: If the generator of infectious waste generates such waste at the rate of 4.5 cubic feet per week or more, then such waste shall be collected at least once per week. If the generator of infectious waste generates infectious waste at the rate of less than 4.5 cubic feet per week, then waste shall be collected within seven (7) normal working days of the time such generator collects 4.5 cubic feet of infectious waste.
 3. Medical Special Waste and Industrial/Commercial Special Waste and Sewage Sludge: Frequency of pickup shall be as specified in the approved special waste disposal application. In making the determination of the frequency of pickup, the Division Director may consider whether proper containment, storage and labeling is or has been observed by the applicant per Section 240.340, subsections 1 through 4.

240.360. Violations, Notices.

If any person responsible for complying with the provisions of this Article violates any such provision, the Division Director shall notify that person in writing of any such violations and order that person to correct or abate them within thirty (30) days. If the violation is failure to comply with Section 240.355's requirement to contract for the services of a hauler holding an Annual Solid Waste Collection and Transportation Permit from St. Charles County, the notice of the Division Director shall include the names, business addresses and telephone numbers of the Permittee serving the premises and order the person responsible to contract with a licensed hauler within thirty (30) days of the mailing or posting of the notice. Notice shall be served by first-class mail, postage prepaid, or shall be posted upon the premises in a prominent place. Failure to comply with the correction order of the Division Director shall result in citations and appropriate legal action for penalties or injunctive relief as authorized by Article 17 of this Chapter.

240.365. Notice of Proper Disposal of Sharps.

1. The Division Director shall develop instructional materials describing the proper disposal procedures for sharps used outside of a medical facility. These materials shall be made available to all persons who dispense sharps to individuals who are not health-care professionals but who use sharps to administer medication to themselves.
2. Every person who dispenses sharps to individuals pursuant to subsection 1 of this Section shall also and at the same time give those individuals a copy of the instructional materials described in subsection 1 of this Section.
33. The Division Director shall take reasonable means to educate persons subject to the requirements of subsection 2 of this Section of the requirements and the availability of the materials described in subsection 1 of this Section.

ARTICLE 4

COLLECTION AND TRANSPORTATION OF SOLID WASTE FROM PREMISES

- 240.401. Annual Permit for Collecting and Transporting Solid Waste: Required.
- 240.405. Annual Permit: Not Transferrable.
- 240.410. Annual Permit: Application Form.
- 240.415. Annual Permit: Application Deadline; Effective Dates; Fees.
- 240.420. Annual Permit: Issuance.
- 240.425. Duties of Permittee: Offering Collection Services to All Residents Within Area of Service; Certifying Collection Contracts to Division Director.
- 240.430. Duties of Permittee: Providing Recycling Services with Collection Services and Updating Materials Separation Plans.
- 240.435. Duties of Permittee: Collecting Bulky Waste from Residential Premises At Least Once Every Six Months.
- 240.440. Duties of Permittee: Labeling all Permitted Waste Transportation Vehicles and Mobile/roll-off Waste Containers.
- 240.445. Duties of Permittee: Maintaining Waste Transportation Vehicles and Mobile/roll-off Waste Containers.
- 240.450. Duties of Permittee: Inspection of all Waste Transportation Vehicles and Mobile/roll-off Waste Containers used by Permittees; Violations; Correction Notices; Suspension of Permitted Vehicles or Containers in Violation.
- 240.455. Duties of Permittee: Semi-Annual Reports to County.
- 240.460. Duties of Permittee: Insurance.
- 240.465. Duties of Permittee: Securing Bonds for Hauling Sludge, Sewage and Special Wastes.
- 240.470. Special Requirements for Transportation of Infectious, Hazardous and Special Wastes.
- 240.475. Authority to Promulgate Regulations Implementing This Article.
- 240.480. Revocation of Permits.

- 240.401. Annual Permit for Collecting and Transporting Solid Waste: Required.

Except as provided in this Section, no person shall engage in the business of collecting solid waste in the unincorporated areas of St. Charles County and transporting that solid waste on any highway, road or street without first obtaining an annual Solid Waste Collection and Transportation Permit from the County. This Section shall not apply to employees of the holder of any such permit, or to governmental bodies engaged solely in the business of collecting solid waste within incorporated areas of St. Charles County, or to persons engaged in the removal, hauling or disposal of earth and rock material from grading or excavation activities, or to vehicles that transport no solid waste except white goods and/or scrap metal.

- 240.405. Annual Permit: Not Transferrable.

No permit authorized by this Article shall be transferable from person to person or company to company.

- 240.410. Annual Permit: Application Form.

Each application for an Annual Solid Waste Collection and Transportation Permit shall be on a form provided by the Division Director and shall state:

1. The applicant's name, address, and telephone number;
 2. The name under which the applicant will conduct the business of collecting and transporting solid waste under the Permit applied for;
 3. The motor vehicle license number and fleet vehicle number assigned by the applicant to each vehicle or mobile/roll-off waste container to be used by the applicant under the Permit applied for;
 4. The name, address, and telephone number of the owner of each vehicle or mobile/roll-off waste container to be used by the applicant under the Permit applied for (if not the same as the applicant);
 5. The type or types of solid waste to be collected and transported under the Permit for which applied;
 6. The precise location or locations of the solid waste disposal areas, processing facilities or transfer stations to which the applicant shall haul waste under the Permit for which applied;
 7. Subject to Subsection 240.430.3, a materials separation plan, on a form supplied by the Division Director, providing for the separate weekly collection from single- and multi-family residential premises and for the recycling of recyclables, and including specifications for recycling containers to be approved by the Division Director, provisions assigning responsibility for providing them, and the costs of implementing the plan;
 8. Specifications for general solid waste containers, and provisions assigning responsibility for providing them;
 9. A plan for the collection from residential premises at least once every six (6) months of bulky waste, including white goods;
 10. An agreement to comply with the provisions and requirements of this Article; and
 11. Such other information as may be required by the Division Director.
- 240.415. Annual Permit: Application Deadline; Effective Dates; Fees.
1. A person may apply at any time for an initial Annual Solid Waste Collection and Transportation Permit which shall be effective from the date on which the Division Director issues it and which shall expire at the end of the immediately following December 31. All applications to renew such Permits shall be made by December 15 of each year. All renewed Permits shall be effective from January 1 through December 31 of the following year.

2. Each applicant shall pay application fees and inspection fees as authorized herein at the time of making application for an Annual Solid Waste Collection and Transportation Permit.
 - a. The County of St. Charles shall charge and collect a fee of up to Seven Hundred Fifty Dollars (\$750.00) for a one (1) year permit from any solid waste hauler doing business in the unincorporated areas of St. Charles County. Fees for permits issued to new permittees at any time after January 1 shall be prorated.
 - b. The Division shall charge a fee for inspections of waste transportation vehicles and/or mobile/roll-off waste containers of Solid Waste Haulers doing business in the unincorporated areas of St. Charles County as follows:
 - i. Thirty dollars (\$30.00) per inspection.

240.420. Annual Permit: Issuance.

No Annual Solid Waste Collection and Transportation Permit shall be issued unless:

1. The applicant's application is complete;
2. The applicant has paid all authorized fees;
3. The Division Director determines that the applicant's materials separation plan for collecting and recycling recyclables conforms to the requirements of this Article; and
4. The applicant provides for the collection from residential premises of bulky waste, including white goods, at least once every six (6) months.

240.425. Duties of Permittee: Offering Collection Services to All Residents Within Area of Service; Certifying Collection Contracts to Division Director.

As a condition of holding a Permit issued pursuant to this Article, each Permittee shall offer collection services to all residential and non-residential premises within the area or areas for which a Permittee is authorized to collect and transport solid waste. Further, if St. Charles County determines that residential or non-residential premises of the unincorporated part of the County lack collection services in violation of Article 3 of this Chapter, the Division Director shall send the person responsible for those premises as defined by Section 240.301 written notice of that violation, and send copies of that notice to the Permittee or Permittees serving the area within which those premises are located. That notice shall give the names, business addresses and telephones of the Permittee or Permittees serving the area, and order the person responsible for those premises to contract with a Permittee for collection services within thirty (30) days of the mailing of the notice. It shall be the Permittee's duty to provide collection services if the person responsible for those premises requests them and send the Division Director written certification that the person responsible has contracted or has failed to contract for collection services as required by the notice.

240.430. Duties of Permittee: Providing Recycling Services with Collection Services and Updating Materials Separation Plans.

As a condition of holding a Permit issued pursuant to this Article, each Permittee shall:

1. Collect and dispose of all solid waste at an approved facility at least once a week and make available for an additional fee twice-a-week collection and disposal.
2. Make available for an additional fee collection of yard waste once a week between April 1 and November 30 of every year, and deliver all such materials to an approved transfer station or composting facility.
3. Collect separated recyclables as identified in the Permittee's waste separation plan once a week, and deliver all such materials to approved material processing facilities and/or end-users as appropriate, unless this requirement is waived by the Division Director, upon a showing by the Permittee or the applicant for a permit that it can not economically offer such services due to the low density of development in the area to be served and/or the length of haul routes.
4. Provide the above services with authorization to bill all residential customers at prevailing fair market rates covering all operating costs.
5. Apply to the Division Director for approval of any amendments to the Permittee's materials separation plan, which shall not be given unless the Division Director determines that the Permittee's amended materials separation plan conforms to the requirements of this Article.
6. Report any changes in the information provided on the Permittee's application, within thirty (30) days of those changes.

240.435. Duties of Permittee: Collecting Bulky Waste from Residential Premises At Least Once Every Six Months.

As a condition of holding a Permit issued pursuant to this Article, each Permittee shall provide to all persons contracting for the collection of solid waste from residential premises at least one collection of bulky waste, including white goods, every six (6) months. The Permittee shall give such persons reasonable notice of the time of any such collection of bulky waste.

240.440. Duties of Permittee: Labeling all Permitted Waste Transportation Vehicles and Mobile/roll-off Waste Containers.

As a condition of holding a Permit issued pursuant to this Article, each Permittee shall ensure that all waste transportation vehicles and mobile/roll-off waste containers used under any Permit required by this Article shall display in a prominent and visible location the label provided by the Division Director on each vehicle and container indicating that they are licensed.

240.445. Duties of Permittee: Maintaining Waste Transportation Vehicles and Mobile/roll-off Waste Containers.

As a condition of holding a Permit issued pursuant to this Article, each Permittee shall maintain the waste transportation vehicles and mobile/roll-off waste containers that it operated under its Permit as provided herein.

1. All waste transportation vehicles and mobile/roll-off waste containers shall be maintained in a clean and sanitary condition and shall be constructed, maintained and operated to prevent spilling, blowing or leaking of solid waste or liquid therefrom.
2. All waste transportation vehicles that incorporate compactor bodies for trash storage during transportation shall be constructed with bodies that have seals located on the hopper assembly or any part of the compactor body which will create a water-tight enclosure to prevent spillage or leakage of solid waste or liquid therefrom, and only the loading hopper may be exposed.
3. All mobile/roll-off waste containers that are not fully enclosed shall have fasteners designed to secure a suitable cover material to all sides of the container while in transport to prevent spillage or leakage of solid waste or liquid therefrom.

240.450. Duties of Permittee: Inspection of all Waste Transportation Vehicles and Mobile/roll-off Waste Containers used by Permittees; Violations; Correction Notices; Suspension of Permitted Vehicles or Containers in Violation.

1. As a condition of holding a Permit issued pursuant to this Article, each Permittee shall permit the Division Director to inspect each of the waste transportation vehicles and mobile/roll-off waste containers used under the Permit, at any time selected by the Division Director and upon reasonable notice to the Permittee, to ensure compliance with the provisions of this Article.
2. Except as provided in subsection 3, the Division Director shall inspect all waste transportation vehicles or mobile/roll-off waste containers used by each holder of an Annual Solid Waste Collection and Transportation Permit to ensure compliance with this Article.
3. The Division Director may waive inspection of any waste transportation vehicle or mobile/roll-off waste container if its owner is a municipality, governmental entity, department of a governmental entity, or nonprofit organization which has a quality control and inspection program that ensures compliance with the standards imposed by this Article.
4. If upon inspection pursuant to this Section, the Division Director finds any violation of this Chapter or of the regulations adopted pursuant to it, the Division Director shall issue notice to the holder of the Annual Solid Waste Collection and Transportation Permit who is responsible for each such violation stating the violation or violations found, the corrective action needed to correct the violation or violations found, and the time and date by which such corrective action must be taken.
5. In all cases, if a holder of an Annual Solid Waste Transportation and Collection Permit fails to take the corrective action ordered by the Division Director pursuant to subsection 4 within the time specified, the Division Director shall suspend operation of the permitted waste transportation vehicle or mobile/roll-off waste container that is

in 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 (1) extension of time, not to exceed the original time period may be given.

6. Any person aggrieved by any notice of violation or order issued pursuant thereto of the Division Director may, within thirty (30) days of the act for which redress is sought, appeal directly to the Director in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal.

240.455. Duties of Permittee: Semi-Annual Reports to County.

As a condition of holding a Permit issued pursuant to this Article, each Permittee shall provide to the Division Director semi-annual reports on forms to be provided by the Division Director, and including the following information: (1) number of current customers; (2) total tons of waste collected since last report; (3) total tons of recyclables collected since last report; (4) total tons of yard waste collected since last report; (5) names and addresses of processing facilities/destinations/end-market locations accepting above referenced items; and (6) request for handling of de minimis (as outlined in Missouri Revised Statutes, Chapter 260, Section 260.432) amounts of household/commercial hazardous wastes.

240.460. Duties of Permittee: Insurance.

1. No person shall engage in the business of hauling waste without maintaining public liability insurance governing all operations of the insured pertaining to the business hauling waste and all vehicles to be operated in the conduct thereof. The insurance shall be with an insurer acceptable to the Division Director and shall include coverage in one (1) policy or multiple policies for any contractors or subcontractors engaged by the insured for such business. Evidence of such insurance shall be filed with the Division Director. The minimum limits of insurance for public liability and auto liability shall be Five Hundred Thousand Dollars (\$500,000) for bodily injury to each person; One Million Dollars (\$1,000,000) for total bodily injury for each occurrence; and One Million Dollars (\$1,000,000) for property damage for each occurrence. Municipalities engaged in the business of waste hauling are exempted from procuring the minimum limits of insurance required by this Section.
2. No person shall engage in the business of hauling waste without maintaining insurance coverage with workers' compensation coverage, with minimum limits as set by law. Should any policy be canceled the Division 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.

240.465. Duties of Permittee: Securing Bonds for Hauling Sludge, Sewage and Special Wastes.

No person shall haul sewage, sludge or special wastes without obtaining a bond in the amount of One Thousand Dollars (\$1,000) for each vehicle hauling or to haul sludge, sewage or special wastes. The bond shall assure that the provisions of this Section are satisfied and that sludge, sewage and special wastes are transported in a safe and sanitary manner. Such bond shall insure to the benefit of St. Charles County and persons residing in

unincorporated St. Charles County. Bonding and annual Solid Waste Collection and Transportation Permits shall not be required for any sludge, sewage, or sludge/compost mixture that has been processed for agricultural land application under regulations of the United States Environmental Protection Agency at 40 Code of Federal Regulations Part 503, as adopted or amended.

240.470. Special Requirements for Transportation of Infectious, Hazardous and Special Wastes.

1. The Division Director shall classify certain wastes as hazardous wastes pursuant to applicable regulations of guidelines set up by the Missouri Department of Natural Resources and the U.S. Environmental Protection Agency. These wastes will require special handling, and shall be reused, recycled, transported and disposed of in a manner which will meet all state, and federal regulations.
2. No person shall haul infectious, hazardous or special waste in a waste transportation vehicle or mobile/roll-off waste container used for or containing waste which is not infectious, hazardous or special waste, as the case may be, or which is not a waste hauling vehicle or mobile/roll-off waste container which can safely transport waste of such kind. No person shall collect or transport waste which has been clearly identified as infectious, hazardous or special waste, or which such person has reason to know is in fact infectious, hazardous or special waste, unless such person has the capability legally and safely to transport and dispose of the waste at an appropriate waste treatment facility.

240.475. Authority to Promulgate Regulations Implementing This Article.

The Division Director is authorized to make such regulations as will implement the purposes of this Article. Such regulations shall only be promulgated following notice to the public of the public hearing to be held and the subject matter of the proposed regulation. The Division Director shall hold such a public hearing. Upon issuance of such regulation, the text of such regulation shall be filed with the County Clerk. Failure to comply with provisions of such regulation shall be a violation of this Ordinance and subject to the penalty provisions of this Chapter.

240.480. Revocation of Permits.

1. The Division Director may revoke a Permit issued pursuant to this Article if the Division Director has suspended operation of any vehicle or container operated under the Permit more than six (6) times within twelve (12) months, or if the Permittee violates the provisions of Sections 240.415 or 240.460, and fails to cure those violations within thirty (30) days of receipt of a written notice of violation issued by the Division Director and served by certified mail upon the Permittee.
2. Any person aggrieved by any notice of violation or order issued pursuant thereto of the Division Director may, within thirty (30) days of the act for which redress is sought, appeal directly to the Director in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal.

ARTICLE 5

DISPOSAL OF SOLID WASTE: LICENSE REQUIRED; EXCLUSIONS

- 240.510. Waste Must be Deposited at a Licensed Landfill, Licensed Waste Processing Facility or Licensed Transfer Station.
- 240.520. Presumption Regarding Waste Not Deposited at Licensed Facility.
- 240.530. License to Operate Landfill, Waste Processing Facility or Transfer Station Required.
- 240.540. Infectious Waste, Hazardous Waste and Special Waste not To Be Deposited at Sanitary or Demolition Landfill, Waste Processing Facility or Transfer Station.
- 240.550. Disposal of Human Tissue.
- 240.510. Waste Must be Deposited at a Licensed Landfill, Licensed Waste Processing Facility or Licensed Transfer Station.
1. No person shall deposit waste on any real estate or permit waste to be deposited on any real estate for which there is not valid and current license, and, if appropriate, renewal license, for the operation of a waste processing facility or transfer station issued by the Division Director, nor shall any person deposit waste on or at any such sanitary landfill, demolition landfill, waste processing facility or transfer station in a manner which does not comply with the waste facility plan approved by the Division Director and the license issued therefor by the Division Director, nor in a manner which does not comply with the provisions of this Chapter describing the manner or operation of the sanitary landfill, demolition landfill, waste processing facility or transfer station.
 2. No person shall deposit or permit the depositing of any solid waste (including yard waste) into any stream, spring, body of surface or ground water, whether natural or artificial, or along the bank of any body of water, within unincorporated St. Charles County.
 3. Except as otherwise provided in this subsection, no person shall engage in or permit the burning of any solid waste in any open area or container including drums and barrels. Open burning of solid waste in residential "burn barrels" or on the ground surface at any property located in the unincorporated areas of St. Charles County is expressly prohibited. However, open burning of yard waste shall be lawful under permits issued pursuant to the applicable regulations administered by the Missouri Department of Natural Resources Air Pollution Control Program (MDNR-APCP).
- 240.520. Presumption Regarding Waste Not Deposited at Licensed Facility.

In a prosecution of a defendant for violation of Section 240.510, the prosecution shall make a prima facie case upon showing that:

1. Waste has been deposited on real estate which does not have the license described in Section 240.510; and

2. The waste so deposited contains at least three (3) pieces of waste which uniquely identify the defendant.

240.530. License to Operate Landfill, Waste Processing Facility or Transfer Station Required.

No person shall construct or operate a sanitary landfill, demolition landfill, waste processing facility or transfer station without a current and valid license issued by the Division for the construction and operation thereof.

240.540. Infectious Waste, Hazardous Waste and Special Waste not To Be Deposited at Sanitary or Demolition Landfill, Waste Processing Facility or Transfer Station.

No person shall deposit or permit or cause to be deposited any infectious waste, hazardous waste or special waste in a sanitary landfill, demolition landfill, waste processing facility or transfer station unless the facility is designed and licensed by the Division to accept such waste safely.

240.550. Disposal of Human Tissue.

1. Unless otherwise provided in this Chapter, no person shall dispose of human tissue except as follows:

- a. By burial; or
- b. By cremation; or
- c. By pathological incineration.

2. Hair, teeth, fingernails and toenails are not subject to the provisions of subsection 1.
3. Human tissue which is used for scientific or medical purposes is not subject to this Chapter until it is no longer used for such scientific or medical purposes. When such tissue is no longer used for scientific or medical purposes, such tissue must be disposed of in one of the manners indicated in subsection 1.
4. In lieu of the manners of disposal sanctioned in subsection 1, blood, suctioned fluids, excretions, and secretions may be poured down a drain connected to a sanitary sewer, provided that conflicts with local, state and federal wastewater laws, pretreatment requirements, do not exist.

ARTICLE 6
SOLID WASTE DISPOSAL AREAS AND PROCESSING FACILITIES:
APPLICATION FOR LICENSE / WASTE FACILITY PLAN

- 240.610. License, How Acquired; Application Fees.
- 240.620. Application for Sanitary Landfill License.
- 240.630. Application for Demolition Landfill License.
- 240.640. Application for Waste Processing Facility or Transfer Station License.

240.610. License, How Acquired; Application Fees.

1. An initial license (as opposed to the annual renewal license) for the construction and operation or expansion of a sanitary landfill, demolition landfill, waste processing facility, or transfer station may be issued by the Division Director following the procedures declared in this Chapter. An applicant for a license shall file three (3) copies of an application addressed to and filed with the Division Director. The application shall consist of:
 - a. a request for issuance of a license, and
 - b. a waste facility plan as described below.
2. All applications shall be reviewed concurrently with applications for construction and operating permits filed with the Missouri Department of Natural Resources pursuant to Section 260.205, Revised Statutes of Missouri, as amended and applicable regulations.
3. The Division shall issue no license pursuant to subsection 1 before Missouri Department of Natural Resources has issued a permit authorizing facility operation pursuant to Section 260.205, Revised Statutes of Missouri, as amended.
4. The application filed pursuant to subsection 1 shall be accompanied by an application fee of Five Thousand Dollars (\$5,000.00).
5. The Division Director shall not process an application which is not accompanied by the application fee required by this Section.

240.620. Application for Sanitary Landfill License.

All site development/waste facility plans and compliance monitoring reporting required by these provisions must be prepared under direction of, and submitted by, a certified environmental professional. Acceptable certified environmental professional designations include CHMM, RG, REP and PE and must reference applicable license of certifications granted by the sponsoring organization of the affiliation. Detailed site plans, construction drawings/specifications and design calculations must be prepared by or under direction of a registered professional engineer.

An application to the Division Director for a license to construct, expand the disposal area vertically or horizontally beyond the licensed perimeter, and operate a sanitary landfill shall

contain a written request for the issuance of a license for the construction and operation of a sanitary landfill and shall include a waste facility plan for the construction, operation and closure of the landfill, which waste facility plan shall be consistent with the provisions of this Chapter pertaining to construction, operation and closure of a sanitary landfill and shall address the following criteria:

1. The type of waste, if any, including chemical and biological characteristics, if other than solid waste is to be disposed of in the sanitary landfill.
2. Provide list of geosynthetic drainage layer components of liner and capping systems.
3. Provide to the Division Director proof that applications for zoning and conditional use permit(s) have been approved.
4. A metes and bounds description of the site with delineation of waste disposition footprint proposed for development of the landfill prepared or approved by a Missouri registered professional land surveyor.
5. Anticipated origins, sources and quantities of solid waste to be delivered over expected life of facility.
6. A map prepared or approved by a Missouri registered professional engineer or certified environmental professional depicting the proposed site with existing and proposed topography at contour intervals of five (5) feet or less.
7. A map prepared or approved by a Missouri registered professional engineer or certified environmental professional illustrating:
 - a. Actual land use and existing zoning within one-quarter (1/4) mile of the site, including location of all residences, buildings, wells, water courses, springs, lakes, rock outcroppings, caves, sinkholes, soil, rock borings and groundwater monitor/piezometer points.
 - b. Easements for electric, gas, water, sewer and other utility easements or lines that are located on, under or over the disposal site.
 - c. The public roads and access roads within a one (1) mile radius to be used for delivery of waste to and within the landfill.
8. A plan prepared or approved by a Missouri registered professional engineer or certified environmental professional for the construction and operation of the landfill which includes:
 - a. A description of the disposal area (footprint) where waste is intended to be placed on the site.
 - b. A detailed description and characterization of the geology and hydrology of the site, including subsurface investigation, and evaluation of how the entire landfill plan for construction and operation will minimize adverse impact on

surface water and groundwater resources. Such evaluation shall at a minimum address the following elements:

- i. Current and projected use of water resources in the potential zone of influence of the facility.
 - ii. Groundwater elevation and proposed separation between the lowest point of the deepest excavated cell and the predicted maximum water table elevation.
 - iii. Background and initial quality assessment of water resources in the potential zone of influence of the facility.
 - iv. Proposed location and design installation methods for observation/monitor wells, sampling stations, and the environmental media testing program planned.
 - v. Sufficient modelling to determine and accurately characterize the subsurface/groundwater hydro geologic regime underlying the proposed site.
 - vi. A description of soil native and bedrock deposition to a depth adequate to allow evaluation of the in-site water quality protection provided by the existing earth materials.
 - vii. Provisions for surface water runoff control to minimize infiltration and erosion of cover material. On-site drainage structures and channels should be designed for at least a twenty (20) year rainfall frequency.
 - viii. Potential of leachate generation and proposed control and disposition systems, where necessary for the protection of ground and surface water resources.
 - ix. Plans shall include an operation and maintenance program and address the administration and financing of any leachate treatment system during and following the facility operation life through completion of the post-closure period.
 - x. Descriptions of all private and public drinking water sources (such as wells and springs) within one-quarter (1/4) mile of the site and provisions that a baseline water quality study be performed on all such water sources.
- c. A discussion of the effects of precipitation, evapotranspirations and climatological conditions on the operation of the landfill and the affected environment.
- d. A description of characteristics of on-site soils with respect to their effect on landfill operations, such as daily cover, dusting, vehicle maneuverability, and potential mud tracking by vehicles.

- e. Description of an effective dust control program.
- f. Assessment of the need for passive and active decomposition gas control systems, and indication of any collection wells, vents, barriers, or the active control or processing measures to be provided. Plans for the control of decomposition gases shall be for both on-site and perimeter control; and decomposition gases shall be collected and processed or vented to the atmosphere directly through the cover material, cutoff trenches, or ventilation systems in such a way that they do not accumulate in explosive or toxic concentrations, especially within structures. Systems designs shall consider economic feasibility of alternate fuel/energy recovery and odor abatement, and shall include internal site and perimeter permanent monitors and testing protocol.
- g. Description of contingency programs for vector control.
- h. Plans for effectively receiving and covering waste, including:
 - i. Soil material sources, quantities and classifications according to the Unified Soil Classification System of the U.S. Department of Agriculture classification system.
 - ii. The capability of any proposed alternative (non-earthen) material to cover waste at least as well as soil, minimize fire hazards, infiltrations of precipitation, odors and blowing litter, control gas venting and vectors, discourage scavenging, provide a pleasing appearance, and to compact and not be blown by the wind.
 - iii. Surface grades and side slopes needed to promote maximum runoff, without excessive erosion, to minimize infiltration.
 - iv. Procedures to maintain cover material integrity, e.g., regrading and recovering.
 - v. Procedures to promote vegetative growth as promptly as possible to combat erosion and improve appearance of idle and complete areas.
- 9. A description of the equipment used to spread and compact the waste and cover material, thereby preserving land resources, and minimizing moisture infiltration and settlement.
- 10. A description of the arrangements made whereby substitute equipment will be made available to provide uninterrupted service during routine maintenance periods or equipment breakdowns.
- 11. The period of time the applicant is seeking to operate the landfill.
- 12. A description of a plan for closure, including:

- a. Conformity with applicable zoning including conditions imposed by conditional use permits.
 - b. Final elevations and contours.
 - c. Vegetation establishment.
 - d. Erosion control.
 - e. Air pollution and lateral migration control of decomposition gases including ongoing system operation and maintenance.
 - f. Continued operation and maintenance of leachate control and disposition systems.
 - g. Ground settlement/subsidence correction.
 - h. Final cover source, depth, and compaction methods.
 - i. Safety considerations.
 - j. Access to the site for inspections and subsequent alternate use of the site.
 - k. Surface water control.
 - l. Monitor well location and installation logs.
 - m. Leachate level control and monitoring, data recording and reporting criteria.
 - n. Groundwater and surface water sampling, data recording, monitoring assessments and reporting criteria.
 - o. Decomposition gas monitoring, recording and data assessment/reporting protocol.
13. A description of the projected use of the completed landfill property, including:
- a. Maintenance programs and provisions, where necessary, for monitoring and controlling decomposition gases, leachate and water.
 - b. Provisions for an additional depth of soil cover material to allow cultivation and to support vegetation in addition to that required for final cover where applicable.
 - c. A description of the types of structures anticipated to be constructed on or near the completed landfill. Major structures shall not be planned for location on the completed landfill over waste footprint areas
14. A statement that an application for zoning approval and conditional use permit has been applied for, is concurrently with the filing of this application being applied for, or will be applied for within fifteen (15) days of the filing of this application.

15. A schedule for the sequential construction and phased completion of the sanitary landfill stated with respect to the time of the issuance of a license for construction and operation of the facility.
16. Other information as required by the Division Director.

240.630. Application for Demolition Landfill License.

An application for a demolition landfill license shall address all items indicated for a sanitary landfill license, and/or shall indicate with justification which items are not applicable to operation of the proposed demolition landfill.

240.640. Application for Waste Processing Facility or Transfer Station License.

An application to the Division Director for a license to construct and operate a waste processing facility or transfer station shall contain a written request for the issuance of a license for the construction and operation of a waste processing facility or transfer station and shall include a waste facility plan for the construction, operation and closure of the facility, which shall be consistent with the provisions of this Chapter pertaining to construction and operation of a waste processing facility or transfer station and shall address the following criteria:

1. A statement of the type of waste, including chemical and biological characteristics, which the facility will process.
2. A metes and bounds description of the site selected for the development of the waste processing facility or transfer station prepared or approved by a Missouri registered professional land surveyor.
3. A map prepared or approved by a Missouri registered professional engineer or certified environmental professional depicting the proposed site with existing and final topography at a contour interval of five (5) feet or less.
4. A map prepared or approved by a Missouri registered professional engineer or certified environmental professional illustrating:
 - a. Actual land use and existing zoning within one-quarter (1/4) mile of the site of the facility, including location of all residences, buildings, wells, water courses, springs, lakes, rock outcroppings, caves, sinkholes, soil or rock borings and groundwater piezometer/monitor points.
 - b. Easements for electric, gas, water, sewer and other utility easements or lines that are located on, under or over the site of the facility.
 - c. The public roads and access roads within a one (1) mile radius to be used for delivery of waste to the waste processing facility or transfer station.
5. A plan for the construction and operation of the waste processing facility or transfer station which includes:

- a. A description of the type of waste processing facility or transfer station that is proposed, including the technology used to process the waste.
 - b. Complete engineering drawings detailing the operation of the waste processing facility or transfer station.
 - c. The maximum daily quantity or gate volume of waste the facility is designed to accommodate.
 - d. Anticipated sources and origins of incoming waste and outbound recovered/processed commodities.
6. The period of time the applicant is seeking to operate the waste processing facility or transfer station.
 7. Closure provisions for the facility.
 8. A discussion of how the proposed facility will affect air and water quality.
 9. Provisions for control and disposition of wastewaters generated from routine facility maintenance including demonstration of discharge compliance with applicable publicly owned treatment works (POTW) and/or water quality standards and regulations promulgated by the Missouri Department of Natural Resources.
 10. A schedule for the construction and completion of the facility stated with respect to the time of the issuance of a license for construction and operation of the facility.
 11. Other information as the Division Director may require.

ARTICLE 7
SOLID WASTE DISPOSAL AREAS AND PROCESSING FACILITIES:
ISSUANCE OF LICENSE

- 240.701. Initial Determination of Sufficiency of Application.
- 240.705. Hearing Required.
- 240.710. Hearing Date: Notice: Posting of Signs.
- 240.715. Investigation by Division Director.
- 240.720. Modification of Waste Facility Plan.
- 240.725. Standards for Approval of Waste Facility Plan.
- 240.730. Appeal to County Council.
- 240.735. Review by County Council on Motion of County Council.
- 240.740. Issuance of License by Division Director.
- 240.745. License Personal to Applicant, How Transferred.
- 240.750. Term of License.
- 240.755. Applicant Becomes Operator Upon Receipt of License.
- 240.760. Existing Landfills, Waste Processing Facilities and Transfer Stations.

240.701. Initial Determination of Sufficiency of Application.

1. The following criteria shall be carefully considered by the Division Director based on the merit of information submitted and testimony received by the applicant and other concerned parties as the basis of approval, with or without conditions, or denied as warranted, of the waste facility plan and request for operating permit:
 - a. Substantial and competent information addressing all required elements outlined in this Chapter constituting a complete application for operating authorization.
 - b. Thorough characterization of proposed site setting including detailed delineation of hydro geologic gradients and topographic patterns describing all groundwater/surface water resource receptors and assessment of potential facility impact.
 - c. Detailed presentation of all proposed design and construction elements and convincing demonstration of their suitability and effectiveness to completely contain/isolate waste and decomposition residuals to prevent impact on public health and all identified environmental resource receptors.
 - d. Consideration of all relevant testimony and supporting evidence provided regarding suitability of proposed site and facility operation received as public input to County Planning and Zoning Conditional Use Permit and Missouri Department of Natural Resources Solid Waste Management permit application proceedings and hearings.
 - e. Input and recommendations of County Commission on Environmental Quality pertaining to suitability of proposed site and facility operations to protect public health and the environment.

- f. Any other information or evidence deemed relevant and appropriate for consideration.
2. The Division Director shall notify an applicant who has submitted an application and application fee for a license to operate a sanitary landfill, demolition landfill, waste processing facility or transfer station in writing either that the application is certified as meeting all pertinent requirements regarding the form and contents of the application and will be scheduled for hearing by a specified date or that the application is deficient with respect to its form and or contents and specifically in what manner the application does not comply with minimum application requirements. The Division Director shall determine whether the representation made in the waste facility plan regarding application for zoning and conditional use permit approval has been met. If the application has been determined not to comply with minimum application requirements or the representation concerning zoning approval determined to be false, the applicant so notified shall be required to submit additional information or otherwise correct any noted deficiencies within ninety (90) calendar days from receipt of the letter of the Division Director or his or her designee. If the deficiencies are not corrected within the ninety-day period, the Division Director shall return the application to the applicant, unless the applicant and the Division Director agree that the applicant may have longer than ninety (90) days to respond.

240.705. Hearing Required.

The Division Director shall hold a public hearing regarding the initial application for issuance of a license for the construction and operation of a processing facility or transfer station, demolition landfill or sanitary landfill.

240.710. Hearing Date: Notice: Posting of Signs.

Upon filing with the Division Director three (3) complete copies of an application for a license pursuant to Section 240.620, 240.630 or 240.640, a public hearing shall be set before the Division Director within ninety (90) days. The Division Director shall:

1. Cause public notice of the hearing to be given as follows: publication at least once in some daily, triweekly, semiweekly, or weekly newspaper of general circulation in St. Charles County which shall have been published regularly and consecutively for a period of three (3) years. Publication shall commence not more than thirty (30) nor less than fifteen (15) days before the hearing date. Every affidavit of proof of publication shall state that said publication and the newspaper in which notice was published has met the requirements of the foregoing provisions and those of Chapter 493 RSMo, as amended, governing legal publications, notice and advertisement. Notice shall contain in addition to the legal description of the parcel of land, the approximate street location or address, when possible; that the Division Director is being requested to issue a license for the construction and operation of a sanitary landfill, demolition landfill, waste processing facility or transfer station, as the case may be; and the name of the applicant seeking issuance of such a license.
2. Cause a sign or signs, not less than twenty (20) inches by twenty-six (26) inches, to be placed on each parcel of land for which an application for a license has been

submitted to the Division Director. Said sign or signs shall be placed on such land at least fifteen (15) days prior to the public hearing to be held by the Division Director, and shall be posted in a conspicuous place upon said land at a point nearest to the right-of-way of any street or roadway abutting such land, and so as to be clearly visible to the traveled portion of such street or roadway. The Division Director shall determine the number of additional signs to be placed that may be necessary to carry out the intent of this Chapter. Any such sign shall bear thereon, in letters not less than two and one-half (2-1/2) inches in height and not less than one (1) inch in width, the following: "PUBLIC HEARING" and in letters not less than three-fourths (3/4) inch in height, and not less than one-fifth (1/5) inch in width, the following: "ISSUANCE OF LICENSE FOR CONSTRUCTION AND OPERATION OF A SANITARY LANDFILL," or "ISSUANCE OF LICENSE FOR CONSTRUCTION AND OPERATION OF A WASTE PROCESSING FACILITY," or "ISSUANCE OF LICENSE FOR CONSTRUCTION AND OPERATION OF A TRANSFER STATION," or whatever the case may be, and in letters not less than one-half (1/2) inch in height "APPLICATION FOR ISSUANCE OF LICENSE FILED WITH THE DIVISION DIRECTOR OF THE DIVISION OF ENVIRONMENTAL SERVICES OF THE ST. CHARLES COUNTY DEPARTMENT OF COMMUNITY HEALTH AND THE ENVIRONMENT. PUBLIC HEARING WILL BE HELD ON _____ (date and time) AT _____ (location)." The Division Director may provide for such additional information to be placed on any such sign which would serve to more fully inform the public as to the nature of such an application for issuance of a license pending before the Division Director.

3. Any person who shall remove, mar, scratch, obliterate or in any manner deface, hide from view or tamper with any such sign or signs shall be deemed guilty of a violation of this Chapter and upon conviction shall be punished as provided for in Section 240.1760.

4. The Division Director shall, not less than thirty (30) days before the date of hearing before the Division Director for issuance of a license, furnish a copy of the notice of the hearing described in subsection 1 of this Section to all triweekly, semiweekly, weekly or daily newspapers printed, circulated or distributed within the County Council district wherein the property proposed to be licensed is located. Not less than thirty (30) days before the date of hearing before the Division Director, the Division Director shall furnish a copy of the hearing notice to municipalities, townships, and villages within a ten-mile radius of where the facility is proposed to be located, the Highway Department, the Parks and Recreation Department, the Department of Planning and Zoning, the Missouri Department of Natural Resources, the Missouri State Highway Commission, the fire district where the facility is proposed to be located, and any sanitary sewer district serving the site proposed for a sanitary or demolition landfill, waste processing facility or transfer station. The Division Director will also forward to such departments and agencies such portions of the application for issuance of a license as the Division Director determines will assist the department or agency to evaluate the application for issuance of a license from the perspective of the department or agency. A complete copy of the application for issuance of a license will be made available to the departments and agencies in the event a department or agency seeks information contained in the application for issuance of a license. Each department or agency so notified shall

provide its written comments to the Division Director and the applicant or his authorized representative not less than ten (10) days prior to the public hearing. Any municipality, township or village so notified may provide its written comments to the Division Director, but such comments need not be considered unless received by the Division Director not less than ten (10) days prior to the public hearing. Any failure to comply herewith shall not deprive the Division Director of authority and jurisdiction to consider and approve, deny or modify any such application.

240.715. Investigation by Division Director.

The Division Director shall examine the premises of the proposed operation outlined in the application and shall perform such tests and direct the preparation of such studies as will assist him in determining:

1. Whether the facts contained in the application are accurate.
2. Whether the criteria set forth regarding the standards of issuance of a license are adequately addressed to be protective of the environment and the health and welfare of the residents of St. Charles County.

240.720. Modification of Waste Facility Plan.

1. Before or following, or both before and following the public hearing required by Section 240.705, the Division Director may require that the applicant modify the waste facility plan for the purposes of:
 - a. Bringing the application into compliance with applicable and prevailing regulations, ordinances and statutes law, although issuance of a license, with or without modifications, is not evidence that the application complies with the requirements of any jurisdiction.
 - b. Ensuring that the construction and operation of the landfill, waste processing facility or transfer station is consistent with the needs and welfare of the residents of St. Charles County.
2. Following the public hearing, and prior to final approval or denial of the license, the Division Director shall notify the applicant of problems or changes which must be addressed by the applicant prior to approval of the waste facility plan. Within thirty (30) days, or such additional time as the Division Director may grant, the applicant shall submit modification to address any problems or deficiencies indicated. The Division Director may continue to require additional changes to be made by the applicant as deemed necessary. In the event the Division Director determines that there are no modifications which can be made to the application which will render it satisfactory, or that the modifications or responses made by the applicant do not substantially further the application process, the applicant shall be notified and permitted thirty (30) days for response. Thereupon, the Division Director may terminate consideration of the proposed waste facility for failure to pursue submission of an acceptable waste facility plan.

240.725. Standards for Approval of Waste Facility Plan.

1. The Division Director shall approve the waste facility plan, with or without modifications, or disapprove the waste facility plan based on the following criteria:
 - a. Whether the public convenience and necessity require the approval of the waste facility plan for the proposed landfill, waste processing facility or transfer station. In determining the public convenience and necessity, the Division Director shall consider:
 - i. The number of landfills, waste processing facilities and transfer stations necessary to ensure continued cost effective and environmentally sound solid waste management for the entire County.
 - ii. The locations best suited to serve the needs of the County.
 - iii. The length of time that a proposed location can be expected to be used as a facility to accommodate the best interests of the populace of St. Charles County.
 - iv. The possible environmental and other quantifiable negative effect(s) on the properties adjacent to and nearby the proposed facility.
 - b. Whether approval of the waste facility plan is in the best interest of the general health and welfare of the residents of the County and protective of its environmental resources.
 - c. Whether the approval of the waste facility plan would in any way create a hazard or menace to the public health, and whether it would create a nuisance.
 - d. Whether the approval of the waste facility plan significantly enhances long-term stabilization of solid waste management in St. Charles County.
 - e. Whether the approval of the waste facility plan would violate the provisions of this Chapter, of other ordinances or regulations of St. Charles County, or of any statutes or regulation of the State of Missouri.
2. Any waste facility plan submitted which does not satisfy the above criteria shall not be approved by the Division Director or the County Council.
3. The Division Director shall notify the applicant and all persons who spoke at the public hearing described in Section 240.705 of his decision by certified mail, whether approving the waste facility plan or disapproving the waste facility plan.

240.730. Appeal to County Council.

An applicant whose application is denied or approved with modifications unacceptable to the applicant, or any person who believes himself to be aggrieved by the decision of the Division Director, may appeal such denial or approval to the County Council within thirty (30) days following notice of the decision of the Division Director following the hearing before the Division Director. If the applicant is appealing from a decision of the Division Director

approving the plan with modifications, the appeal shall state in what manner the decision of the Division Director aggrieves him. The procedure shall be the same as described in Section 240.735 where the County Council reviews the decision of the Division Director on its own motion.

240.735. Review by County Council on Motion of County Council.

1. Within thirty (30) days after receipt of the decision of the Division Director approving or denying a waste facility plan, the County Council, upon motion adopted by majority vote, may exercise the power of review of any decision of the Division Director on an application for issuance of a license for the construction and operation of a sanitary landfill, demolition landfill, waste processing facility or transfer station.
2. Upon adoption of the motion to exercise the power of review, the County Council shall refer the subject to the Division Director. The Division Director shall respond thereon to the County Council, forwarding a complete copy of his file to the County Council and with a report disclosing in what respect the application and the facts offered in support thereof require the approval or denial of the application or the modifications imposed.
3. Before acting on the application for issuance of a license, the County Council, or its designated committee, shall set the matter for hearing. The County Council shall give written notice of such hearing to the applicant and all other persons who appeared and spoke in favor or in opposition to the application at the public hearing before the Division Director. The applicant shall be heard at the hearing. In addition, any other person or persons who, in the discretion of the County Council, will be aggrieved by any decision or action with respect to the issuance of a license may also be heard at the hearing.
4. Following the hearing by the County Council, or its designated committee, on an application, the County Council may affirm, reverse or modify, in whole or in part, any determination of the Division Director.
5. No approval of a waste facility plan by the Division Director shall be considered final approval until the thirty (30) day period for acceptance for review by the County Council has passed without the Council so acting.

240.740. Issuance of License by Division Director.

If a waste facility plan is finally approved, either by the Division Director or following an exercise by the Council of its power of review, a license shall be issued by the Division Director upon payment to the Division Director of the annual licensing fee described in Section 240.840 and a showing satisfactory to the Division Director that the insurance requirement of Section 240.1101 and the bonding requirements of Sections 240.1110, 240.1120 and 240.1130 have all been met.

240.745. License Personal to Applicant, How Transferred.

The license issued by the Division Director shall be personal to the applicant and may not be transferred.

240.750. Term of License.

The license issued by the Division Director shall be for a fixed number of years equal to the estimated operating life of the facility as contained in the approved waste facility plan. Notwithstanding the issuance of a license for a fixed number of years, the waste facility plan and the license must be reviewed annually subject to the provisions of Section 240.810 et seq., and the modifications requested by the operator in the annual application may include a request that the term of the license be changed.

240.755. Applicant Becomes Operator Upon Receipt of License.

Upon receipt of a license issued by the Division Director, and upon payment to the Division Director of the annual licensing fee described in Section 240.840 and a showing satisfactory to the Division Director that the insurance requirement of Section 240.1101 and the bonding requirements of Sections 240.1110, 240.1120 and 240.1130 have all been met, the applicant becomes the operator of the facility for which the license was issued.

240.760. Existing Landfills, Waste Processing Facilities and Transfer Stations.

1. Landfills, waste processing facilities and transfer stations which operated or were licensed to construct or operate pursuant to ordinances and rules in effect prior to the effective date of this Chapter are exempted from the requirement of presenting an initial waste facility plan pursuant to Sections 240.620, 240.630 and 240.640. Renewal applications and licenses are required on annual basis pursuant to Section 240.830. Notwithstanding the foregoing, however, the first renewal application made by the operator of such an existing facility shall contain a plan for closure in compliance with the closure requirements of this Chapter imposed upon applications for new facilities.
2. With the exception of the matters discussed in subsection 1 of this Section, landfills, waste processing facilities and transfer stations existing at the effective date of this Chapter must comply with all other provisions of this Chapter.

ARTICLE 8
SOLID WASTE DISPOSAL AREAS AND PROCESSING FACILITIES:
RENEWAL OF LICENSE

- 240.810. License to Be Renewed Annually.
- 240.820. Contents of Report Filed With Application for Annual Renewal License for a Sanitary or Demolition Landfill, Waste Processing Facility or Transfer Station.
- 240.830. Issuance of Renewal License by Division Director.
- 240.840. Annual Licensing Fee.

240.810. License to Be Renewed Annually.

1. Despite the approval of a waste facility plan for a sanitary landfill, demolition landfill, waste processing facility or transfer station for a fixed number of years, and the issuance of a license for the construction and operation of facility, the operator of each facility shall apply to renew such license annually for each year beginning with each anniversary date of the issuance of such initial license, whether the construction of the facility is completed or not. The renewal application as set forth in the schedule in subsection 2 of this Section shall be addressed and delivered to the Division Director at least thirty (30) days prior to each anniversary date of the initial license, and shall contain:
 - a. A request that a renewal license be issued for a period of one (1) year, and
 - b. A report containing the information required in Section 240.820.

240.820. Contents of Report Filed With Application for Annual Renewal License for a Sanitary or Demolition Landfill, Waste Processing Facility or Transfer Station.

Every application for a renewal license for a sanitary or demolition landfill, waste processing facility or transfer station shall contain the following information:

1. Any changes in the waste facility plan which must be made to reflect actual usage or conditions.
2. Total incoming waste tonnage received at the facility and volumes of recovered/processed commodities if applicable during the previous year.
3. Summary of all environmental monitoring data for all media compiled during previous period with interpretation of trends using suitable modelling presentation.
4. The quantities of leachate and/or landfill gases collected, processed, treated and disposed or dissipated.
5. The gate rate schedule in effect and the price schedule anticipated for the succeeding renewal license period.
6. Equipment replaced or changed or anticipated to be replaced or changed.

7. A report describing the infrastructures which have been put in place including as-built construction plans and records.
8. If the facility is still under construction, a written report detailing conformance with the schedule contained in the waste facility plan.

240.830. Issuance of Renewal License by Division Director.

Upon receipt of the renewal application described in Sections 240.810 and 240.820, and the payment of the basic annual licensing fee as set forth in Section 240.840.1, the Division Director shall issue a renewal license for the waste facility, but only if the surcharge on waste deposited at the facility for prior year(s), if applicable, has been paid to St. Charles County. The Division Director shall not issue the renewal license if the license to operate the facility has been revoked pursuant to this Chapter.

240.840. Annual Licensing Fee.

1. The basic annual licensing fee shall be assessed as follows:

- a. Sanitary Landfill

Cubic yards/tons received in previous twelve (12) months, or (in the case of a new landfill) the amount of waste to be deposited in the fill for the first year according to the waste facility plan;

0 to 300,000 cubic yards or equivalent conversion to tons using a standard three-to-one (3:1) conversion	\$4,000.00
over 300,000 cubic yards or converted tons	\$6,000.00

- b. Demolition Landfill

Cubic yards/tons received in previous twelve (12) months, or (in the case of a new landfill) the amount of waste to be deposited in the fill for the first year according to the waste facility plan:

0 to 300,000 cubic yards or equivalent conversion to tons using a standard three-to-one (3:1) conversion	\$1,500.00
over 300,000 cubic yards or converted tons	\$3,000.00

- c. Waste Processing Facility

Cubic yards/tons received in previous twelve (12) months, or (in the case of a new processing facility) the amount of waste to be processed at the facility for the first year according to the waste facility plan:

0 to 300,000 cubic yards or equivalent conversion to tons using a standard three-to-one (3:1) conversion	\$2,000.00
over 300,000 cubic yards or converted tons	\$3,000.00

d. Transfer Station

Cubic yards/tons received in previous twelve (12) months, or (in the case of a new station) the amount of waste to be transferred at the station for the first year according to the waste facility plan:

0 to 300,000 cubic yards or equivalent conversion to tons using a standard three-to-one (3:1) conversion	\$1,000.00
over 300,000 cubic yards or converted tons	\$2,000.00

2. In addition to the basic annual licensing fee imposed in subsection 1 of this Section, there is also imposed a surcharge on waste deposited at sanitary landfills, demolition landfills, waste processing facilities, and transfer stations as follows:

- a. The surcharge shall be computed as a percentage of the "gate fee" for the disposal of waste at sanitary landfills, demolition landfills and transfer stations. The "gate fee" is defined as the weighted average fee charged per ton of waste by operators of landfills and transfer stations.

The average fees charged by operators in the unincorporated areas of St. Charles County shall be calculated each year by the Division Director based on the Division Director's examination and audit of landfill surcharge reports which shall contain such information as determined by the Division Director, and other data available to the Division Director. Separate averages shall be prepared for each waste category including, but not limited to the following: construction/demolition/heavy, municipal solid waste (MSW) and special waste (including asbestos, etc.). For the purposes of calculating the average fee the Division Director may disregard charges by an operator to a generator or hauler which the operator controls, directly or indirectly, if the Division Director finds such charges do not reflect market rate transactions. All waste disposed of in landfills or deposited at transfer stations in the unincorporated areas of St. Charles County shall be subject to this surcharge pursuant to the provisions of this ordinance and all rules and

regulations issued thereunder. The Division Director shall make the average fees so calculated and the resulting surcharge public at least thirty (30) days prior to the effective date of the new rates.

The surcharge shall be paid quarterly, and must be delivered or postmarked by the last day of the month following each calendar quarter. Any payment of surcharges which is not made at the time herein specified or under rules promulgated hereunder, shall be subjected to a penalty of one percent (1%) per month or part thereof and interest at the rate of two percent (2%) for each month or part thereof delinquent in addition to any other penalty provided by law.

- b. The surcharge percentage shall be five percent (5%) of the "gate fee" for sanitary landfills and demolition landfills and two and one-half percent (2.5%) of the "gate fee" for solid waste transfer stations.
 - c. The surcharge established in this Section shall be enumerated separately from the disposal fee charged by the landfill. Nothing in this ordinance precludes such surcharge from being passed through to persons who generated the solid waste. Moneys transmitted to the St. Charles County Director of Finance shall be no less than the amount collected, and in a form, manner and frequency as the Division Director shall prescribe. Failure to collect the charge does not relieve the operator from responsibility for transmitting an amount equal to the charge to the St. Charles County Director of Finance.
 - d. The Division Director may examine or audit financial records and landfill activity records and measure landfill usage to verify the collection and transmittal of the charges established in this Section. The Division Director may promulgate rules and regulations pursuant to Section 607.900 of this Chapter to ensure and to verify that the charges imposed herein are properly collected and transmitted to the St. Charles County Director of Finance.
3. The amount collected pursuant to this Section shall be allocated annually in the budget approved by the St. Charles County Council as follows:
 - a. Up to 50% of the moneys for education and outreach pertaining to issues concerning solid waste management and recycling in St. Charles County, with the goal of directly or indirectly benefiting the environment or preserving natural resources.
 - b. Up to 50% of the moneys for staff and equipment for enforcement by the Division of Environmental Services of this Chapter's provisions pertaining to solid waste management.
 4. Until such time as the Division Director has completed the examination and audit contemplated by Section 240.840.2a and promulgated surcharge rates derived from the average fees based on such examination, the surcharge shall be based on the following estimated average "gate fees" per ton of material, effective fiscal year 2000:

construction/demolition/heavy:	\$20.00
municipal solid waste (MSW):	\$25.00
permitted special waste:	\$30.00

Until and unless otherwise provided by rules adopted pursuant to this Chapter, the conversion factors used by the Director shall be the same as those promulgated by the Missouri Department of Natural Resources.

ARTICLE 9
SOLID WASTE DISPOSAL AREAS AND PROCESSING FACILITIES:
SUSPENSION OR REVOCATION OF LICENSE

- 240.910. License Suspended or Revoked; When; How.
- 240.920. Procedure for Suspension or Revocation Hearing.

240.910. License Suspended or Revoked; When; How.

1. A license for operation of a landfill, waste processing facility or transfer station may be suspended or revoked, following hearing before the Division Director, based on any of the following criteria:
 - a. Failure to comply with the provisions of the waste facility plan.
 - b. Failure to comply with the provisions of this Chapter applicable to the facility.
 - c. Failure to operate the facility in a manner consistent with the public health and welfare and the health and welfare of persons operating and/or using the facility, or in a manner deemed not to be protective of the environment.
2. For a violation of any of the above, the Division Director shall suspend the license of the operator to operate the facility during the period such violation continues to exist; or, if the violation can only exist during operation, the suspension shall be until such time as the operator establishes a procedure satisfactory to the Division Director which remedies the violation.
3. For a willful misstatement of facts contained in any application or renewal application, the Division Director may revoke the license or renewal license.
4. For a landfill, waste processing facility or transfer station which has previously been licensed initially and has accepted waste but has not received any waste for a twelve-month period, the Division Director may revoke the license to operate such facility. In such event, the operator shall immediately commence the closure procedure established by the waste facility plan.

240.920. Procedure for Suspension or Revocation Hearing.

The Division Director shall provide at least thirty (30) calendar days' notice to the operator of the hearing to be held to consider the suspension or revocation of the license of the operator to operate a landfill, waste processing facility or transfer station. The hearing shall be open to the public.

ARTICLE 10
SOLID WASTE DISPOSAL AREAS, PROCESSING FACILITIES, TRANSFER STATIONS:
CONSTRUCTION

- 240.1010. Construction to Conform to Requirements of Waste Facility Plan and this Chapter.
 - 240.1020. Inspections During Construction.
 - 240.1030. Final Approval of Division Director Required Prior to Operation of Facility.
- 240.1010. Construction to Conform to Requirements of Waste Facility Plan and this Chapter.
- 1. No person shall construct a solid waste disposal area waste processing facility or transfer station in a manner that does not comply with the waste facility plan approved by the Division Director or the County Council for such facility or with the requirements of this Chapter.
 - 2. Site development plans shall address consideration for minimizing incremental disturbance of land mass by providing a logical and detailed sequence of cell excavation, soil stockpiling, closure and cut/fill activities.
 - 3. Construction plans shall provide sufficient detail and quality assurance/quality control protocol including utilization of third party independent consulting engineer oversight to assure integrity of major landfill infrastructure components including but not limited to the following:
 - a. Recompacted earthen material liners/capping systems.
 - b. Synthetic liners.
 - c. Composite lining/capped systems.
 - d. Leachate underdrain, collection end treatment systems.
 - e. LFG active extraction, recovery and treatment systems.
 - f. Storm water retention and dissipation structures.
 - 4. As-built plans and quality assurance/quality control records documenting incremental completion of construction/installation of the major infrastructure components detailed in the preceding condition shall be prepared by the registered professional engineer or certified environmental professional of record for the project and submitted to the Division of Environmental Services for approval following acceptance and sign-off by the applicant/facility operator.
- 240.1020. Inspections During Construction.

During any period of construction (initial, expansion or modification) of a solid waste disposal area, waste processing facility or transfer station, the Division Director or authorized staff shall be permitted access to the facility at reasonable times for the purpose of determining

whether the construction of the facility conforms to the waste facility plan. The applicant shall be notified of any deficiencies or discrepancies identified during such inspections and provided ten days to respond. The Division Director shall order construction to cease and desist until such discrepancies are satisfactorily resolved upon staff reinspection.

240.1030. Final Approval of Division Director Required Prior to Operation of Facility.

Notwithstanding the final approval of a waste facility plan and issuance of a license to construct and operate a solid waste disposal area, waste processing facility or transfer station, the facility shall not begin to operate and accept waste until there is final approval in writing by the Division Director indicating that a final inspection of the facility following construction has been completed and that the facts then in possession of the Division Director indicate that the facility has been constructed according to the waste facility plan. Final approval in writing by the Division Director is also required for final construction of a facility modification prior to continued operation in an area affected by the construction.

ARTICLE 11
SOLID WASTE DISPOSAL AREAS, PROCESSING FACILITIES, TRANSFER STATIONS:
OPERATION

- 240.1101. Operators of Solid Waste Disposal Areas, Waste Processing Facilities and Transfer Stations to Have Insurance.
 - 240.1110. Bond for Operation of Solid Waste Disposal Area, Waste Processing Facility or Transfer Station.
 - 240.1120. Closure Bond.
 - 240.1130. Bond for Closure and Post-Closure Maintenance of Solid Waste Disposal Area, Waste Processing Facility or Transfer Station.
 - 240.1140. Facility's Operation to Comply with Waste Facility Plan.
 - 240.1150. Additional Standards for Operation of Sanitary Landfills.
 - 240.1160. Additional Standards for Operation of Demolition Landfills.
 - 240.1170. Additional Standards for Operation of Waste Processing Facilities and Transfer Stations.
 - 240.1180. Signs Required at Entrances to Landfills, Waste Processing Facilities and Transfer Stations.
 - 240.1190. Right of Entry for Inspection and to Remedy Dangerous Conditions.
- 240.1101. Operators of Solid Waste Disposal Areas, Waste Processing Facilities and Transfer Stations to Have Insurance.
- 1. No license for the construction and operation of a solid waste disposal area, waste processing facility or transfer station shall be issued nor shall such a facility be operated until and unless the applicant acquires public liability insurance approved by the Division Director governing all proposed operations of the applicant pertaining to the business of constructing and operating a solid waste disposal area, waste processing facility or transfer station, as the case may be, and covering all vehicles to be operated in the conduct thereof. The insurance shall be with an insurer acceptable to the Division Director and shall include coverage in one (1) policy or multiple policies for any contractors or subcontractors engaged by the insured for such business. Evidence of such insurance shall be filed with the Division Director. The minimum limits of insurance for public liability and auto liability shall be Five Hundred Thousand Dollars (\$500,000) for bodily injury to each person; Two Million Dollars (\$2,000,000) for total bodily injury for each occurrence; and Two Million Dollars (\$2,000,000) for property damage for each occurrence. Total combined coverage per occurrence of Two Million Dollars (\$2,000,000) for bodily injury and property damage shall meet the requirement of this Chapter.
 - 2. No license for the construction and operation of a solid waste disposal area, waste processing facility or transfer station shall be issued nor shall such a facility be operated until and unless the applicant provides insurance with Workers' Compensation Insurance, with minimum limits as set by law. The insurance must be approved by the Division Director and shall be with an insurer acceptable to the Division Director and shall include coverage in one (1) policy or multiple policies for any contractors or subcontractors engaged by the insured for such business.

3. No insurance policy required by this Section shall be approved by the Division Director unless it provides that notice will be given by the insurer in the event the policy is terminated or canceled.
4. The insured shall give notice to the Division Director if any policy required by this Section is terminated or canceled.

240.1110. Bond for Operation of Solid Waste Disposal Area, Waste Processing Facility or Transfer Station.

1. No person shall construct or operate a solid waste disposal area, waste processing facility or transfer station without providing a bond for operation of the facility as provided by this Section. If the facility is a landfill, the bond must be approved by the County Counselor. The bond shall be in the amount of Fifteen Thousand Dollars (\$15,000) per acre of landfill estimated in the waste facility plan to contain the working face during the next year. The bond shall be as stated in the waste facility plan for a waste processing facility or transfer station. The bond may be a cash or corporate bond. If a cash bond is offered, the cash shall be deposited with the St. Charles County Finance Department, which shall give a receipt therefore. If a corporate bond is offered, it shall be executed by a surety or guaranty company qualified to transact business in the State of Missouri and filed with the St. Charles County Finance Department. The bond shall assure the following:
 - a. That the operator and the operator's agents and employees will comply with all terms, conditions, provisions, requirements and specifications of the approved waste facility plan and license.
 - b. That the operator and the operator's agents and employees will comply with all ordinances, rules regulations, statutes, and other laws of the County and of authorities having jurisdiction over the facility.
 - c. That the operator will save harmless the County from any expense incurred through the failure of the operator or the operator's agents and employees to operate and maintain such facility as required by this Chapter, including any expense to which the County may be put for correcting any condition or violation of this Chapter by the County, in accordance with Section 240.1190 and any damages accruing to the County arising out of the negligence of the operator, the operator's agents or employees.

240.1120. Closure Bond.

1. No person shall construct or operate a solid waste disposal area, waste processing facility or transfer station without providing either a bond required for closure imposed pursuant to Section 260.226 RSMo or a bond as provided by this Section for closure. If a bond is not provided or required by Section 260.226 RSMo, then the bond provided pursuant to this Section shall be in an amount, as set forth in the waste facility plan and modified by the renewal license process, which assures that

the facility will be properly closed if events occur within the two-year period following the beginning of the most recent licensing or renewal period which would require that the facility be closed. The bond may be a cash or corporate bond. If a cash bond is offered, the cash shall be deposited with the St. Charles County Finance Department, which shall give a receipt therefore. If a cash bond is offered, the interest may be used to fulfill the bond obligation if necessary; however, to the extent such interest remains unused at the expiration of the bond, it shall be returned to the person providing the bond. If a corporate bond is offered, it shall be executed by a surety or guaranty company qualified to transact business in the State of Missouri and filed with the St Charles County Finance Department. The bond must be approved by the County Counselor.

240.1130. Bond for Closure and Post-Closure Maintenance of Solid Waste Disposal Area, Waste Processing Facility or Transfer Station.

No person shall operate a solid waste disposal area, waste processing facility or transfer station which does not provide the bond required for post closure maintenance as described in or as may be imposed pursuant to Section 260.227 RSMo

240.1140. Facility's Operation to Comply with Waste Facility Plan.

No person shall operate a solid waste disposal area, waste processing facility or transfer station in a manner that does not comply with the waste facility plan approved by the Division Director or County Council for such facility and which does not comply with the requirements of this Chapter pertaining to operation of such facility. Failure to comply with the waste facility plan or the requirements of this Chapter pertaining to operation of a solid waste disposal area, waste processing facility or transfer station shall be a violation by the person in whose name the license is issued, as well as every agent, employee or contractor assigned to construct or operate the facility who:

- a. performs acts precluded by the waste facility plan or this Chapter; or
- b. fails to conduct actions required by the waste facility plan or this Chapter; or
- c. fails to maintain conditions required by the waste facility plan or this Chapter; or
- d. maintains conditions prohibited by the waste facility plan or this Chapter.

240.1150. Additional Standards for Operation of Sanitary Landfills.

Sanitary landfills shall be operated in the following manner:

1. Incoming waste shall be spread in layers not to exceed two (2) feet in thickness and compacted to reduce it to the smallest practical volume.
2. Following compaction, waste shall be confined to the smallest practical area on the working face.

3. At the conclusion of each day, the waste received and compacted that day shall be covered with a layer of daily soil cover or approved alternate material which shall not be less than six (6) inches in thickness. The material used for daily cover shall be the material specified for such purpose in the waste facility plan. Daily cover must be applied regardless of weather. The material used as a daily cover material must be available under all weather conditions and a minimum fifteen-day stockpile of such cover must be maintained at all times.
4. A responsible supervisor shall be present at the disposal area at all times when the area is open to receive waste and shall monitor the receipt of waste to assure that no unpermitted waste is accepted for disposal at the landfill.
5. Bulky waste, including furniture, shall be crushed on solid ground and pushed onto the working face near the bottom of the cell.
6. Demolition and construction waste, tree stumps and large timber, shall be pushed onto the working face near the bottom of the cell.
7. Dead animals weighing less than forty (40) pounds shall be placed on the working face with other waste and covered immediately with waste or soil.
8. Dead animals weighing forty (40) pounds or more shall be placed in an excavated pit of waste in the cell and covered with four (4) feet of compacted soil.
9. Water treatment plant sludge containing no free liquid and digested wastewater treatment plant sludge (biosolids) containing no free liquid shall be placed on the working face along with solid wastes and covered with soil or solid waste immediately, unless operating permit conditions specify alternate handling methods including blending for cover material usage. The Division Director shall determine or modify the quantities to be accepted based on the operational conditions encountered on the working face.
10. Incinerator and air pollution control residues shall be incorporated into the working face and covered frequently enough to preclude residues from becoming airborne.
11. Surface water courses and runoff shall be diverted from the landfill. Sanitary landfill construction and operation shall include grading to promote rapid surface water runoff without excessive erosion. The grade shall not exceed thirty-three and one-third percent (33- 1/3%). Surface water courses shall be constructed and runoff shall be controlled to handle a twenty-year rainfall frequency.
12. The landfill shall not be operated if the actual separation between the lowest point of the lowest cell and the actual maximum water table is less than fifteen (15) feet unless the waste facility plan as approved specifies otherwise.
13. The landfill shall not be operated if the actual bedrock or engineered protection approved in the waste facility plan is deemed not to provide water quality protection as determined by field investigations and evaluations conducted by the Division Director.

14. Leachate collection and treatment systems shall be designed, installed and operated where necessary to protect ground and surface water resources.
15. All wastewaters generated by operating and maintenance practices shall be managed in compliance with applicable water quality standards and regulations administered by the publicly owned treatment works having jurisdiction for the site and/or the Missouri Department of Natural Resources Water Pollution Control Program (MDNR-WPCP).
16. No ground or surface water shall be permitted to come in contact with waste.
17. No open burning shall occur on the facility premises without permission of the Division Director and compliance with other applicable laws, ordinances, rules and regulations.
18. A decomposition gas control plan shall be designed and implemented to control lateral migration of methane and eliminate risk of harm from explosions to occupants of adjacent property.
19. Gases shall be vented to prohibit explosive or toxic accumulations within on- and off-site adjacent structures.
20. Vector control programs shall be implemented to prevent or rectify vector problems as determined by field inspection and good operating practices.
21. Litter control devices (e.g., fences and vegetation) shall be used near the working face and elsewhere to prevent blowing and accumulation of litter. Litter shall be collected from fences and the ground surface each operating day and shall be incorporated into the daily cell at the end of each day or placed in a secure container.
22. Wastes easily moved by wind shall be covered promptly to prevent such waste from becoming airborne and scattered.
23. Vegetation and natural windbreaks shall be used to improve the appearance and operation of the landfill.
24. Any materials salvaged from the landfill shall be removed daily or stored in aesthetically acceptable containers or enclosures.
25. Adequate equipment shall be maintained on the site of the landfill, and preventative maintenance shall be performed to assure that the handling, compaction and covering required by this Chapter can be continuously performed.
26. Fire extinguishers shall be provided on all equipment and maintained in operable condition at all times.
27. Provisions shall be made for extinguishing fires in waste, equipment and structures on the landfill site.

28. Communications equipment shall always be available and operable on the landfill site in order that fire and police services may be quickly summoned in the event of an emergency.
29. The landfill operator shall not permit persons to scavenge in the waste received at or deposited in the landfill.
30. Access to the landfill site shall be limited to designated roadways and limited to hours when operating personnel are on duty.
31. Traffic arriving to deposit waste at the landfill shall be directed to designated disposing points near the active face.
32. Dust on the landfill site shall be controlled for safety purposes and to prevent nuisances.
33. Intermediate cover must be applied to all areas idle from active waste receipts for more than sixty (60) days in a layer not less than one (1) foot after compaction.
34. Final cover shall be applied on each area immediately as designated complete per approved site plans and final grade in a layer not less than two (2) feet after compaction.
35. Vegetation shall be planted and established as soon as reasonably possible following placement of final cover to grade, and shall be maintained so as to maximize surface water runoff.
36. Records shall be maintained on site covering the following matters:
 - a. Major problems and complaints regarding operation of the landfill.
 - b. All environmental media sampling/testing data shall be reported to the Division of Environmental Services using the same protocol and submission intervals established by the applicable Missouri Department of Natural Resources Division of Environmental Quality (MDNR-DEQ) regulatory programs including the Solid Waste Management Program (SWMP), Water Pollution Control Program (WPCP) and Air Pollution Control Program (APCP) and shall address at a minimum, data and assessments for monitoring groundwater/surface water quality, air emissions and leachate characterization.
 - c. In the event of documented exceedence of applicable standards established by the Missouri Department of Natural Resources for any monitor system, the operator shall submit a corrective action plan (CAP) to the Division of Environmental Services within thirty (30) days of such an occurrence. The CAP shall outline detailed investigative procedures and schedule of remedial actions to be implemented to resolve the causative source or factors and restore the facility to operating compliance with documentation of results. The Division Director shall order cessation of facility operations until verifiable resolution is achieved.

- d. Records of vector control efforts.
 - e. Records of dust and litter control efforts.
 - f. Records of quantity of waste handled. Such records shall be made contemporaneously with the matters recorded.
37. Upon closure, all drinking water sources located within one-quarter (1/4) mile shall be sampled annually for contaminant Parameters specified in the operating permits or specified by the Division Director, and sampling shall continue after closure as provided for by the approved waste facility plan for closure.
- 240.1160. Additional Standards for Operation of Demolition Landfills.

Demolition landfills shall be operated in the following manner.

1. Spreading and compacting techniques used in sanitary landfills shall be used as much as practicable to dispose of waste in a demolition landfills, except that daily cover is not required for such facilities. At least twelve inches (12") of compacted cover material shall be applied to the demolition landfill working face at least every seven (7) calendar days.
2. Decomposable demolition waste may be placed in the landfill above the elevation shown in the waste facility plan for the placement of such waste. Decomposable demolition waste may not be placed in the landfill below such elevation.
3. A responsible supervisor shall be present at the disposal area at all times when the area is open to receive waste and shall monitor the receipt of waste to assure that no unpermitted waste is accepted for disposal at the landfill.
4. Demolition landfills shall be constructed and operated in a manner which will divert surface water courses and runoff from the landfill. Demolition landfill construction and operation shall include grading to promote rapid surface water runoff without excessive erosion. The grade shall not exceed thirty-three and one-third percent (33-1/3%). Surface water courses and runoff shall be constructed and runoff shall be controlled to handle a twenty-year rainfall frequency.
5. No open burning shall occur on the facility premises without permission of the Division Director and compliance with other applicable laws, ordinances, rules and regulations.
6. A decomposition gas control plan shall be designed and implemented to control lateral migration of methane and eliminate risk of harm from explosions to occupants of adjacent property.
7. Gases shall be vented to prohibit explosive or toxic accumulations within on- and off-site adjacent structures.

8. Vector control programs shall be implemented to prevent or rectify problems as determined by field inspection and good operating practices.
9. Litter control devices (e.g., fences and vegetation) shall be used near the working face and elsewhere to prevent blowing and accumulation of litter. Litter shall be collected from fences and the ground surface each operating day and shall be incorporated into the daily cell at the end of each day or placed in a secure container.
10. Wastes easily moved by wind shall be covered promptly to prevent such waste from becoming airborne and scattered.
11. The landfill shall not be operated if the actual separation between the lowest point of the lowest cell and the actual maximum water table is less than fifteen (15) feet unless the waste facility plan as approved specifies otherwise.
12. The landfill shall not be operated if the actual bedrock or engineered protection approved in the waste facility plan is deemed not to provide water quality protection as determined by field investigations and evaluations conducted by Division staff.
13. Leachate collection and treatment systems shall be designed, installed and operated where necessary to protect ground and surface water resources.
14. All waste waters generated by operating and maintenance practices shall be managed in compliance with applicable water quality standards and regulations administered by the publicly owned treatment works having jurisdiction for the site and/or the Missouri Department of Natural Resources Water Pollution Control Program (MDNR-WPCP).
15. Vegetation and natural windbreaks shall be used to improve the appearance and operation of the landfill.
16. Any materials salvaged from the landfill shall be removed daily or stored in aesthetically acceptable containers or enclosures.
17. Adequate equipment shall be maintained on the site of the landfill, and preventative maintenance shall be performed to assure that the handling, compaction and covering required by this Chapter can be continuously performed.
18. Fire extinguishers shall be provided on all equipment and maintained in operable condition at all times.
19. Provisions shall be made for extinguishing fires in waste, equipment and structures on the landfill site.
20. Communications equipment shall always be available and operable on the landfill site in order that fire and police services may be quickly summoned in the event of an emergency.
21. The operator shall not permit persons to scavenge in the waste received at or deposited in the landfill.

22. Access to the landfill site shall be limited to designated roadways and limited to hours when operating personnel are on duty.
23. Traffic arriving to deposit waste at the landfill shall be directed to designated disposing points near the active face.
24. Dust on the landfill site shall be controlled for safety purposes and to prevent nuisances.
25. Final cover shall be applied on each area immediately as designated complete per approved site plans and final grade in a layer not less than two (2) feet after compaction.
26. Vegetation shall be planted and sloped as soon as reasonably possible following placing of final cover, and shall be planted and sloped as to maximize surface water runoff.
27. Records shall be maintained on site covering the following matters:
 - a. Major problems and complaints regarding operation of the landfill.
 - b. All environmental media sampling/testing data shall be reported to the Division of Environmental Services using the same protocol and submission intervals established by the applicable Missouri Department of Natural Resources Division of Environmental Quality (MDNR-DEQ) regulatory programs including the Solid Waste Management Program (SWMP), Water Pollution Control Program (WPCP) and Air Pollution Control Program (APCP) and shall address at a minimum, data and assessments for monitoring groundwater/surface water quality, air emissions and leachate characterization.
 - c. In the event of documented exceedence of applicable standards established by the Missouri Department of Natural Resources for any monitor system, the operator shall submit a corrective action plan (CAP) to the Division of Environmental Services within thirty (30) days of such an occurrence. The CAP shall outline detailed investigative procedures and schedule of remedial actions to be implemented to resolve the causative source or factors and restore the facility to operating compliance with documentation of results. The Division Director shall order cessation of facility operations until verifiable resolution is achieved.
 - d. Records of vector control efforts.
 - e. Records of dust and litter control efforts.
 - f. Records of quantity of waste handled. Such records shall be made contemporaneously with the matters recorded.

28. Upon closure, all drinking water sources located within one-quarter (1/4) mile shall be sampled annually for contaminant Parameters specified in the operating permits or specified by the Division Director, and sampling shall continue after closure as provided for by the approved waste facility plan for closure.
- 240.1170. Additional Standards for Operation of Waste Processing Facilities and Transfer Stations.

Waste processing facilities and transfer stations shall adhere to the following requirements:

1. Storage areas shall be designated for special waste, shall be clearly marked for the type of special waste to be placed in such areas, and shall be designed and constructed to safely store such waste.
2. A responsible supervisor shall be on duty at all times during operation of the waste processing facility or transfer station to assure that unacceptable waste is excluded from processing or transfer.
3. All wastewaters generated by operating and maintenance practices shall be managed in compliance with applicable water quality standards and regulations administered by the publicly owned treatment works having jurisdiction for the site and/or the Missouri Department of Natural Resources Water Pollution Control Program (MDNR-WPCP).
4. Areas for unloading or loading waste transportation vehicles or mobile/roll-off waste containers shall be cleaned as spillage occurs.
5. Areas containing putrescible waste shall be cleaned at least weekly.
6. Vector control programs shall be implemented to prevent or rectify vector problems.
7. Waste delivered to the facility which cannot be processed there shall be removed at least weekly and hauled to permitted disposal sites.
8. All putrescible waste shall be removed from transfer stations at least every twenty-four (24) hours.
9. Waste shall not be accepted if available storage capacity is exceeded.
10. Waste shall not be accepted if the facility is reasonably expected to be out of operation for more than twenty-four (24) hours.
11. Materials or commodities segregated for recycling or resource recovery shall be stored in a manner that will prevent vectors or aesthetic problems.
12. Residues and processed materials shall be placed in containers appropriate for transporting such materials, and which will prevent sifting, falling, leaking or blowing from those containers.
13. The operator of the waste processing facility or transfer station shall not permit persons to scavenge in waste delivered to or deposited at the facility.

14. Access to the waste processing facility shall be limited to those times when responsible and trained personnel are on duty.
 15. Fire extinguishers shall be provided on all equipment.
 16. Provisions shall be made for extinguishing fires in waste, equipment and structures on the site. An isolated designated area shall be reserved at all times for the emergency dumping of "hot loads" or loads suspected of being on fire. This area shall be accessible to on-site and off-site fire fighting equipment and shall have available on-site sand or water for fire control.
 17. Communications equipment shall always be available and operable on the site in order that fire and police services may be quickly summoned in the event of an emergency.
 18. The following records shall be maintained at the waste processing facility or transfer station, and shall be maintained at or near the time such items are observed:
 - a. Actual or estimated quantity of waste received every day.
 - b. All environmental media sampling/testing data shall be reported to the Division of Environmental Services using the same protocol and submission intervals established by the applicable Missouri Department of Natural Resources Division of Environmental Quality (MDNR-DEQ) regulatory programs including the Solid Waste Management Program (SWMP), Water Pollution Control Program (WPCP) and Air Pollution Control Program (APCP) and shall address at a minimum, data and assessments for monitoring groundwater/surface water quality, air emissions and leachate characterization.
 - c. In the event of documented exceedence of applicable standards established by the Missouri Department of Natural Resources for any monitor system, the operator shall submit a corrective action plan (CAP) to the Division of Environmental Services within thirty (30) days of such an occurrence. The CAP shall outline detailed investigative procedures and schedule of remedial actions to be implemented to resolve the causative source or factors and restore the facility to operating compliance with documentation of results. The Division Director shall order cessation of facility operations until verifiable resolution is achieved.
 - d. Operational problems, complaints and difficulties connected with the operation of the waste processing facility or transfer station.
 - e. Vector, odor, dust, aesthetic, and litter control efforts.
- 240.1180. Signs Required at Entrances to Landfills, Waste Processing Facilities and Transfer Stations.

There shall be displayed at each entrance to each landfill, waste processing facility and transfer station a sign containing the following information in letters at least two (2) inches high and one-half (1/2) inches wide:

1. The Words "Approved [Sanitary Landfill, Demolition Landfill, Waste Processing Facility or Transfer Station, as the case may be] operated under License No. _____ issued by the Division Director of the Division of Environmental Services of the St. Charles County Department of Community Health and the Environment."
2. The words "The following types of waste will not be accepted for disposal at this facility:" followed by list of types of waste which will not be accepted for disposal at the facility.

240.1190. Right of Entry for Inspection and to Remedy Dangerous Conditions.

1. Because the disposal of waste in landfills, waste processing facilities and transfer stations present unique problems of enforcement and because the consequences of improper processing of waste are so severe, the Division Director is authorized, with or without probable cause to believe that a specific violation exists, to enter and inspect landfill premises, waste processing facility premises and transfer station premises at any time to insure that the landfill, waste processing facility or transfer station is being operated consistently with the waste facility plan, this Chapter, and in the interests of the health and welfare of the residents or environmental resources of St. Charles County. Routine inspections shall be made during normal operational hours of the facility. Where there is a suspected hazard, entry may be made at any time.
2. If the Division Director is or becomes aware of a violation of the provisions of the waste facility plan pertaining to the construction or operation of a landfill, waste processing facility, or transfer station; or is or becomes aware of a violation of a provision of this Chapter pertaining to construction or operation of such facilities; or is or becomes aware of a condition which threatens the health and welfare of the residents or environmental resources of the County, he may make a reasonable attempt to notify the operator, or owner of the premises or person in possession if there is no license, and direct such person to correct the violation within twenty-four (24) hours. In the event the operator or owner or person in possession cannot be found or refuses to correct the violation within twenty-four (24) hours after notice in writing by the Division Director, the Division Director may, if he deems it necessary in the interest of public health or environmental resources, enter upon the premises of the facility and, either with the equipment and employees of the operator or owner or person in possession, or with County-owned or -leased equipment and County employees, do such work as is necessary to correct any condition so noticed.
3. Upon completion of such work, the Division Director shall cause the total cost of such work to be determined and certify the same to the Finance Director. Upon approval of such report by the Finance Director, the report, with the approval of the Finance Director endorsed thereon, shall be transmitted to the County Collector, who shall assess the same as a special tax against each lot or parcel of ground chargeable therewith, in the name or names of the owner or owners thereof.

4. All such special tax bills issued for such work shall be collectible by suit brought by the County Counselor in the name of the County. Such special tax bills and any action thereon, shall be prima facie evidence of the regularity of the proceedings for such special assessment, the validity of the bill, the doing of the work, and of the furnishing of the material charged for, and of the liability of the property to the charged stated in the bill, including the costs of bringing the action as a part of the cost of doing the work. Each said special tax bill shall include a charge of One Hundred Dollars (\$100.00) for inspecting the same and giving the notice, and further charge of Fifty Dollars (\$50.00) for issuing and recording the tax bill. Such tax bills if not paid within thirty (30) days after issuance shall bear interest at the rate of eight percent (8%) per annum.

ARTICLE 12
SOLID WASTE DISPOSAL AREAS, PROCESSING FACILITIES, TRANSFER STATIONS:
CLOSURE

- 240.1210. Notification of Intent to Close Solid Waste Disposal Area, Waste Processing Facility or Transfer Station.
- 240.1220. Closure of Solid Waste Disposal Areas, Waste Processing Facilities and Transfer Stations.

240.1210. Notification of Intent to Close Solid Waste Disposal Area, Waste Processing Facility or Transfer Station.

The operator shall notify the Division Director three (3) months prior to permanent or planned closure of his intent to close a landfill, waste processing facility or transfer station.

240.1220. Closure of Solid Waste Disposal Areas, Waste Processing Facilities and Transfer Stations.

1. In addition to the provisions of the waste facility plan covering closure of a sanitary landfill, the following criteria shall be complied with:

- a. Two (2) feet of compacted final cover plus six (6) inches of top soil, mulch, compost, or other material capable of supporting vegetation is required. An additional one (1) foot of compacted final cover (for a total of three (3) feet compacted final cover) may be substituted by the operator for the six (6) inches of top soil provided that adequate vegetation cover can be established.
- b. Vegetative cover shall be established as soon as possible following closure. Repeated seedings shall be undertaken if required to secure permanent vegetative cover.
- c. All public and private water wells within one-quarter (1/4) mile of the sanitary landfill shall be sampled for the contaminant parameters specified by the Division Director annually for twenty (20) years and as specified in the approved plan for closure.
- d. On-site downstream gradient groundwater monitoring wells shall be sampled quarterly for indicator contaminants and annually for all contaminants as specified by the Division Director and delineated in the waste facility plan.
- e. The operator shall file with the Recorder of Deeds within two (2) months of closure, a metes and bounds description or licensed surveyor's plat which includes the types of waste disposed of at the site, the location of wastes, depth of the fill, and location and description of any leachate, gas control, or other monitoring systems which are to be maintained and a designation of the party responsible for maintaining such systems.

2. Facilities other than sanitary landfills shall be closed in accordance with the methods and procedures shown in their waste facility plans.

ARTICLE 13

**SOLID WASTE DISPOSAL AREAS, PROCESSING FACILITIES, TRANSFER STATIONS:
RESTRICTIONS BEFORE AND AFTER CLOSURE**

240.1310. Scavenging at Facilities Prohibited; Disturbance of Waste Following Closure.

240.1310. Scavenging at Facilities Prohibited; Disturbance of Waste Following Closure.

No person shall scavenge, excavate, disrupt or remove any deposited material from any active or discontinued landfill, waste processing facility or transfer station without prior approval of the Division Director. Requests for approval shall include an operation plan stating the area involved, line and grades defining limits of excavation, estimated number of cubic yards and type of material to be excavated, location where excavated material is to be deposited, type of equipment to be used to excavate and transport material, estimated time required for excavation disposal procedures and provisions for closing the excavated or disrupted areas.

ARTICLE 14

COMPOSTING AND COMPOSTING FACILITIES FOR RESIDENTIAL YARD WASTE

- 240.1401 Composting of Residential Yard Waste.
 - 240.1403 License to Operate Yard Waste Composting Facility.
 - 240.1406 License, How Acquired; Application Fees.
 - 240.1409 Application for Yard Waste Composting Facility License.
 - 240.1412 Initial Determination of Sufficiency of Application.
 - 240.1415 Investigation by Division Director.
 - 240.1418 Modification of Materials Facility Plan.
 - 240.1421 Standards for Approval of Materials Facility Plan.
 - 240.1424 Issuance of License by Division Director.
 - 240.1427 License Personal to Applicant, How Transferred.
 - 240.1430 Term of License.
 - 240.1433 Cooperation With Other County Departments Permitted.
 - 240.1436 Cooperative Agreements Authorized.
 - 240.1439 Applicant Becomes Operator Upon Receipt of License.
 - 240.1442 Existing Yard Waste Composting Facilities.
 - 240.1445 License To Be Renewed Annually.
 - 240.1448 Contents of Report Filed with Application for Annual Renewal. License for Operating a Yard Waste Composting Facility.
 - 240.1451 Issuance of Renewal License by Division Director.
 - 240.1454 Annual Licensing Fee.
 - 240.1457 Modification of Materials Facility Plan During Effective Period of License Upon Request of Operator; Transfer of License to Another.
 - 240.1460 License Suspended or Revoked; When; How.
 - 240.1463 Procedure for Suspension or Revocation Hearing.
 - 240.1466 Construction To Conform to Requirements of Materials Facility Plan and this Chapter.
 - 240.1469 Inspections During Construction.
 - 240.1472 Final Approval of Division Director Required Prior to Operation of Facility.
 - 240.1475 Operators of Yard Waste Composting Facility to Have Insurance.
 - 240.1478 Closure Bond.
 - 240.1481 Facility's Operation to Comply with Materials Facility Plan.
 - 240.1484 Additional Standards for Operation of a Yard Waste Composting Facility.
 - 240.1487 Signs Required at Entrances to Yard Waste Composting Facility.
 - 249.1490 Right of Entry for Inspection and To Remedy Dangerous Conditions.
 - 240.1493 Closure of Yard By-Product Composting Facilities.
 - 240.1496 Notification of Intent to Close Yard Waste Composting Facility.
- 240.1401 Composting of Residential Yard Waste.
1. Residential yard waste may be composted on residential premises under the following conditions:
 - a. All composting operations shall be maintained so as to prevent the harborage of rodents and pests.

- b. All composting operations shall be maintained so as to inhibit the generation of odors associated with anaerobic decomposition.
- c. All composting operations shall be conducted at least three (3) feet behind the front of the main residential structure.
- d. Composting sites shall be located so as to prevent leachate from discharging onto adjacent property and shall not be located in natural or man-made storm water channels.
- e. Compost piles abutting adjacent property shall be made site-proof to adjacent property owners and all enclosed compost structures shall comply with local zoning regulations.
- f. The following materials are prohibited from use in residential yard waste composting:
 - i. Meat and dairy products.

2. Composting established in accordance with this Section is for private use only. There shall be no commercial provision of material to be composted or commercial use of the product from such composting.

3. Every owner and/or operator shall be responsible for maintaining all property under his or her control in accordance with the requirements of this Section.

240.1403. License to Operate Yard Waste Composting Facility.

No person shall construct or operate a yard waste composting facility without a current and valid license for the construction and operation thereof.

240.1406. License, How Acquired; Application Fees.

An initial license (as opposed to the annual renewal license) for the construction and operation or expansion of a yard waste composting facility may be issued by the Division Director following the procedures declared in this Chapter. An applicant for a license shall file three (3) copies of an application addressed to the Division Director and filed with the Division. The application shall consist of:

- a. A request for issuance of a license, and
- b. A materials facility plan as described below.

The application shall be accompanied by an application fee of One Thousand Dollars (\$1,000.00) and the Division Director shall not process an application which is not accompanied by that fee.

240.1409. Application for Yard Waste Composting Facility License.

An application to the Division Director for a license to construct and operate a yard waste composting facility shall contain a written request for the issuance of a license for the construction and operation of a yard waste composting facility and shall include a plan for the construction/ operation and closure of the facility, which plan shall be consistent with the provisions of this Chapter pertaining to construction and operation of a yard waste composting facility and shall include the following:

1. A legal description and out-boundary survey of the property on which the facility is to be located.
2. A plan for the construction and operation of the yard waste composting facility which includes:
 - a. A description of the type of materials the yard waste composting facility will accept.
 - b. The maximum storage capacity of material to ensure management.
 - c. The technology utilized to process and store the materials.
 - d. Drawings detailing the operation of the yard waste composting facility.
 - e. Location of the nearest available potable water source.
 - f. A description of windrow construction and operating equipment (or other approved methodology) to achieve a marketable finished compost product.
 - g. A description of construction of processing and storage bases. Bases shall be designed to shed stormwater and maintain integrity through continued use of heavy equipment.
 - h. Discussion of intended product end-use markets.
 - i. Description of management practices to control stormwater courses, minimize leachate operation and dispose of wastewater in compliance with applicable water quality standards and regulations administered by the publicly owned treatment works having jurisdiction and/or the Missouri Department of Natural Resources Water Pollution Control Program (MDNR-WPCP).
3. Closure plan for the facility.
4. A schedule for the commencement and completion of facility construction stated with respect to the time of the issuance of a license for construction and operation of the facility.
5. Zoning authorizations including a copy of an approved Conditional Use Permit (if applicable).

6. Multi-locations of the same organization shall file separate information for each location. Application and annual license fees shall apply to each separate location in accordance with Sections 240.1406 and 240.1409.
7. Other information as the Division Director may require to assess suitability of the proposed yard waste composting facility.

240.1412. Initial Determination of Sufficiency of Application.

The Division Director shall notify an applicant who has submitted an application and application fee for a license to operate a yard waste composting facility in writing either that the application is certified as meeting all pertinent requirements regarding the form of the application or that the application is deficient with respect to its form and specifically in what manner the application does not comply with minimum application requirements. The Division Director shall determine whether the representation made in the materials facility plan regarding application for zoning approval has been met. If the application has been determined not to comply with minimum application requirements or the representation concerning application for zoning approval is determined to be false, the applicant so notified shall be required to submit additional information or otherwise correct any noted deficiencies within ninety (90) calendar days from receipt of the Division Director's letter. If the deficiencies are not corrected within the ninety-day period, the Division Director shall return the application and fee to the applicant, unless the applicant and the Division Director mutually agree to an extension of the ninety (90) days response period.

240.1415. Investigation by Division Director.

The Division Director shall examine the premises of the site described by the application and shall perform such tests and direct the preparation of such studies as will assist him in determining:

1. Whether the facts contained in the application are accurate.
2. Whether the criteria set forth below regarding the standards of issuance of a license are satisfied to the benefit of the residents of St. Charles County for protection of public health and the environment.

240.1418. Modification of Materials Facility Plan.

1. The Division Director may require that the applicant modify the materials facility plan for the purposes of:
 - a. Bringing the application into compliance with law, although issuance of a license, with or without modifications, is not evidence that the application complies with the requirements of any jurisdiction.

- b. Ensuring that the construction and operation of the yard waste composting facility is adequate to protect the health and welfare of the residents of St. Charles County.
 - 2. Prior to final approval or denial of the license, the Division Director shall notify the applicant of deficiencies or changes which must be addressed prior to approval of the materials facility plan. Within thirty (30) days, or such additional time as the Director may grant, the applicant shall submit modifications to address the deficiencies which the Division Director has indicated. The Division Director may continue to require reasonable additional changes to be made by applicant. In the event that the Division Director determines that there are no modifications which can be made to the application which will make it satisfactory, or the Division Director determines that the modifications or responses proposed by the applicant do not substantially further the application process, the Division Director shall notify the applicant, and permit thirty (30) days for response. Thereupon, the Division Director may terminate consideration of the materials facility application for failure to pursue submission of an acceptable materials facility plan.
- 240.1421. Standards for Approval of Materials Facility Plan.
- 1. The Division Director shall approve the materials facility plan, with or without modifications, or disapprove the materials facility plan based on the following criteria:
 - a. Possible adverse environmental effects on properties in the vicinity of the proposed facility.
 - b. Whether the approval of the materials facility plan would in any way create a hazard menace, or nuisance to the public health.
 - c. Whether the approval of the materials facility plan would violate the provisions of this Chapter, other laws, or other ordinances or regulations of St. Charles County.
 - 2. Any materials facility plan submitted which does not satisfy the above criteria shall not be approved by the Division Director.
 - 3. The Division Director shall notify the applicant of his decision by certified mail, whether approving or disapproving the materials facility plan.
- 240.1424. Issuance of License by Division Director.

If a materials facility plan is finally approved by the Division Director, a license shall be issued by the Division Director upon payment to the Division of the annual licensing fee described in Section 240.1454 and a showing satisfactory that the insurance requirement of Section 240.1475 and the bonding requirement of Section 240.1478 have been met.

240.1427. License Personal to Applicant, How Transferred.

The license issued by the Division Director shall be personal to the applicant and may only be transferred by compliance with Section 240.1457.

240.1430. Term of License.

The license issued by the Division Director shall be for a fixed number of years equal to the estimated life of the facility as projected in the approved materials facility plan. Notwithstanding the issuance of a license for a fixed number of years, the materials facility plan and the license must be reviewed annually subject to the provisions of Section 240.1418 et seq., and the modifications proposed by the operator in the annual application may include a request that the term of the license be amended.

240.1433. Cooperation With Other County Departments Permitted.

In the event that St. Charles County ordinances require the Planning & Zoning Commission or the Department of Planning to hold a hearing regarding the issuance of a Conditional Use Permit (CUP) or regarding a rezoning which must be approved before the materials facility plan may be lawfully implemented on a site, the Division of Environmental Services, the Planning & Zoning Commission and the Department of Planning may develop and implement a procedure whereby the application submitted to the Division Director pursuant to Section 240.1409, and the application for a Conditional Use Permit or for an amendment of the applicable zoning pursuant to Title IV of the Ordinances of St. Charles County, Missouri ("OSCCMo"), as the case may be, be consolidated into a single application for the convenience of the applicant, the County and the public. Despite such consolidation for convenience, such applications shall still satisfy the requirements of this Article and of Title IV, OSCCMo.

240.1436. Cooperative Agreements Authorized.

The Division Director is authorized to cooperate with the Missouri Department of Natural Resources, municipalities in St. Charles County and any other relevant jurisdiction, individually or in combination for the purposes of:

1. Developing and implementing a procedure or procedures whereby the application submitted to the Division Director pursuant to Section 240.1409 and an application concerning the same development submitted in another jurisdiction be consolidated into a single application for the convenience of the applicant, the County and the other jurisdiction or jurisdictions. Despite such consolidation for convenience, such applications shall still satisfy the requirements of Section 240.1409.
2. Dividing responsibility for investigation and verification of the information contained in an application, and the impact of implementation of the materials facility plan on the County and the environment, shall be undertaken for the purpose of avoiding duplication of effort by various jurisdictions.

240.1439. Applicant Becomes Operator Upon Receipt of License.

Upon receipt of a license issued by the Division Director, and upon payment to the Division of the annual licensing fee described in Section 240.1454 and a showing satisfactory that the insurance requirement of Section 240.1475 and the bonding requirement of Section

240.1478 have been met, the applicant becomes the operator of the facility for which the license was issued.

240.1442. Existing Yard Waste Composting Facilities.

1. Yard waste composting facilities which operated or were licensed to construct or operate pursuant to ordinances and rules in effect prior to the effective date of this Chapter are exempted from the requirement of presenting an initial materials facility plan pursuant to Sections 240.1406 and 240.1409. Renewal applications and licenses are required on an annual basis pursuant to Section 240.1451. Notwithstanding the foregoing, however, the first renewal application made by the operator of such an existing facility shall contain a plan for closure in compliance with the closure requirements of this Chapter imposed upon applications for new facilities.
2. With the exception of the matters discussed in subsection 1 of this Section, yard waste composting facilities existing at the effective date of this Chapter must comply with all other provisions of this Chapter.

240.1445. License To Be Renewed Annually.

Despite the approval of a materials facility plan for a yard waste composting facility for a fixed number of years, and the issuance of a license for the construction and operation of the facility, the operator of each facility shall apply to renew such license annually for each operating year beginning with each anniversary date of the issuance of such initial license, whether the construction of the facility is completed or not. The renewal application as set forth in the schedule in subsection 2 of this Section shall be addressed and delivered to the Division Director at least thirty (30) days prior to each anniversary date of the initial license, and shall contain:

- a. a request that a renewal license be issued for a period of one (1) year, and
- b. a report containing the information required in Section 240.1448.

240.1448. Contents of Report Filed with Application for Annual Renewal License for Operating a Yard Waste Composting Facility.

Every application for a renewal license for a yard waste composting facility shall contain the following information:

1. Any changes in the materials facility plan which must be made to reflect actual usage or conditions.
2. Volumes of yard waste in cubic yards received by the facility during the previous year.
3. Volume and disposition of end-use product produced.
4. A listing of operating problems encountered and solutions pursued/corrective actions.

240.1451. Issuance of Renewal License by Division Director.

Upon receipt of the renewal application described in Sections 240.1445 and 240.1448, and of the basic annual licensing fee set forth in Section 240.1454, the Division Director shall issue a renewal license for the compost facility. The Division Director shall not issue the renewal license if the license to operate the facility has been revoked pursuant to this Chapter.

240.1454. Annual Licensing Fee.

The basic annual licensing fee shall be One Thousand Dollars (\$1,000.00).

240.1457. Modification of Materials Facility Plan During Effective Period of License Upon Request of Operator; Transfer of License to Another.

1. If the operator believes that an error has been made in the materials facility plan, such that the materials facility plan cannot be effectuated without injury to the public health or welfare, or that the materials facility plan can better be implemented by changes in provisions approved by the Division Director, the operator may submit a request to the Division Director containing the reasons for the belief, and the information required in Section 240.1448 for a renewal application. The Division Director shall consider the request and may modify the materials facility plan to reflect such changes if he determines that such changes are necessary to make or continue to make the facility comply with this Chapter or other laws, rules, regulations or ordinances, or to make or continue to make such facility operate in a manner that protects the public health, welfare and the environment.
2. If the operator desires to transfer his license to operate a yard waste composting facility to another party, and that party agrees to accept the transfer of the license, the operator shall file a statement with the Division Director so stating the intent to make such transfer. The person proposing to operate the facility shall file an application containing the information required by Section 240.1448 along with a statement that such person desires to assume the rights, duties and obligations of operation of the facility. The application shall be processed as an application under subsection 1 of this Section. Upon issuance of the license with modifications, which shall include an indication that the license is transferred to the parties desiring to assume operations of the facility, such parties shall become the operator of the facility; however, nothing herein shall relieve the prior operator of any liability connected with events occurring during the period in which the prior operator operated or was licensed to operate such facility.

240.1460. License Suspended or Revoked; When; How.

1. A license for operation of a yard waste composting facility may be suspended or revoked, following hearing before the Division Director, for any one (1) or more of the following reasons:
 - a. Failure to comply with the provisions of the materials facility plan.

- b. Failure to comply with the provisions of this Chapter applicable to the facility.
 - c. Failure to operate the facility in a manner consistent with the public health, welfare and the environment and health and welfare of persons operating and using the facility.
2. For a violation of any of the above, the Division Director shall suspend the license of the operator to operate the facility during the period such violation continues to exist; or, if the violation can only exist during active operations, the suspension shall be until such time as the operator establishes a procedure satisfactory to the Division Director which remedies the violation.
 3. For a willful misstatement of facts contained in any application or renewal application, the Division Director may revoke the license or renewal license.

240.1463. Procedure for Suspension or Revocation Hearing.

The Division Director shall provide at least thirty (30) calendar days notice to the operator of the hearing to be held to consider the suspension or revocation of the license of the operator to operate a yard waste composting facility. The hearing shall be open to the public.

240.1466. Construction To Conform to Requirements of Materials Facility Plan and this Chapter.

No person shall construct a yard waste composting facility in a manner that does not comply with the materials facility plan approved by the Division Director for such facility or with the requirements of this Chapter.

240.1469. Inspections During Construction.

During any period of construction (initial, expansion or modification) of a yard waste composting facility, the Division Director shall be permitted access to the facility at reasonable times for the purpose of determining whether the construction of the facility conforms to the materials facility plan.

240.1472. Final Approval of Division Director Required Prior to Operation of Facility.

Notwithstanding the final approval of a materials facility plan and issuance of a license to construct and operate a yard waste composting facility, the facility shall not begin to operate and accept material until receipt of final approval by the Division Director indicating that a final inspection of the facility following construction has been completed and that the facts then in possession indicate that the facility has been constructed according to the materials facility plan. Final approval in writing by the Division Director is also required for final construction of facility modification prior to the continued operation in an area affected by the construction.

240.1475. Operators of Yard Waste Composting Facility to Have Insurance.

1. No license for the construction and operation of a yard waste composting facility shall be issued nor shall such a facility be operated until and unless the applicant

acquires public liability insurance approved by the Division Director governing all proposed operations of the applicant pertaining to the business of constructing and operating a yard waste composting facility. The insurance shall be with an insurer acceptable to the Division Director and shall include coverage in one (1) policy or multiple policies for any contractors or subcontractors engaged by the insured for such business. Evidence of such insurance shall be filed with the Division. The minimum limits of insurance for public liability and auto liability shall be Three Hundred Thousand Dollars (\$300,000) for bodily injury to each person; One Million Dollars (\$1,000,000) for total bodily injury for each occurrence; and One Million Dollars (\$1,000,000) for property damage for each occurrence. Municipalities engaged in the business of yard waste composting are exempted from procuring the minimum limits of insurance required by this Section.

2. No license for the construction and operation of yard waste composting facility shall be issued nor shall such a facility be operated until and unless the applicant provides insurance with workers' compensation insurance, with minimum limits as set by law. The insurance must be approved by the Division Director and shall be with an insurer acceptable to the Division Director and shall include coverage in one (1) policy or multiple policies for any contractors or subcontractors engaged by the insured for such business.
3. No insurance policy required by this Section shall be approved by the Division Director unless it provides that notice will be given by the insurer in the event the policy is terminated or canceled.
4. The insured shall give notice to the Division Director if any policy required by this Section is terminated or canceled.

240.1478. Closure Bond.

No person shall construct or operate a yard waste composting facility without providing a bond required for closure as provided by this Section for closure. The bond provided pursuant to this Section shall be in an amount, based upon the active composting area of the facility during the following twelve (12) months and modified by the renewal license process, which assures that the facility will be properly closed if events occur within the two-year period following the beginning of the most recent licensing or renewal period which require that the facility be closed. The bond may be a cash or corporate bond. If a cash bond is offered, the cash shall be deposited with the St. Charles County Director of Finance, who shall provide a receipt therefor. If a cash bond is offered, the interest may be used to fulfill the bond obligation if necessary; however, to the extent such interest remains unused at the expiration of the bond, it shall be returned to the person providing the bond. If a corporate bond is offered, it shall be executed by a surety or guaranty company qualified to transact business in the State of Missouri and filed with the St. Charles County Director of Finance. The bond must be approved by the County Counselor.

240.1481. Facility's Operation to Comply with Materials Facility Plan.

No person shall operate a yard waste composting facility in a manner that does not comply with the materials facility plan approved by the Division Director for such facility and which does not comply with the requirements of this Article pertaining to operation of such facility.

Failure to comply with the materials facility plan or with the requirements of this Article pertaining to operation of a yard waste composting facility shall be a violation by the person in whose name the license is issued, as well as every agent, employee or contractor assigned to construct or operate the facility who:

- a. Performs acts precluded by the materials facility plan or this Article;
- b. Fails to perform acts required by the materials facility plan or this Article;
- c. Fails to maintain conditions required by the materials facility plan or this Article; or
- d. Maintains conditions prohibited by the materials facility plan or this Article.

240.1484. Additional Standards for Operation of a Yard Waste Composting Facility.

Yard waste composting facilities shall adhere to the following requirements:

1. A sign listing materials accepted and not accepted must be visible at the entrance of the facility.
2. A facility shall not accept material quantities beyond that which can be properly managed.
3. Materials for composting shall be stored in a manner that will minimize the generation of odor and aesthetic problems, prevent spontaneous combustion and the harborage of vectors, and does not create a public health nuisance.
4. Vector control programs shall be implemented to prevent or rectify problems.
5. Non-contact, uncontaminated surface water courses and run-off shall be diverted to storm sewers, detention ponds or other approved collection methods and the management of such water courses and run-off shall also comply with all applicable provisions of the Missouri Clean Water Law (Chapter 644, RSMo, as amended) and any regulations adopted pursuant to it. The Missouri Clean Water Law and the regulations adopted pursuant to it shall also govern the management of any and all contaminated runoff and leachate generated by material decomposition.
6. Contingency plan shall be implemented for collection, destruction and deposition of any leachate, byproduct, effluent or emission.
7. Materials easily moved by wind shall be stored in such a manner so as to prevent such material from becoming airborne and scattered.
8. Fire extinguishers shall be provided and accessible.
9. Persons not authorized shall not be permitted to remove or scavenge in the materials deposited at the facility.
10. Facility must meet all zoning restrictions.

11. Records shall be maintained on site addressing the following matters:
 - a. major problems and complaints.
 - b. vector control efforts.
 - c. records on litter control efforts.
 - d. records on quantity (Volume/Tons) of materials received.
 - e. records on quantity (Volume/Tons) of end product distributed.
12. Compliance with handling, storage and disposal requirements for materials regulated under Federal, State and/or local jurisdictions shall be met.

240.1487. Signs Required at Entrances to Yard Waste Composting Facility.

There shall be displayed at each entrance to each yard waste composting facility a sign containing the following information in letters at least two (2) inches high and one-half (1/2) inch wide:

1. The words "Approved Yard Waste Composting Facility operated under License No. _____ issued by the Director of the Division of Environmental Services of the St. Charles County Department of Community Health and the Environment."
2. The words "The following materials will be accepted at this facility:" followed by a list of materials which will not be accepted at the facility.

240.1490. Right of Entry for Inspection and To Remedy Dangerous Conditions.

1. The Division Director is authorized, with or without probable cause to believe that a specific violation exists, to enter and inspect yard waste composting facilities at any time to ensure that they are operated consistently with the materials facility plan, this Chapter, and in the interests of the health and welfare of the residents of St. Charles County. Routine inspections shall be made during normal operational hours of the facility. Where there is a suspected hazard, entry may be made at any time.
2. If the Division Director is or becomes aware of a violation of the provisions of the materials facility plan pertaining to the construction or operation of a yard waste composting facility or is or becomes aware of a violation of a provision of this Chapter pertaining to construction or operation of such a facility; or is or becomes aware of a condition which threatens the health and welfare of the residents of the County or the environment, he may make a reasonable attempt to notify the operator, or owner of the premises or person in possession if there is no license, and direct such person to correct the violation within twenty-four (24) hours. In the event the operator or owner or person in possession cannot be found or refuses to correct or address the violation within twenty-four (24) hours after notice in writing, the Division Director may, if deemed it necessary to protect the interest of public health, enter upon the premises of the facility and, either with the equipment and employees

of the operator or owner or person in possession, or with County-owned or leased equipment and County employees, perform such work as is necessary to correct any condition so noticed.

3. Upon completion of such work, the Division Director shall cause the total cost of such work to be determined and certify the same to the St. Charles County Director of Finance, the report, with the approval of the Director of Finance endorsed thereon, shall be transmitted to the County Collector, who shall assess the same as a special tax against each lot or parcel of ground chargeable therewith, in the name or names of the owner or owners thereof.
4. All such special tax bills issued for such work shall be collectible by suit brought by the County Counselor in the name of the County. Such special tax bills and any action thereon shall be prima facie evidence on the regularity or the proceedings for such special assessment, the validity of the bill, the conductance of the work, and of the furnishing of the materials charged for, and of the liability of the property to the charge stated in the bill, including the costs of bringing the action as a part of the cost performing the work. Each said special tax bill shall include a charge of Fifty Dollars (\$50.00) for inspecting the same and providing the notice, and further charge of Fifty Dollars (\$50.00) for issuing and recording the tax bill. Such tax bills if not paid within thirty (30) days after issuance shall bear interest at the rate of eight percent (8%) per annum.

240.1493. Closure of Yard Waste Composting Facilities.

A yard waste composting facility shall be closed in accordance with the methods and procedures shown in the materials facility plan. Yard waste composting facilities which were licensed to operate prior to the effective date of this Chapter, shall be closed in accordance with the methods required by that facility's original operating permit.

240.1496. Notification of Intent to Close Yard Waste Composting Facility.

The operator shall notify the Division Director three (3) months prior to permanent or planned closure of his intent to close a yard waste composting facility.

ARTICLE 15
RECYCLING CENTERS

- 240.1505. Construction and Operation of Recycling Centers.
- 240.1510. Recycling Centers to Register Annually.
- 240.1520. Haulers of Residential Source Separated Material to Register Annually.

240.1505. Construction and Operation of Recycling Centers.

1. All sites proposed to operate as recycling centers must submit certification of compliance with applicable zoning and conditional use permit (CUP) provisions recognized by the County Planning and Zoning Department. Such certification shall be sent to the Division of Environmental Services prior to or concurrent with annual registration.
2. Recycling center sites shall be operated in such a manner as to not cause nuisance conditions or violations of any code, standard or regulation administered by any applicable unit of local, county or state government.
3. Property buffer/setback distances shall conform to applicable CUP conditions and verified with operating application submittal. In all cases however, the minimum required distance shall be not less than one thousand (1,000) feet.

240.1510. Recycling Centers to Register Annually.

At least once per year, every recycling center shall file a statement with the Division Director. The statement shall contain the information as follows:

1. Volume/tons of recovered material by type (i.e. glass, ferrous metals, paper fiber grades, etc.) received by the facility during the previous calendar year.
2. Volume/tons of recovered material by type (i.e. glass, ferrous metals, paper fiber grades, etc.) shipped from the facility for the purpose of resource recovery during the previous calendar year. Such statement shall be filed for the previous year period by January 31 of the current calendar year.

240.1520. Haulers of Residential Source Separated Material to Register Annually.

At least once per year, every hauler of residential source separated material who hauls such material from its point of origin shall file a statement with the Division Director registering the hauler to haul source separated material. The statement shall contain such other information as the Division Director may request, including:

1. Volume/tons of source separated material by type (i.e. glass, ferrous metal, paper fiber grades, etc.) received by the hauler during the previous calendar year.
2. Volume/tons of recovered material by type (i.e. glass, ferrous metal, paper fiber grades, etc.) deposited at a facility for the purpose of resource recovery during the previous calendar year.

ARTICLE 16
SPECIAL WASTES AND DEMOLITION WASTES.

- 240.1610. Applications for Permits for Disposal of Special Wastes.
- 240.1620. Application for Permits to Generate Demolition Wastes.
- 240.1630. Authorization by the Division Director.
- 240.1640. Compliance Required With The Terms of Approved Permits.
- 240.1650. Inspections by Division Director, Revocations of Permits.
- 240.1660. Infectious Waste May Become Special Waste.
- 240.1670. Infectious Waste Generated by Activity Outside of Medical Facilities.

240.1610. Applications for Permits for Disposal of Special Wastes.

1. Applications for permits for the disposal of special waste (including asbestos) shall be submitted to the Division Director by both the person generating the special waste and the facility intending to receive the waste for disposal. The authorized application fee One Hundred Dollars (\$100.00) shall be submitted with each application.
2. The application made by the person possessing the special waste or the person who will generate the special waste shall include a description of the waste, generation process and intended rate, transportation, handling, and, if required by the Division Director, a lab analysis or other evidence verifying the composition of the special waste. The application shall also contain such other information as the Division Director may require, either before or after the initial submission of the application.

240.1620. Application for Permits to Generate Demolition Wastes.

1. Application for permits to generate demolition waste (resulting from the destruction/removal of any institutional, commercial, public, industrial or residential structure or building within the unincorporated areas of the County) shall be submitted to the Division Director by the person possessing or generating the demolition waste. The authorized application fee of One Hundred Dollars (\$100.00) shall be submitted with each application. Owner-occupied residential property owners conducting their own demolition/construction activities at their own residences shall be exempt from payment of the fee authorized by this Section.
2. The application made by the person possessing or generating the demolition waste shall include a description of the waste, estimated volume, transportation, handling, and disposal/processing/transfer station resource recovery/recycling facility location. The application shall also contain such other information as the Division Director may require, either before or after the initial submission of the application.

240.1630. Authorization by the Division Director.

Based on the merit and competence of the submittal, the Division Director shall approve or deny the applications for permits to dispose of special wastes or to generate demolition wastes and, if the applications are approved, may attach any conditions deemed necessary to protect the public health and welfare and environment. Copies of the approval document shall be sent to the Missouri Department of Natural Resources. Approval may be granted for

specific disposal events identified in the application, or approval may be granted for recurring, similar disposal needs. In no event, however, shall a permit's effective period extend beyond one (1) year from the date of approval.

240.1640. Compliance Required With The Terms of Approved Permits.

The applicants, their agents and employees, shall comply with the statements made in the application regarding anticipated means of handling and disposing of waste and shall comply with the additional terms and conditions attached by the Division Director.

240.1650. Inspections by Division Director, Revocations of Permits.

1. The Division Director shall conduct periodic inspections as necessary to insure compliance with the terms of approved permits. Failure of the applicants, their agents or employees to cooperate with any such inspections, or to comply with statements made in the application or with any additional terms and conditions imposed by the Division Director shall result in immediate revocation of the permit to dispose of special waste or to generate demolition waste.
2. The Division Director shall have the right of entry for inspection to insure compliance with the authorization granted by the Division Director and to insure the public health and welfare in the same manner as indicated in Section 240.1190. For a violation of the terms of the authorization of the Division Director or for a condition which threatens the health and welfare of the residents of the County, the Division Director may take those remedial steps indicated in Section 240.1190; and the cost incurred by the Division Director for such work shall be a special tax on the property as indicated in that Section.

240.1660. Infectious Waste May Become Special Waste.

Infectious waste rendered innocuous shall be disposed of as a Special Waste.

240.1670. Infectious Waste Generated by Activity Outside of Medical Facilities.

Unless determined otherwise by the Division Director for special cases requiring more stringent safeguards to protect public health, generators of infectious waste outside of medical facilities shall be exempt from the special waste provisions of the Chapter provided such waste is generated on-site and disposed of with the generator's ordinary solid waste. Sharps to be disposed of outside of medical facilities may be disposed of with the generator's ordinary solid waste; however, such waste shall be packaged in rigid, leakproof and puncture resistant containers which are sealed prior to disposal.

ARTICLE 17
ADMINISTRATION AND ENFORCEMENT

- 240.1710. Rulemaking.
- 240.1720. Variance by Division Director.
- 240.1730. Administrative Appeals.
- 240.1740. Citation for Violations of Provisions of this Chapter; Form of Citation.
- 240.1750. Authorization for Division Director to Accept Payment for Penalties Assessed Herein; Prosecution of Violations.
- 240.1760 Penalties and Enforcement.

240.1710. Rulemaking.

The Division Director is authorized to make necessary rules and regulations as will implement the purposes of this Chapter. Such rules and regulations shall only be promulgated following notice to the public of the public hearing to be held and the subject matter of the proposed rule or regulation. The Division Director shall hold this public hearing. Upon issuance of any rule or regulation, the text of same shall be filed with the County Clerk. Failure to comply with provisions of such rule or regulation shall be a violation of this Chapter and subject to the penalty provisions of Section 240.1760.

240.1720. Variance by Division Director.

The Division Director may grant a variance from the terms of this Chapter to a holder of or an applicant for a permit or license issued pursuant to this Chapter, upon a showing that strict application of the provisions of this Chapter will impose practical difficulties or particular hardships upon the aforementioned applicant or holder without corresponding benefit to the public health, but only when the Division Director finds that the granting of the variance will not serve merely as a convenience to the aforementioned applicant or holder but will alleviate some demonstrable hardship or difficulty sufficient to warrant a variance. In granting any such variance, the Division Director may impose such limitations and conditions as he deems necessary to protect the public health, and any violation of or failure to adhere to such limitations or conditions shall constitute a violation of this Chapter.

240.1730. Administrative Appeals.

1. Except as provided in subsection 2 of this Section, any person aggrieved by a decision of the Division Director pursuant to Article 4, Articles 5 through 11, Articles 14 through 16, or Section 240.1720 of this Article (variances) of this Chapter may within ten (10) days of that decision file with the Director an appeal, stating why the decision is unauthorized by this Chapter. The appeal shall be filed on a form prepared by the Director, signed by the aggrieved person or that person's agent, and a copy of the appeal shall be served on the Division Director. The Director shall schedule and conduct a hearing within 30 days of the filing of the appeal, and may affirm, modify, or reverse the decision of the Division Director. The decision of the Director shall be final.
2. Any person aggrieved by the denial of a license by the Division Director or by the Division Director's modifications of a proposed waste facility plan pursuant to Article

Date

The Division Director of the Division of Environmental Services of the St. Charles County Department of Community Health and the Environment to the above named violator: You are to appear at the Offices of the Division at 201 North Second Street, St. Charles, Missouri 63301 on or before_____/_____/_____, between the hours of 8:00 a.m. and 5:00 p.m. to either pay a fine for this violation or to state that you are not guilty. If you fail to appear, a report of this violation will be referred to the County Counselor, who will institute legal proceedings against you without further notice. Fines may be paid by mail. To inquire about this possibility, you may call between the hours of 8:00 a.m. and 5:00 p.m.

Without admitting guilt, I hereby acknowledge receipt of this notice.

Signature

Date

3. Nothing in this Section shall require that any prosecution for any violation of this Chapter need be preceded by a citation permitted by this Section.

240.1750. Authorization for Division Director to Accept Payment for Penalties Assessed Herein; Prosecution of Violations.

1. In cases where citations have been issued pursuant to Section 240.1740, the Division Director is authorized to, and shall have and perform the following duties:

- a. Accept payment of fines as provided below.
- b. Maintain records of all violations of the provisions of this Chapter indexed by name of the person violating any provision during the preceding twenty-four (24) months, whether such violation was established in court or by payment of a fine pursuant to this Section.
- c. Refer to the County Counselor for prosecution any matter where a person charged with an offense which may be paid to the Division Director under this Section fails to appear and pay the fine within the time or in the manner prescribed herein.

2. Penalties for violations for which citations under this Section are written and which may be paid to the Division Director pursuant to this Section are as follows:

Section	Description	Penalty for First Violation	Penalty for Any Recurring Violations
240.310	Failure to have sufficient number or size	\$50	\$100

waste containers			
240.310	Failure to have sufficient waste containers at single-, two- and three-family residential premises	\$25	\$50
240.310	Failure to have sufficient waste containers at multi-family residential and at non-residential premises	\$50	\$100
240.310	Failure to secure covers on waste containers at single-, two- and three-family residential premises	\$25	\$50
240.310	Failure to secure covers on waste containers at multi-family residential premises and at non-residential premises	\$50	\$100
240.325	Failure to keep area surrounding waste containers at single-, two- and three-family residential premises or the exterior of such containers in clean, neat, odor-free and sanitary condition	\$25	\$50
240.325	Failure to keep area surrounding waste containers at multi-family residential premises or at non-residential premises or the exterior of such containers in clean, neat, odor-free and sanitary condition	\$50	\$100
240.325	Storage of solid-waste containers and containers for recyclables from one-, two- or three-family residential premises on property other than where waste and recyclables were originally generated	\$25	\$50
240.325	Storage of solid-waste containers and containers for recyclables from multi-family residential premises or non-residential premises on property other than where waste and recyclables were originally generated	\$100	\$300
240.335	Deposit waste in the container of another without permission of owner of container	\$50	\$100
240.340	Failure to place infectious, hazardous or Special Waste in containers clearly marked "Infectious Waste," "Biohazard Waste," "Hazardous Waste," as the case may be	\$300	\$500
240.340	Failure to store infectious waste in sealed leakproof containers	\$300	\$500

240.340	Failure to store sharps in rigid and puncture resistant containers	\$300	\$500
240.340	Failure to label infectious containers and storage area with the universal biohazard symbol	\$300	\$500
240.340	Failure to contain all infectious waste and keep outside of container free of contamination	\$300	\$500
240.340	Failure to keep exterior storage areas locked or otherwise secure	\$300	\$500
240.340	Failure to label medical Special Waste with the words, "Medical Special Waste" and with the Special Waste registration number	\$300	\$500
240.345	Failure to remove a mobile/roll-off waste container when full	\$100	\$300
240.345	Failure to secure demolition waste or construction waste in secure container to prevent dispersal by wind	\$100	\$300
240.345	Store demolition or construction waste in flood plain while not in waste container	\$100	\$300
240.350	Failure to register as a medical waste generator	\$300	\$500
240.355	Failure to have agreement for collection of waste with hauler having licensed vehicles where waste collection service is reasonably available for the premises	\$50	\$100
240.355	Failure to have infectious waste pickup weekly unless generation rate is 4.5 cu. ft. or less per month whereas pickup frequency is quarterly	\$300	\$500
240.355	Failure to remove medical Special Waste at regularly scheduled intervals, as specified in Special Waste Disposal Application	\$300	\$500
240.355	Failure to remove industrial/commercial Special Waste and sewage sludge at regularly scheduled intervals, as specified in Special Waste Disposal Application	\$300	\$500
240.355.1a	Place solid waste containers, containers for recyclables, or bulky/non-containerized waste at point of collection designated by waste	\$50	\$25

	hauler before dusk prior to the regularly scheduled collection day		
240.355.1b	Failure to return solid waste containers or containers for recyclables to place of storage on the same day as collection of waste	\$50	\$25
240.401	Engage in the business of hauling waste, sewage, sludge, human excrement or any other waste of any kind whatsoever on County streets without Annual Permit for Collecting and Transporting Solid Waste	\$100	\$300
240.435	Enter into an agreement for disposing of residential waste without providing for collection of bulky residential waste at least once every six (6) months	\$100	\$200
240.435	Failure to give persons having agreement for disposal of residential waste reasonable notice of scheduled collection of bulky residential waste	\$100	\$200
240.440	Failure to label waste transportation vehicles or mobile/roll-off waste containers permitted under Annual Permit for Collecting and Transporting Solid Waste	\$100	\$300
240.445.1	Failure to maintain waste hauling vehicles and mobile/roll-off waste containers in safe, clean, and sanitary condition	\$100	\$300
240.445.1	Failure to maintain waste hauling vehicle or mobile/roll-off waste container so as to prevent waste from spilling, or leaking, or blowing from vehicle or mobile/roll-off waste container	\$100	\$300
240.445.2	Transport waste in hoppers of waste transportation vehicle where such hoppers have defective hopper seals which create spillage or leakage of liquid	\$100	\$300
240.445.3	Failure to secure covers when transporting waste capable of blowing from vehicle or mobile/roll-off waste container or in fact blowing from vehicle or mobile waste container	\$100	\$300
240.450.1	Failure of permittee to allow inspection of	\$100	\$300

	waste transportation vehicle or mobile/roll-off waste container		
240.450.4	Failure of permittee to comply with Division Director's order to correct violations in waste transportation vehicle or mobile/roll-off waste container by by time and date stated in order	\$100	\$500
240.455	Failure of permittee to provide semi-annual reports required by this Section	\$100	\$300
240.460.1	Engage in business of hauling waste without required insurance	\$1000	\$2000
240.460.2	Engage in business of hauling waste without workers' compensation in amounts required by law	\$1000	\$2000
240.465	Haul sewage, sludge, human excrement or special wastes without \$1,000 bond for each vehicle hauling such waste	\$100	\$500
240.470	Haul infectious, hazardous or special waste in transportation vehicle or mobile/roll-off waste container used for transporting waste that is not infectious, hazardous or special, as the case may be, or which cannot safely transport such waste	\$1000	\$2000
240.470	Transport waste that is clearly marked as infectious, hazardous or special waste, or which the hauler knows in fact is infectious, hazardous or special waste, unless the hauler has the capability to legally and safely transport such waste to an appropriate facility	\$1000	\$2000
240.510	Deposit waste on real estate which does not have a valid and current license for a sanitary landfill, demolition landfill, waste processing facility or transfer station issued by Division Director	\$500	\$1000
240.510	Permit waste to be deposited on real estate which does not have a valid and current license for a sanitary landfill, demolition landfill, waste processing facility or transfer station issued by the Division Director	\$2000	\$4000
240.510	Deposit waste on or at facility in a manner which	\$2000	\$4000

does not comply with the plan for operation pertaining to such facility or in a manner which does not comply with the provisions of this Chapter pertaining to operation of such facility

240.510	Conduct open burning of timber/vegetative waste without the appropriate permit	\$100	\$300
240.510	Conduct open or containered burning of solid waste	\$100	\$300
240.510	Deposit waste in waters of County	\$1000	\$2000
240.540	Deposit or cause or permit to be deposited infectious, hazardous or Special Waste at a facility which is not licensed and approved to accept such waste safely	\$1000	\$2000
240.1140	Failure to operate facility in a manner required by waste facility plan	\$1000	\$2000
240.1150	Failure to operate sanitary landfill in accordance with standards set forth in this Section	\$1000	\$2000
240.1150	Failure to submit required reports on environmental monitor data to Division of Environmental Services	\$500	\$1000
240.1150	Failure to submit CAP in response to documented monitor data excursion of regulatory limit	\$1000	\$2000
240.1150	Failure to implement CAP developed in response to documented monitor data excursion of regulatory limit	\$1000	\$2000
240.1160	Failure to operate demolition landfill in accordance with standards set forth in this Section	\$1000	\$2000
240.1160	Failure to submit required reports on environmental monitor data to Division of Environmental Services	\$500	\$1000
240.1160	Failure to submit CAP in response to documented monitor data excursion of regulatory limit	\$1000	\$2000
240.1160	Failure to implement CAP developed in response to documented monitor data excursion of regulatory limit	\$1000	\$2000

240.1170	Failure to operate waste proceeding facility or transfer station in accordance with standards set forth in this Section	\$1000	\$2000
240.1170	Failure to submit required reports on environmental monitor data to Division of Environmental Services	\$500	\$1000
240.1170	Failure to submit CAP in response to documented monitor data excursion of regulatory limit	\$1000	\$2000
240.1170	Failure to implement CAP developed in response to documented monitor data excursion of regulatory limit	\$1000	\$2000
240.1180	Failure to have sign as required by this Section at each entrance to facility	\$100	\$300
240.1310	Scavenge, excavate, disrupt or remove deposited material from facility without approval of Division Director	\$100	\$300
240.1401	Failure to operate residential yard waste composting facility according to standards of this Section	\$25	\$50
240.1481	Failure to operate yard waste composting facility in manner required by approved materials facility plan or requirements of this Section	\$500	\$1000
240.1510	Failure to register and report as a recycling center	\$50	\$100
240.1520	Failure to register and report as a hauler of recovered material	\$50	\$100
240.1610	Failure to submit application for disposal of Special Waste	\$300	\$500
240.1620	Failure to submit demolition waste application	\$200	\$400

240.1760. Penalties and Enforcement.

1. Every person who shall be convicted violating of any of the provisions of this Chapter shall be fined not more than One Thousand Dollars (\$1,000.00) or imprisoned in the St. Charles County Jail for not more than one (1) year, or punished by both such fine

or imprisonment. Each day a violation continues after service of written notice to abate such violation shall constitute a separate offense; however, no notice is required to prosecute and convict a person of any violation of this Chapter.

2. In addition to the penalties hereinabove authorized and established, the County Counselor shall take such other actions at law or in equity as may be required to halt, terminate, remove or otherwise eliminate any violations of this Chapter.

ARTICLE 18
POLICY ON INTERJURISDICTIONAL COOPERATION

- 240.1801. Participation in Solid Waste Management Districts.
- 240.1805. Division, Representative of County in Solid Waste Management Districts.

240.1801. Participation in Solid Waste Management Districts.

St. Charles County may enter into contractual agreement with any Solid Waste Management District established pursuant to Sections 260.300 et seq, RSMo, as amended, as provided by applicable law.

240.1805. Participation in Other Interjurisdictional Initiatives.

The Division may represent St. Charles County in all matters pertaining to any Solid Waste Management District and act to protect and advance the County's interests in regional partnerships and agreements.

ARTICLE 19

WASTE MANAGEMENT ZONES AND AUTHORITY TO GRANT FRANCHISES IN THEM FOR THE COLLECTION AND TRANSPORTATION OF SOLID WASTE

- 240.1910. Authority to Designate Solid Waste Management Zones.
- 240.1920. Authority to Establish Management Procedures for Solid Waste Management Zones.
- 240.1930. Franchises and Intergovernmental Cooperative Agreements with Other Municipalities or Governmental Bodies within Solid Waste Management Zones.

240.1910. Authority to Designate Solid Waste Management Zones.

The Division Director is hereby authorized to designate geographic sections of unincorporated St. Charles County as Solid Waste Management Zones if they have sufficient population density for franchised hauling and recycling within the Zone.

240.1920. Authority to Establish Management Procedures for Solid Waste Management Zones.

The Division Director may establish procedures to manage the following functions within the zones established pursuant to Section 240.1910: designating zonal boundaries, notifying impacted public and waste service providers, soliciting requests for proposals and competitive bids, submitting recommendations on accepting bids and awarding contracts, monitoring performance of and compliance with contracts. The Division Director shall implement zoning procedures.

240.1930. Franchises and Intergovernmental Cooperative Agreements with Other Municipalities or Governmental Bodies within Solid Waste Management Zones.

Pursuant to Sections 2.521, 2.527 and 2.528 of the St. Charles County Charter (1992), the Governing Body of St. Charles County may grant franchises for waste and recyclables collection within solid waste management zones and enter into intergovernmental cooperative agreements with duly incorporated municipalities or other governmental bodies within such zones to delegate the implementation of the procedures as set out in Section 240.1920 above within the corporate limits of those municipalities or government bodies. A franchise or agreement established pursuant to this Section may if appropriate expand the boundaries of a designated solid waste management zone. Administrative protocol will be established in such cases of delegation of contract management and oversight to ensure service efficiency and eliminate duplication of effort.

DOCUMENT NAME	City of Ottumwa, IA: Solid Waste Ordinance
GENERAL DESCRIPTION	An ordinance creating general rules and procedures for proper solid waste management by residents and businesses within the city.
GENERAL PROVISIONS	<p><u>Solid Waste</u></p> <ul style="list-style-type: none"> • Residential refuse containers may not be larger than 33 gallons and be of an approved type. • Residential collection frequency to be determined by contract. • Commercial collection frequency must be at a point that it does not create objections or public threat. • Standardized Recycling and yard waste containers will be provided and sold by the city. • Residential Billing occurs through the water utility bill. • Dwellings with multiple units under one water meter must annually certify with the city regarding their collection service. • Provides for licensing and regulation of solid waste haulers

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Chapter 31½

SOLID WASTE

Article I. In General

- Sec. 31½-1. Purpose.
- Sec. 31½-2. Depositing in streets, public places prohibited, exceptions, accumulation declared a nuisance.
- Sec. 31½-3. Scattering prohibited.
- Sec. 31½-4. Burning of garbage, rubbish, plastics and waste oil prohibited; declared a nuisance.
- Secs. 31½-5—31½-10. Reserved.

Article II. Collection and Disposal

- Sec. 31½-11. Purpose.
- Sec. 31½-12. Definitions.
- Sec. 31½-13. Deposit of solid waste generally.
- Sec. 31½-14. Preparation of solid waste for collection.
- Sec. 31½-15. Solid waste to be placed in approved containers.
- Sec. 31½-16. Frequency of collection.
- Sec. 31½-17. Solid waste collection points.
- Sec. 31½-18. Supervision of collection of solid waste.
- Sec. 31½-19. Solid waste fees for residential establishments.
- Sec. 31½-20. License to collect solid waste required.
- Sec. 31½-21. Persons exempt from licensing.
- Sec. 31½-22. Licenses, types.
- Sec. 31½-23. Residential collection contract.
- Sec. 31½-24. Sanitary condition of vehicles.
- Sec. 31½-25. Insurance coverage.
- Sec. 31½-26. License fees and dates.
- Sec. 31½-27. Equipment replacement.
- Sec. 31½-28. Rules applicable to licensed haulers generally.

ARTICLE I. IN GENERAL

Sec. 31½-1. Purpose.

The Ottumwa City Council does hereby find and determine that the storage, accumulation, collection and disposal of solid waste and other discarded matter, goods and materials is a matter of great public concern, in that improper control or disposal of solid waste creates a public nuisance, can lead to air pollution, groundwater pollution, steam and river pollution, fire hazards, illegal dumping, insect breeding, rodent infestation, and other problems effecting the health, welfare and safety of the residents of our city. The city council further finds that proper collection of solid waste from all residences and places of business in the city benefits all occupants of residences and business within the city.
(Ord. No. 2843, § 1(31½-1), 3-19-96)

Sec. 31½-2. Depositing in streets, public places prohibited, exceptions, accumulation declared a nuisance.

No person shall place any solid waste in any street, alley or public place or upon any private property, whether owned by such person or not, within the city, except if in proper containers for collection or under express approval granted by the department. Nor shall any person throw or deposit any solid waste in any ravine or any premises, vacant lot, stream, or body of water.

Any unauthorized accumulation of solid waste on any premises is hereby declared to be a public nuisance and is prohibited by this section. Failure to remove and properly dispose of any existing unauthorized accumulation of solid waste within a reasonable time, as ordered by the department, shall be a violation of this section.
(Ord. No. 2843, § 1(31½-2), 3-19-96)

Sec. 31½-3. Scattering prohibited.

No person shall cast, place, sweep, or deposit anywhere within the city any solid waste or yard waste in such a manner that it may be carried or deposited by the elements upon any street, side-

walk, alley, sewer, parkway, or any public place or into any occupied or unoccupied premises within the city.
(Ord. No. 2843, § 1(31½-3), 3-19-96)

Sec. 31½-4. Burning of garbage, rubbish, plastics and waste oil prohibited; declared a nuisance.

It shall be unlawful for anyone to burn garbage, rubbish, plastics and waste oil within the city; such burning is hereby declared a nuisance and is hereby prohibited and a violation of this section.
(Ord. No. 2843, § 1(31½-4), 3-19-96)

Secs. 31½-5—31½-10. Reserved.

ARTICLE II. COLLECTION AND DISPOSAL

Sec. 31½-11. Purpose.

The purpose of this article is to establish approved collection practices for solid waste in the City of Ottumwa and define requirements for solid waste collectors, provide for the regulation of storage, collection, transportation and licensing of all collectors of solid waste
(Ord. No. 2843, § 1(31½-11), 3-19-96)

Sec. 31½-12. Definitions.

The following words and phrases shall have the meanings respectively ascribed to them by this chapter:

Animal waste: Manure, fertilizer, or any form of solid excrement produced by any and all forms of domestic animals or commercial livestock. This will include the dead animal itself.

Ashes: The residue from the burning of combustible materials.

Building materials: Any material such as lumber, floor coverings, roofing, plaster, sheetmetal or any other substances accumulated as a result of repairs or additions to existing buildings, construction of new buildings or demolition of existing structures.

City: The City of Ottumwa.

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Commercial or industrial establishment: Any building or buildings for retail or wholesale business, manufacturing, warehousing or other commercial enterprise or purpose, but shall not include residential establishment as defined in this chapter. For the purpose of this chapter, any dwelling containing five or more units will be considered a commercial establishment.

Contractor: A person, partnership or corporation with whom the city has contracted or issued a license for collection, transportation, and proper disposal of solid waste from residential and commercial premises in the city and adjacent areas.

Department: The department designated by the city administrator to administer the provisions of this chapter.

Dwelling: Any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.

Dwelling unit: Any room or group of rooms located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping and cooking.

Garbage: Putrescible animal and vegetable waste resulting from handling, preparation, cooking and consumption of food.

Premises: Any house, residence, building, flat, apartment, room, vacant lot, dwelling place, place of abode, commercial or industrial location or similar location.

Recyclables: Those materials determined by the department that can be recycled, reused, or processed in a manner other than landfilling.

Refuse: Putrescible and nonputrescible wastes including but not limited to garbage, rubbish, ashes, incineration residues, market and industrial solid waste, and paper materials that the department determines is not recyclable.

Residential establishment: Any building or buildings used solely for home occupancy and shall include, but not be limited to, single- or multiple-family dwellings, including apartment houses.

For the purpose of this chapter, any dwelling containing five or more units will be considered commercial establishment.

Rubbish: Nonputrescible solid waste consisting of both combustible and noncombustible solid waste such as furniture, tires, appliances, building materials or other similar waste.

Solid waste: Garbage, building materials, refuse, rubbish, ashes, recyclables, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities. Solid waste does not include toxic and hazardous waste as defined by the department of natural resources, or the Environmental Protection Agency.

Yard waste: Debris such as grass clippings, leaves, garden waste, brush and trees as defined by the department of natural resources. Yard waste does not include tree stumps.

(Ord. No. 2843, § 1(31½-12), 3-19-96)

Cross reference—Definitions generally, § 1-2.

Sec. 31½-13. Deposit of solid waste generally.

All solid waste shall be collected and disposed of by duly licensed haulers or self-hauled by the individual him/herself to the Ottumwa/Wapello County Landfill or Recycling Center. Exception is made in the case of construction or building contractors who are removing solid waste resulting from work performed within the city. Such contractors are required to keep the accumulation of solid waste at a point where it is neither objectionable or dangerous and, upon completion of the work, leave the premises in a condition acceptable to the department.

(Ord. No. 2843, § 1(31½-13), 3-19-96)

Sec. 31½-14. Preparation of solid waste for collection.

The department may promulgate rules for the preparation of solid waste for collection.

(Ord. No. 2843, § 1(31½-14), 3-19-96)

Sec. 31½-15. Solid waste to be placed in approved containers.

Each person shall use containers approved by the department for the storage of solid waste accumulating on the premises owned or occupied by him/her.

- A. Containers for residential collection shall be watertight, metal or plastic containers with tightfitting lids, and designed for solid waste collection. Sealed plastic bags can be used for collection providing they are not placed at the curb more than 18 hours before collection. Said containers shall have a capacity of not more than 33 gallons, be a type approved by the department, and kept in a clean, neat and sanitary condition at all times.
- B. Recycling and yard waste containers will be provided or sold by the department. Only containers approved by the department are authorized.

(Ord. No. 2843, § 1(31½-15), 3-19-96)

Sec. 31½-16. Frequency of collection.

A. Residential establishments: Solid waste accumulated by residential establishments shall be collected as determined by the request for proposal and contractual agreement, approved by the city council.

B. The department is authorized to change the residential collection schedule from time to time as the department may deem necessary.

C. Commercial establishments shall have solid waste collected at a frequency to keep the accumulation at a point where it is neither objectionable nor a threat to public health. The department will have the authority to require more frequent collections be made.

(Ord. No. 2843, § 1(31½-16), 3-19-96)

Sec. 31½-17. Solid waste collection points.

A. Residential solid waste containers shall be placed for collection at ground level within the city right-of-way at the curb no sooner than 18 hours prior to collection. Containers must be removed from the curb within 12 hours after collection.

B. Commercial establishments: Solid waste containers should be placed in containers approved by the department and placed outside the building, but may be placed inside if space is unavailable outside the building; if that access is provided to the solid waste hauling contractor.

(Ord. No. 2843, § 1(31½-17), 3-19-96)

Sec. 31½-18. Supervision of collection of solid waste.

All solid waste generated in the city shall be collected, transported and disposed of by the contractor or individual residents or commercial occupants under the supervision of the department. The department shall have the authority to promulgate rules consistent with this chapter concerning the type and location of waste containers and such other matters pertaining to the collection, transportation and disposal as the department shall find necessary to carry out the terms and purpose of this chapter.

(Ord. No. 2843, § 1(31½-18), 3-19-96)

Sec. 31½-19. Solid waste fees for residential establishments.

A. Solid waste fees mandatory; all single-family dwellings and other dwellings containing four units or less shall be required to pay the monthly fee for solid waste collections as set by resolution of the city council. This shall not apply to mobile home parks wherein water service is metered by only one meter for the mobile home park.

B. Dwellings containing more than four residential units and mobile home parks wherein water service is metered by only one meter shall certify to the department, on or before February 1 of each year, that solid waste collection service is contracted for yearly with a commercial licensed hauler.

C. Water works to collect: The Ottumwa Water Works shall collect residential solid waste fees as set by resolution of the city council as a part of the monthly water bill for the applicable dwelling unit.

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D. The city shall direct bill those residential establishments that are not billed by the Ottumwa Water Works for water service. (Ord. No. 2843, § 1(31½-19), 3-19-96)

Sec. 31½-20. License to collect solid waste required.

A. No contractor other than those coming under the exemption of sections 31½-13 and 31½-21 shall collect, remove or dispose of solid waste from any premises or transport solid waste through streets, alleys, or public ways of the city or dump or in any manner dispose of solid waste without first having secured a license for performing such service from the city clerk.

B. The city clerk shall not issue a license required by this chapter without approval from the department. (Ord. No. 2843, § 1(31½-20), 3-19-96)

Sec. 31½-21. Persons exempt from licensing.

Persons self-hauling their own solid waste in vehicles owned by themselves or their employees shall be exempt from licensing, providing they transport all such solid waste to the landfill or recycling center in a sanitary or unobjectionable manner in accordance with the rules as may be promulgated by the department. Residential establishments self-hauling will still be required to pay the solid waste fees as defined in section 31½-19 of this chapter. (Ord. No. 2843, § 1(31½-21), 3-19-96)

Sec. 31½-22. Licenses, types.

A. *License "A"*: Residential establishment hauler is a contract hauler for residential establishments and holds the exclusive collection rights for the residential area, pursuant to section 31½-23. The holder of an "A" license shall not, either directly or indirectly, simultaneously hold a "C" license.

B. *License "C"*: Commercial establishment haulers are contract haulers for a commercial establishment as defined in section 31½-12. (Ord. No. 2843, § 1(31½-22), 3-19-96)

Sec. 31½-23. Residential collection contract.

No license "A" residential establishment license shall be issued unless and until the city and the contractor have entered into a contract providing for the collection and disposal of solid waste pursuant to, in accordance with, and subject to the provisions of this chapter. (Ord. No. 2843, § 1(31½-23), 3-19-96)

Sec. 31½-24. Sanitary condition of vehicles.

All vehicles used in the collection and transportation of solid waste within the city shall be kept in a sanitary condition and maintained in good repair. No person shall haul any solid waste upon the streets, alleys or public ways of the city in any manner, except in a vehicle or container fully enclosed, designed and so equipped as to prevent blowing, leaking or spilling of the contents on the public streets or ways of the city or private property therein. All license "A" and license "C" vehicles shall be approved by the department. (Ord. No. 2843, § 1(31½-24), 3-19-96)

Sec. 31½-25. Insurance coverage.

All license "A" and license "C" haulers shall file evidence with the city that a duly qualified insurance company has issued liability and property damage insurance policies covering all operations of the applicant or of any person or firm employed by him or her in solid waste collection within the city. This insurance must protect the public from injuries or damages sustained by reason of carrying on the work of solid waste collection and disposal. The certificate or affidavit shall specifically evidence the following amount of insurance coverage which shall remain in effect for the term of the license and shall provide written notice be given to the city clerk 30 days prior to the change in the condition of the certificate or affidavit for any expiration or cancellation thereof. Such insurance shall be in the following amounts:

1. Public liability insurance: \$100,000.00 per person; \$300,000.00 per accident.
2. Motor vehicle bodily injury liability: \$100,000.00 per person; \$300,000.00 per accident.

3. - Property damage: \$100,000.00 per accident.

(Ord. No. 2843, § 1(31½-25), 3-19-96)

Sec. 31½-26. License fees and dates.

Fees for licensed haulers shall be \$100.00 for a one-year period for the license "A" and license "C" haulers. However such license fees may be prorated on a quarterly basis. Licenses shall be effective on April 1 annually.

(Ord. No. 2843, § 1(31½-26), 3-19-96)

Sec. 31½-27. Equipment replacement.

Each license hauler shall notify the department immediately of any change in equipment and each piece of equipment replaced or used shall be accompanied with certificate of proper insurance as defined in this chapter.

(Ord. No. 2843, § 1(31½-27), 3-19-96)

Sec. 31½-28. Rules applicable to licensed haulers generally.

License "A" and license "C" haulers shall comply fully with the provisions of this chapter and with other rules as may be issued from time to time by the department to protect the public health and interests. Failure to comply with the rules shall be due cause for revocation and nonrenewal of their license by the department. If the licensed hauler does not agree with the department's revocation or nonrenewal, they may request a hearing before the city council. A request for a hearing will be made in writing and filed with the city clerk within ten days from the date of revocation. The city administrator shall, within 15 days after the filing of the request for hearing, fix the time and place of hearing, which shall be within 30 days of the filing of the request.

(Ord. No. 2843, § 1(31½-28), 3-19-96)

DOCUMENT NAME	Iowa City, IA: Open Burning Ordinance
GENERAL DESCRIPTION	Ordinance prohibiting open burning, describing exceptions, and listing penalties.
GENERAL PROVISIONS	<ul style="list-style-type: none">• Prohibits persons from igniting fires.• Allows burning of rubbish, including landscape waste, where an officially declared emergency exists.• Environmental infractions are penalized at \$1,000 per infraction.

6-6-1: OPEN BURNING PROHIBITED:

No person shall ignite, cause to be ignited, permit to be ignited, allow or maintain any open fire. (1978 Code §24-170)

6-6-2: EXCEPTIONS:

A. Open burning of the following types may be permitted, in compliance with fire department guidelines, with a valid open burning permit from the fire department:

1. Ceremonial Or Controlled Bonfires: Ceremonial or controlled bonfires may be permitted.
2. Disaster Rubbish: The open burning of rubbish, including landscape waste, may be permitted for the duration of the disaster in cases where an officially declared emergency exists.
3. Prescribed Agricultural Burns: The open burning of fields may be permitted if necessary for the maintenance of native prairie grass. "Fields", for the purposes of this chapter, means an open land area more than fifty feet (50') from a building or wooded areas.
4. Training Fires: Fires set for the purpose of bona fide instruction and training of public, institutional or industrial employees in the methods of firefighting.
5. Flare Stacks: Open burning or flaring of waste gas may be permitted.

B. Open burning for campfires and outdoor cooking is permitted without any burning permit if performed in an approved container constructed of steel, brick or masonry. (1978 Code §24-171; amd. 1994 Code)

C. Open burning in portable, outdoor fireplaces is permitted. (Ord. 02-4034, 8-20-2002)

6-6-3: PENALTIES:

Any violation of this chapter shall be considered a simple misdemeanor or municipal infraction as provided for in title 1, chapter 4 of this code. (1994 Code)

repairing, performing, scheduled maintenance, testing or conducting a shutdown, of either equipment causing the violation or the equipment designed to reduce or eliminate the violation.

b. The person notifies the city of the violation within twenty four (24) hours from the time that the violation begins.

c. The violation does not continue in existence for more than eight (8) hours.

d. The city shall not enforce this section against a person committing an environmental violation until the city offers to participate in informal negotiations with the person. If a person accepts the offer, the city and the person shall participate in good faith negotiations to resolve issues alleged to be the basis of the violation. (1978 Code §1-21; amd. 1994 Code)

C. Civil Citations For Municipal And/Or Environmental Infractions:

1. An officer authorized by the city to enforce the code may issue a civil citation to a person who commits a municipal infraction.

2. The citation may be served by personal service as provided in rule of civil procedure 56.1, by certified mail addressed to the defendant at the defendant's last known mailing address, return receipt requested, or by publication in the manner as provided in rules 60 and 60.1, Iowa rules of civil procedure.

3. One copy of the citation shall be filed with the clerk of the district court, and one copy shall be retained by the issuing officer.

4. The citation shall serve as notification that a civil offense has been committed and shall contain the following information:

a. The name and address of the defendant.

b. The name and/or description of the infraction, attested to by the officer issuing the citation, including specific reference to the city code section or ordinance under which the person is being cited.

c. The location and time of the infraction.

d. The amount of civil penalty to be assessed or the alternative relief sought or both.

e. The manner, location and time in which the penalty may be paid or the offense cured or abated.

f. The time and place of court appearance.

g. The penalty for failure to appear in court.

h. The enforcement official may, but shall not be required to, give notice to abate prior to the issuance of a civil citation for a repeat offense involving the same property and

occurring within one year of the prior violation. (1978 Code §1-22; amd. 1994 Code)

D. Enhanced Penalties For Certain Municipal Infractions: Civil penalties for municipal infractions of certain sections of this code as noted therein shall be punishable as provided in the following schedule for each day a violation exists or continues:

First offense \$250.00

Second offense 500.00

Third offense 750.00

(Ord. 04-4135, 8-3-2004)

DOCUMENT NAME	Sioux Falls, SD: Ordinance for Garbage and Trash
GENERAL DESCRIPTION	Ordinance outlining requirements for garbage, yard waste, and recycling collection within the municipality.
GENERAL PROVISIONS	<p><u>Refuse Collection</u></p> <ul style="list-style-type: none"> • Residential & Apartments <ul style="list-style-type: none"> – Once/week collection required. – Refuse must be bagged before placed in containers. – Rental managers must provide tenants a minimum 30 gallon refuse container per rental unit. • Commercial/Businesses <ul style="list-style-type: none"> – Three times/week collection required. <p><u>Yard Waste Collection</u></p> <ul style="list-style-type: none"> • Collected in Kraft-type bags or 32 gallon containers • Once per week minimum collection <p><u>Recycling Collection</u></p> <ul style="list-style-type: none"> • Residential <ul style="list-style-type: none"> – Minimum of once/month collection • Apartments <ul style="list-style-type: none"> – Owners required to provide tenants with education, containers and service. • Commercial/Businesses <ul style="list-style-type: none"> – Required to separate recyclables other than glass and #1 & #2 plastics <p><u>Landfill Regulations</u></p> <ul style="list-style-type: none"> • Creates drop-site for electronics collection and recycling. • Bans an extensive list of items, including: office paper, OCC, #1 & #2 plastics, and yard waste. • Bans operation of private landfills within city limits. <p><u>Other</u></p> <ul style="list-style-type: none"> • Creates regulations regarding permitting and operation of private haulers. • Creates regulations regarding transfer station and recycling facilities. • Creates a solid waste planning board.

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Chapter 18 GARBAGE AND TRASH*

***Cross reference(s)**--Administration, ch. 2; food and food handlers, ch. 17; disposal of garbage and waste food by food establishments, § 17-8; health and sanitation, ch. 19; examples of nuisances, § 19-50; garbage disposal in mobile home parks, § 24-17; littering in parks, § 27-8; plumbing, ch. 33; utilities, ch. 41.

State law reference(s)--Municipal garbage disposal systems, SDCL 9-32-11.

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ARTICLE I. IN GENERAL

Sec. 18-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall mean except where the context clearly indicates a different meaning:

Animal waste means any accumulation of waste manure or straw resulting from the transportation, housing or penning of animals.

Apartment means any building with two or more rental dwelling units.

Catch basin means a formed holding area for sludges, sediments, screenings, or grit which may include the cleanout and settling tank areas.

Commercial garbage collector or commercial garbage hauler means any person who hauls or transports any garbage, rubbish or livestock waste through or upon the streets or alleys of this city for a consideration or a fee.

Construction and demolition waste means carpet, wood, plastic, shingles, glass, metals, wiring, insulation, tile, drywall, furniture, concrete, and mattresses.

Corrugated cardboard means heavy paper with alternating ridges and grooves.

Garbage or municipal solid waste means all refuse, containers or accumulation of animal or vegetable matter which attends the processing, preparation, transportation, cooking, eating, sale, or storage of meat, fish, vegetables, fruit and all other food or food products found within the city which has been condemned by the health department as a nuisance or is likely to cause or transmit disease, or which may be a hazard to health.

Garbage collector or garbage hauler means any person who hauls or transports any garbage through or upon the streets or alleys of this city.

Hand-held electronics means cell phones, pagers, personal digital assistants, handheld video games, calculators, small MP3 players, small compact disc players, small cassette players, small radios, small walkie talkies and digital and electronic cameras.

Large electronics means desktop and laptop personal computers, monitors, mainframe computers, battery backup uninterruptible power supplies, printers, scanners, copy machines, fax machines, televisions, video cassette recorders, laser disc players, digital video disc players and stereo receivers.

Litter means garbage, rubbish, waste material or animal waste improperly disposed of by discarding, abandoning, allowing to accumulate, scattering or depositing outside an approved container.

Metal containers means any container made from aluminum, tin or steel which contained a product for consumption.

Newspaper means printed ground wood paper commonly referred to as newsprint, including glossy advertisements delivered with the newspaper.

Office paper means high grade office paper, newsprint, offset paper, bond paper, xerographic bond paper, mimeo paper, duplicator paper, computer paper, and envelopes.

Paper products means magazines, catalogs, advertising supplements, books and junk mail. It does not include chip board, items such as juice boxes, milk cartons, cereal boxes, mix boxes, tissue boxes, shoe boxes, soda and beer cartons, etc.

Plastic containers means any formed or molded container having a neck that is smaller than the body of the container, composed predominately of plastic resin #1 and #2.

Recyclable collector means any person who collects or receives recyclable materials from another person or persons for a consideration or a fee and/or for the purpose of resale.

Recycling collection facility means an established facility where recyclable materials are collected for shipment offsite with no processing. Fully enclosed automated self-serve aluminum collection machines are considered recycling collection facilities. Facilities which handle recyclable hazardous materials or waste petroleum products are considered recycling collection facilities.

Recycling container means a container which will securely hold recyclable materials for collection and will prevent recyclables from falling or being blown from the container.

Recyclable materials means materials or products that may be readily separated from the solid waste stream and may be used or reused as a substitute for raw materials or other items, including but not limited to aluminum, glass, paper, plastic, tin and steel.

Recycling processing facility means an established facility where recyclable materials are collected and/or processed by sorting, volume reduction, containment or other preparation for shipment offsite.

Regulated medical waste means medical waste as defined by section 15.03.020(533).

Residential means a dwelling having accommodation for and occupied by one or more families.

Residential recyclables means separation at the source of the following materials into separate recycling containers for collection:

- (1) Office paper other than junk mail.
- (2) Corrugated cardboard.
- (3) Plastic and metal containers.
- (4) Newspaper.
- (5) Electronics.

Rubbish means all combustible refuse matter such as paper, sweepings, rags, magazines, cardboard and similar materials.

Salvaging means the controlled removal of waste materials for reuse.

Sanitary landfill means the area provided by the city for the dumping or depositing of garbage, rubbish, animal waste, litter and waste materials not prohibited by city ordinance.

Scavenging means the uncontrolled and unauthorized removal of waste materials.

Sludges means any solid, semisolid, or liquid waste encountered, collected, and/or concentrated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, catch basins, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

Solid waste means garbage, rubbish, waste materials, special wastes, tree branches and garden waste, yard waste, and sludges as defined in this section.

Solid waste generated from the treatment of regulated medical waste means waste generated from the treatment of regulated medical waste in conformance with city, state, and federal rules and regulations so it no longer poses a threat to public health.

Solid waste transfer facility means a fixed facility where solid waste from collection vehicles is consolidated and temporarily stored for subsequent transport to a permanent disposal site.

Special waste means asbestos; gasoline, fuel oil or waste oil, contaminated soils, materials, sediments, etc.; co-mingled gasoline and fuel oil and/or waste oil contaminated soils, materials, sediments, etc.; and anti-freeze contaminated soils, materials, sediments, etc.

Waste material means all noncombustible inorganic matter such as ashes, glass, sand, earth, stones, concrete, mortar, metals, tin cans, and similar material.

Wood waste means trees, tree branches, brush, wood, wood shavings and wood pallets.

Yard waste means grass clippings, garden waste, and leaves.

(1957 Rev. Ords., § 7.901; Ord. No. 2308, 12-14-64; Ord. No. 73-75, § 1, 11-17-75; Ord. No. 88-81, § 1, 11-2-81; Ord. No. 93-88, § 1, 10-24-88; Ord. No. 60-92, § 1, 6-22-92; Ord. No. 43-93, § 1,

5-17-93; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 43-97, § 1, 8, 6-2-97; Ord. No. 75-01, § 1, 8-6-01; Ord. No. 38-04, § 1, 4-5-04; Ord. No. 74-04, §§ 1, 2, 7-12-04)

Cross reference(s)--Definitions and rules of construction generally, § 1-2; distributing handbills in public places, § 3-19.

Sec. 18-2. Littering prohibited--Generally.

It shall be unlawful for any person to throw, drop, cast or deposit upon any street, alley, sidewalk, lake, stream, river, pond, body of water or any yard or premises, public or private, any filth of any kind, or cans, paper, trash, paper containers, rubbish, bottles, or any form of litter or waste matter.

(1957 Rev. Ords., §§ 9.802, 9.809; Ord. No. 149-95, § 1, 11-20-95)

State law reference(s)--Refuse in public places and streams, SDCL 9-32-10; littering prohibited, SDCL 34A-7-6 et seq.; ordinances to regulate litter, SDCL 34A-7-14.

Sec. 18-3. Same--Duty of business owners, occupants.

- (a) *Generally.* The owner or occupant of any store or other place of business situated within the city shall exercise reasonable diligence at all times to keep his premises clean of wastepaper, wrapping paper, paper napkins, cartons, package containers, and other used or waste materials thrown or left on such premises by his customers, and to take reasonable measures to prevent the materials from drifting or blowing to adjoining premises.
- (b) *Receptacles.* Receptacles of sufficient size and number shall be placed on the premises accessible to the customers of such business where such articles of waste may be disposed of.
- (c) *Signs.* Each and every business establishment shall place upon its premises in a conspicuous place, in close proximity to the receptacle referred to in subsection (b) of this section, a sign which shall, in essence, convey to its customers a request that they use such receptacles for the disposal of waste material.

(Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-4. Same--Duty of customer.

It shall be unlawful for any customer going upon the premises of another to in any manner dispose of wastepaper, wrapping paper, paper napkins, cartons, package containers, and other used or waste materials except in receptacles provided for such purposes.

Sec. 18-5. Littering on premises of another.

It shall be unlawful for any person going upon the premises of another to in any manner dispose of litter except in receptacles provided for such purposes and except with the permission of the person in possession of the premises.

(Ord. No. 73-75, § 2, 11-17-75; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-6. Removal of litter by city.

If the occupant, person in charge or owner of any real property fails to remove litter from real property after notice from the city, the city may cause such litter to be removed and for such purpose may enter upon any such real property.

(Ord. No. 73-75, § 3, 11-17-75; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 15-03, § 1, 2-10-03)

Secs. 18-7--18-14. Reserved.

ARTICLE II. COLLECTION REGULATIONS

Sec. 18-15. Rubbish on sidewalk.

The owner or occupant of any lot or private ground abutting upon any public sidewalk shall not allow rubbish, debris or obstruction of any kind to be or remain on such sidewalk along such abutting property.

(1957 Rev. Ords., § 7.907; Ord. No. 2308, 12-14-64; Ord. No. 19-72, 4-10-72; Ord. No. 35-73, § 1, 4-30-73; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-16. Preparation for deposit.

All household and commercially generated garbage, animal waste, rubbish, and other materials shall be placed in a securely tied bag. Recyclable materials shall be separated into their respective categories. Animal waste from commercial operations may be transported and deposited in covered leakproof hauling units.

(Ord. No. 73-75, § 4, 11-17-75; Ord. No. 88-81, § 3, 11-2-81;
Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-17. Garbage containers.

The occupant, owner or manager of every dwelling, house, apartment or construction site and of every place of business and building shall provide a suitable, rigid watertight container in which the occupants shall cause to be deposited all garbage, animal waste and rubbish, except yard waste, accumulating upon the premises. The garbage container shall be kept at the rear of the premises accessible to the garbage collector. There shall be provided a tightly-fitted cover for each container which shall be removed only for the purpose of depositing or removing garbage, rubbish, animal waste or cleaning. The vicinity of the garbage container shall be kept free from garbage, rubbish, animal waste, litter, yard waste or any putrescible matter that attracts flies and rats.

(Ord. No. 73-75, § 5, 11-17-75; Ord. No. 88-81, § 4, 11-2-81;
Ord. No. 60-92, § 2, 6-22-92; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-17.1. Rental units; garbage and recyclable service.

The owner or manager of any dwelling who rents, leases, or lets dwelling unit(s) for human habitation shall provide in a location accessible to all dwelling units at least one 30-gallon receptacle for each dwelling unit, or receptacles with a capacity sufficient to prevent the overflow of garbage and rubbish from occurring, and receptacles for recycling, into which garbage, rubbish, and recyclable materials from the dwelling units may be emptied between days of collection. The owner or manager of the units shall subscribe to and pay or provide for garbage removal and recyclable service as required by ordinance.

(Ord. No. 71-99, § 1, 7-6-99)

Sec. 18-18. Maintenance of containers.

Every container required by this article shall be maintained in as sanitary condition as possible in view of the use to which it is put, and shall be thoroughly cleansed as needed by washing, sanitizing or otherwise.

(Ord. No. 73-75, § 6, 11-17-75; Ord. No. 88-81, § 5, 11-2-81;
Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-19. Garbage disposal required.

Every city residence and business is required to have garbage service. The occupant, owner or manager of every dwelling, house, apartment or construction site shall remove or have removed all garbage from the premises at least once each week and deposit it in a permitted solid waste facility. The occupant, owner or manager of every place of business and building shall remove or have removed all garbage from the premises at least three times each week and deposit it in a permitted solid waste facility.

(Ord. No. 73-75, § 7, 11-17-75; Ord. No. 43-93, § 2, 5-17-93; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 43-97, § 2, 6-2-97; Ord. No. 74-04, § 3, 7-12-04)

Sec. 18-20. Yard waste collection.

Yard waste shall be collected by licensed garbage haulers. Yard waste shall be deposited in a proper container, a Kraft-type paper bag designated for yard waste, or a 32-gallon rigid watertight container with a tightly fitted cover, and placed at the location clearly visible other than curbside, designated for collection by the licensed hauler contracted to remove the same. All yard waste and containers therefore shall be kept in an inconspicuous place except when placed for collection. Yard waste shall be collected or removed at a minimum of once a week.

(Ord. No. 60-92, § 3, 6-22-92; Ord. No. 72-92, § 1, 8-3-92; Ord. No. 43-93, § 4, 5-17-93; Ord. No. 70-93, § 1, 9-20-93; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-21. Residential recyclable collection and containers.

Residential recyclables shall be collected at least once a month by a licensed garbage hauler. Recyclables shall be separated from household garbage and rubbish and deposited in a proper recycling container and placed at a location clearly visible, other than curbside as directed by the licensed hauler contracted to remove the same. All recyclables and containers therefore shall be kept in an inconspicuous place except when placed for collection. Residential recyclables collected shall not be deposited at the sanitary landfill. The separation of glass, paper products, and other recyclable materials shall be on a voluntary basis.

(Ord. No. 43-93, § 5, 5-17-93; Ord. No. 70-93, § 2, 9-20-93; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 43-97, § 3, 6-2-97)

Sec. 18-22. Commercial and business recyclable collection.

Commercial and business establishments, except apartments, shall separate recyclable materials except glass and plastics other than #1 and #2 generated by or accruing to such establishment prior to removal. Commercial and business recyclable materials shall not be deposited at the sanitary landfill. Commercial and business recyclables shall be removed from the premises at a minimum of once a month.

(Ord. No. 149-95, § 1, 11-20-95; Ord. No. 43-97, § 4, 6-2-97)

Sec. 18-23. Apartment recyclables.

Every owner of an apartment shall do the following to facilitate recycling in each such building:

- (1) Provide adequate recycling containers for recyclable material. Containers shall be stored on the premises in a screened location that is convenient for the deposit and collection of recyclables.
- (2) Provide for the separation of all residential recyclables generated by or accruing to such establishment.
- (3) Distribute written information to the building tenants at the time of leasing and at least annually thereafter regarding the established recycling program.
- (4) Post a copy of the recycling information in a conspicuous place available to all residents.
- (5) Provide a copy of the recycling information that is annually provided to the apartment tenants by filing the same before January 1 of each year with the city public works department.

(Ord. No. 149-95, § 1, 11-20-95; Ord. No. 43-97, § 5, 6-2-97; Ord. No. 15-03, § 2, 2-10-03)

Secs. 18-24--18-27. Reserved.

ARTICLE III. SANITARY LANDFILL

Sec. 18-28. Designation.

The city council shall designate an area to be known as the sanitary landfill which shall be for the depositing of municipal solid waste, construction and demolition waste, asbestos, and other waste materials.

(Ord. No. 73-75, § 8, 11-17-75; Ord. No. 88-81, § 6, 11-2-81; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 43-97, § 6, 6-2-97; Ord. No. 74-04, § 4, 7-12-04)

Sec. 18-29. Unlawful deposits.

It shall be unlawful for any person to deposit or cause to be deposited any garbage, rubbish, animal waste or other waste material in or upon any park, street, alley, gutter or in or upon any other private or public property within this city or upon any other property on the route between this city and the sanitary landfill area.

(1957 Rev. Ords., § 7.908; Ord. No. 2308, 12-14-64; Ord. No. 88-81, § 7, 11-2-81; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-30. Rates for use.

- (a) *Garbage, rubbish, or other waste material generated in Minnehaha, McCook, Lincoln, Turner, and Lake Counties, South Dakota, deposited at Sioux Falls landfill:*
- (1) Passenger car: \$7.50 to include surcharge.
 - (2) Pickup trucks, panel trucks and two-wheel trailers not to exceed three cubic yards: \$15.00 to include surcharge.
 - (3) Four-wheel trailers and trucks: effective October 1, 2004, \$16.50 per ton, plus surcharge.
- (b) *Garbage, rubbish, or other waste material generated outside of Minnehaha, McCook, Lincoln, Turner, and Lake Counties, South Dakota: \$94.50 per ton.*
- (c) In addition to the above rates for solid waste, there will be added thereto a surcharge of \$1.00 per ton collected pursuant to statute for the state.
- (d) *Yard waste:*
- (1) Commercial haulers: Yard waste generated in Minnehaha, McCook, Lincoln, Turner and Lake Counties, South Dakota: \$8.25 per ton.
 - (2) Individuals: Yard waste generated in Minnehaha, McCook, Lincoln, Turner and Lake Counties, South Dakota: \$8.25 per ton, or a minimum charge of \$5.00 per vehicle.

- (3) Yard waste generated outside Minnehaha, McCook, Lincoln, Turner and Lake Counties, South Dakota: \$22.00 per ton or a minimum charge of \$15.00 per vehicle.
 - (4) Leaves generated in the City of Sioux Falls and unloaded at city-designated leaf drop-off sites by individuals (no commercial vehicles):\$2.00 per passenger car, pickup truck or two-wheel trailer.
- (e) *Tires:*
- (1) All tires 17 inches in diameter or smaller: \$2.00 each or \$125.00 per ton.
 - (2) All tires larger than 17 inches in diameter: \$7.00 each or \$125.00 per ton.
- (f) *Special waste generated in Minnehaha, McCook, Lincoln, Turner and Lake Counties, South Dakota:*
- (1) Asbestos: \$13.50 per cubic yard based on the manufacturer's box rating or on box capacity as determined through measurement by the city.
 - (2) Contaminated soils, materials, sediments containing petroleum constituents or antifreeze: \$12.50 per ton.
 - (3) The minimum charge under this section is a three cubic yard or three ton charge.
- (g) *Special waste generated outside Minnehaha, McCook, Lincoln, Turner, and Lake Counties, South Dakota:*
- (1) Asbestos: \$67.50 per cubic yard based on the manufacturer's box rating or on box capacity as determined through measurement by the city.
 - (2) Contaminated soils, materials, sediments containing petroleum constituents or antifreeze: \$61.00 per ton.
 - (3) The minimum charge under this section is a three cubic yard or three ton charge.
- (h) *Solid waste generated in Minnehaha, McCook, Lincoln, Turner, and Lake Counties, South Dakota, from the treatment of regulated medical waste: \$19.00 per ton.*
- (i) *Solid waste generated outside Minnehaha, McCook, Lincoln, Turner, and Lake Counties, South Dakota, from the treatment of regulated medical waste: \$94.50 per ton.*

- (j) In addition to the above rates for solid waste, generated from the treatment of regulated medical waste, there will be added thereto a surcharge of \$1.00 per ton collected pursuant to statute for the state.
- (k) *Untarped loads:* \$25.00.
 - (1) Exceptions from the tarping ordinance shall include the following: asphalt, concrete, steel, white goods, or tires if loaded in a manner such that the items are not likely to fall or be blown from the vehicle.
- (l) The city may charge patrons of the sanitary landfill, compost site, or the rubble site any and all costs associated with the patrons' failure to follow sanitary landfill, compost site, or rubble site rules and procedures for any class of waste.
- (m) Deer or elk carcasses generated within the state: private individuals, no charge up to ten carcasses; businesses, \$50.00 per ton.
- (n) Deer or elk carcasses generated outside the state: \$500.00 per ton.

(1957 Rev. Ords., § 7.909; Ord. No. 2308, 12-14-64; Ord. No. 2655, 12-8-69; Ord. No. 21-72, 4-17-72; Ord. No. 44-73, § 1, 5-14-73; Ord. No. 50-75, § 1, 9-2-75; Ord. No. 56-76, § 1, 6-28-76; Ord. No. 18-79, § 1, 3-12-79; Ord. No. 107-86, 12-8-86; Ord. No. 127-89, §§ 1, 2, 12-11-89; Ord. No. 36-90, §§ 1, 2, 4-16-90; Ord. No. 125-90, § 1, 12-24-90; Ord. No. 35-91, § 1, 4-8-91; Ord. No. 71-91, § 1, 9-23-91; Ord. No. 5-92, § 1, 1-21-92; Ord. No. 28-92, §§ 1, 2, 3-9-92; Ord. No. 60-92, § 4, 6-22-92; Ord. No. 105-92, § 1, 12-7-92; Ord. No. 70-93, § 3, 9-20-93; Ord. No. 95-93, § 1, 12-6-93; Ord. No. 73-94, §§ 1, 2, 8-15-94; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 75-01, § 2, 8-6-01; Ord. No. 99-02, § 1, 11-25-02; Ord. No. 15-03, § 3, 2-10-03; Ord. No. 38-04, § 2, 4-5-04; Ord. No. 74-04, § 5, 7-12-04)

Sec. 18-31. Drop-off site for large electronics and hand-held electronics; fees; etc.

The city shall provide a drop-off site for large electronics and hand-held electronics at least twice each year upon dates and at locations that are approved by the city council. Any fees authorized by section 18-30 of this code of ordinances shall be waived for any citizen of the city bringing large electronics or hand-held electronics to the designated drop-off site for disposal.

(Ord. No. 38-04, § 4, 4-5-04)

Sec. 18-32. Certain materials excluded.

The following materials shall be excluded from the solid wastes deposited at the landfill site:

- (1) Office paper.
- (2) Corrugated cardboard.
- (3) Plastic containers #1 and #2.
- (4) Metal containers.
- (5) Automobile bodies or other bulky articles.
- (6) Trees and tree limbs, unless they have been cut into pieces not exceeding eight feet in length.
- (7) Oils, gasoline and other petroleum products.
- (8) Hazardous materials.
- (9) Yard waste.
- (10) Lead acid batteries.
- (11) Waste tires.
- (12) White good appliances.
- (13) Regulated medical waste.
- (14) Radioactive materials.
- (15) Large and hand-held electronics.

Any person bringing material for deposit at the landfill, upon entry onto the landfill premises, authorizes the city to inspect the material before deposit. If excluded materials are discovered during the inspection, the city may refuse the entire load and charge the person attempting to deposit the materials the cost of the inspection.

(1957 Rev. Ords., § 7.910; Ord. No. 2308, 12-14-64; Ord. No. 19-72, 4-10-72; Ord. No. 56-74, § 1, 10-21-74; Ord. No. 73-75, § 9, 11-17-75; Ord. No. 88-81, § 8, 11-2-81; Ord. No. 60-92, § 5, 6-22-92; Ord. No. 56-94, § 1, 6-20-94; Ord. No. 149-95, § 1, 11-20-

95; Ord. No. 43-97, § 7, 6-2-97; Ord. No. 75-01, § 3, 8-6-01; Ord. No. 15-03, § 4, 2-10-03; Ord. No. 38-04, § 3, 4-5-04)

Sec. 18-33. Removal restricted.

It shall be unlawful for any person to remove or cause to be removed from the rubble sites or sanitary landfills of this city any articles or material of any kind after the articles or materials have been deposited there, with the exception of the following:

- (1) The city reserves the right to enter into a contract with a person for the right of resource recovery at rubble sites.
- (2) The city reserves the right to allow the cutting and removal of firewood from city rubble sites; provided, that persons cutting and removing firewood wear protective clothing and abide by safety regulations posted at the sites.
- (3) The city reserves the right to allow removal of finished compost and wood chips.

(1957 Rev. Ords., § 7.911; Ord. No. 2308, 12-14-64; Ord. No. 25-88, § 1, 4-11-88; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-34. Private landfill unlawful.

No person shall operate or permit the operation of a disposal site in the city for the disposal of garbage, litter, rubbish or animal waste.

(Ord. No. 19-72, 4-10-72; Ord. No. 73-75, § 10, 11-17-75; Ord. No. 82-79, § 1, 9-4-79; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-35. Refusal to admit certain vehicles.

The city may refuse the admittance or the unloading at the sanitary landfill of the following vehicles:

- (1) Those so loaded or uncovered so that material may fall or be blown off the vehicle while in transit.
- (2) Those not having a permit displayed as required by section 18-52.
- (3) Those containing special wastes not having received prior approval of the director or his designee or not

having provided the landfill a minimum of 24 hours notice of intent to deliver said special wastes.

- (4) Those containing materials in a form which when unloaded at the landfill will blow or is prone to blow from the face of the landfill.
- (5) Those containing solid waste from the treatment of regulated medical waste not having documentation of waste sources and third party testing.

(Ord. No. 55-74, § 1, 10-21-74; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 75-01, § 4, 8-6-01; Ord. No. 15-03, § 5, 2-10-03)

Cross reference(s)--Traffic, ch. 40.

Secs. 18-36--18-43. Reserved.

ARTICLE IV. COMMERCIAL HAULERS

Sec. 18-44. License required.

No commercial garbage hauler shall use the streets for the collection, removal or disposal of any garbage, animal waste, rubbish or recyclable materials without first having obtained a garbage hauler's business license from the city.

(Ord. No. 111-89, § 1, 10-16-89; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 98-02, § 1, 11-18-02)

Sec. 18-45. Chapter 23 applicable.

The provisions of chapter 23, insofar as the chapter may be applicable and not in conflict, shall apply to and govern the issuance of any license under the provisions of this article.

(Ord. No. 111-89, § 1, 10-16-89; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-46. Reserved.

Editor's note--Ord. No. 15-03, § 6, adopted Feb. 10, 2003, repealed § 18-46, which pertained to application for business license. See the Code Comparative Table.

Sec. 18-47. Reserved.

Editor's note--Ord. No. 39-95, § 1, adopted Mar. 6, 1995, repealed former § 18-47, which pertained to approval required.

Sec. 18-48. Transfer.

A business license issued under the provisions of this article may be transferred after paying the city a transfer fee as set out in section 23-25(4). The transfer will be approved only to a business operation meeting the minimum start-up requirements for garbage hauling. Individuals or businesses having a controlling interest in an existing garbage hauling operation cannot have a monetary interest in other licensed garbage hauling operations in the city. Business licenses transferred upon sale of a business to a new owner may be reissued in the name of the previous owner upon payment of a reissuance fee, compliance with the provisions of this article and proof that the business has been returned.

(Ord. No. 111-89, § 1, 10-16-89; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-49. Expiration.

Every business license issued under the provisions of this article, unless renewed, shall expire on December 31 following its date of issuance. Sale of a licensed garbage hauling business to an existing licensed garbage hauling business will cause the seller's license to expire upon consummation of the sale.

(Ord. No. 111-89, § 1, 10-16-89; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 15-03, § 7, 2-10-03)

Sec. 18-50. Hauling unit permits.

A permit fee as set out in section 23-25(4) shall be charged for each hauling unit used by the licensee to transport garbage.

(Ord. No. 111-89, § 1, 10-16-89; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-51. Unit inspection required.

All hauling units permitted under this article shall be subject to random inspections by the city. Random inspections include inspections of vehicles, equipment, and contents delivered to the landfill for deposit.

(Ord. No. 111-89, § 1, 10-16-89; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 15-03, § 8, 2-10-03)

Sec. 18-52. Display of permit.

The permits issued for the hauling units under this article shall be permanently displayed on each unit permitted to carry garbage.

(Ord. No. 111-89, § 1, 10-16-89; Ord. No. 149-95, § 1, 11-20-95)
Sec. 18-53. Minimum design and capacity requirements for vehicles and containers.

All garbage haulers are required to have watertight vehicles or containers which shall be permanently covered with no openings on top that would allow the contents to escape. All metal boxes are required and shall be equipped with metal doors which shall be in a closed position when the truck is in motion. Containers must be attached to the frame when in transport. Vehicles and containers must be manufactured or designed for garbage hauling. Pickup trucks containing dumpsters, open-framed boxes and wood-framed trucks are prohibited. Such vehicles or containers shall be thoroughly washed at such times as may be directed by the city or as may be necessary to keep the vehicles or containers in proper sanitary condition. Such vehicles or containers transporting garbage and rubbish or animal waste shall be so loaded that all the material shall be carried within the metal containers.

(Ord. No. 111-89, § 1, 10-16-89; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 15-03, § 9, 2-10-03)

Cross reference(s)--Motor vehicles, ch. 25.

Sec. 18-54. Loading of vehicles.

Vehicles used for transporting rubbish, animal waste and waste materials shall be loaded so that no materials shall fall off or be blown off the vehicle while in transit. Loosely loaded vehicles with open boxes must be tarped.

(Ord. No. 111-89, § 1, 10-16-89; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-55. Reserved.

Editor's note--Ord. No. 39-95, § 2, adopted Mar. 6, 1995, repealed former § 18-55, which pertained to revocation.

Sec. 18-56. Frequency of collection.

Every licensed and unlicensed garbage collector or hauler shall collect the garbage, rubbish and animal waste from the residential districts at least once each week and from the business districts at least three times in each week. The collections in the business district shall be made as early in the day as convenient. Garbage, rubbish and animal waste loaded in a hauling unit must be in transport to a proper disposal site within 48 hours after pickup.

(Ord. No. 111-89, § 1, 10-16-89; Ord. No. 43-93, § 3, 5-17-93; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-57. Minimum vehicle requirements.

Individuals or businesses seeking a garbage hauler's business license shall provide proof of ownership of a minimum of one packer truck in good working condition. This requirement shall not apply to businesses using roll-off containers exclusively.

(Ord. No. 111-89, § 1, 10-16-89; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-58. Proof of insurance required for license.

No license shall be issued to any garbage hauler until proof of insurance is furnished to the city, showing such insurance to be in full force and effect during the entire term of the business license. The licensee shall furnish proof of liability insurance for public liability and property damage and for bodily injury/death growing out of any one accident or any other cause in the minimum sum of \$250,000.00 for one person, with an annual aggregate limit of \$500,000.00 for two or more persons; and in addition shall provide damage liability insurance in the minimum of \$100,000.00 for property damage growing out of any one accident or other cause, or as an alternative, provide combined limit for bodily injury/death or property damage in the sum of \$500,000.00. Such public liability and property damage insurance shall protect against loss from liability imposed by law for damages on account of bodily injury, including death resulting therefrom, suffered or alleged to have been suffered by any person resulting directly or indirectly from any act or activity of the licensee or any person acting for the licensee or under the licensee or under the licensee's control or direction and also to protect against loss from liability imposed by law for damages to property of any person caused directly or indirectly by acts or activities of the licensee or any person acting for the licensee or under the licensee's control or direction.

(Ord. No. 111-89, § 1, 10-16-89; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-59. Solid waste collection rates.

All licensed garbage haulers shall file, as a part of their application for a business license, a general statement of their use rate structures and billing systems consistent with the city's comprehensive plan of solid waste reduction and recycling program which shall include the following elements:

- (1) A rate to reward people who reduce their level of solid waste collection service based either upon volume or weight.
- (2) A rate to provide customers with adequate options and incentives to reduce their weekly level of solid waste collection service and the amount of solid waste collected as a result of their participation in waste reduction and recycling programs.
- (3) A rate that includes the combined cost of solid waste, using the above elements, and recycling collection services.

(Ord. No. 43-93, § 6, 5-17-93; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-60. Garbage haulers licensed recyclable collectors.

Licensed garbage haulers shall be licensed recyclable collectors.

(Ord. No. 43-93, § 7, 5-17-93; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-61. Licensed recyclable collectors.

It shall be unlawful to purchase or use the streets for the collection of recyclables without first having obtained a recyclable collectors' license from the city. Only licensed garbage haulers may collect residential recyclables.

(Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-62. Reserved.

Editor's note--Ord. No. 15-03, § 10, adopted Feb. 10, 2003, repealed § 18-62, which pertained to application for recyclable collectors' license; expiration. See the Code Comparative Table.

Sec. 18-63. Filing of reports.

Every licensed recyclable collector shall file an annual report before January 30 with the city on forms provided by the city showing the total weight by type of recyclables collected during the prior year and delivered to a recycling collection and/or processing facility not licensed by the city. Records relating to recycling activities shall be kept confidential upon request, to the extent necessary, to protect proprietary information.

(Ord. No. 149-95, § 1, 11-20-95; Ord. No. 15-03, § 11, 2-10-03)

Sec. 18-64. Recycling collection and/or processor; license required.

It shall be unlawful to purchase recycled materials or operate a recycling collection facility or a recycling processing facility without first obtaining a recycling collection and/or processing facility license from the city.

(Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-65. Reserved.

Editor's note--Ord. No. 15-03, § 12, adopted Feb. 10, 2003, repealed § 18-65, which pertained to application for recycling and collection and/or processors' license; expiration. See the Code Comparative Table.

Sec. 18-66. Filing of reports.

Every licensed recycling collection and/or processing facility shall file a monthly report before the 15th of the following month with the city on forms provided by the city, showing the total weight by type of recyclables purchased and/or processed during the reporting period. Records relating to recycling activities shall be kept confidential upon request, to the extent necessary, to protect proprietary information.

(Ord. No. 149-95, § 1, 11-20-95; Ord. No. 15-03, § 13, 2-10-03)

Sec. 18-67. Confidentiality of information.

The information disclosed under sections 18-59, 18-63 and 18-66 of this article may be disclosed only to the following:

- (1) The licensee who is required to submit the information to the department, or his designee appointed in writing;
- (2) Officers, employees, or legal representatives of the department for the purposes of, and only to the extent necessary in, the administration of this section;
- (3) Any agency, body, commission, or legal representative of the United States or the State of South Dakota charged with the administration of solid waste management, and only to the extent necessary in, the administration of such laws and regulations; and

- (4) To the extent required by a proper judicial or administrative order.

(Ord. No. 28-96, § 1, 3-4-96)

Secs. 18-68--18-69. Reserved.

ARTICLE V. SOLID WASTE, REGULATED MEDICAL WASTE, TRANSFER AND RECYCLING FACILITIES*

***Editor's note**--Ord. No. 75-01, § 5, adopted Aug. 6, 2001, amended the title of Article V to read as herein set out. See the Code Comparative Table.

Sec. 18-70. License required.

No person shall operate a solid waste or regulated medical waste, transfer or treatment facility without first having obtained a license to perform such service from the city.

(Ord. No. 93-88, § 2, 10-24-88; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 75-01, § 6, 8-6-01; Ord. No. 15-03, § 14, 2-10-03)

Sec. 18-71. Application for license.

A written application for a license required by this chapter, if not provided for otherwise shall be filed with the city and shall set forth the following information:

- (1) The true name and address of the owner or operator of the facility or site.
- (2) Legal description of the place where the facility or site will be located.
- (3) A schematic drawing of buildings and other structures, showing layout and general dimensions for unloading, storage, compacting, processing, parking and loading areas.
- (4) The description of equipment including type, capacity and number of units.
- (5) A description of the fire-control equipment and additional emergency firefighting equipment that will be located at the facility or site.

- (6) An estimate of the design capacity and current daily capacity of the facility in tons.
- (7) Anticipated amount and planned method for final disposal of authorized collections.
- (8) Insurance requirements:
 - a. Workers' compensation insurance providing the statutory limits required by South Dakota law. In addition, it shall provide coverage B, employer's liability coverage, of not less than \$1,000,000.00 each accident, \$1,000,000.00 disease--Policy limits. The required limit may be met by excess liability (umbrella) coverage.
 - b. Commercial general liability insurance providing occurrence form contractual, personal injury, bodily injury, and a property damage and liability coverage with limits of at least \$1,000,000.00 per occurrence, \$2,000,000.00 general aggregate, and \$2,000,000.00 aggregate products and completed operations. The required limit may include excess liability (umbrella) coverage. If "occurrence form" insurance is not available, "claims made" insurance will be acceptable.
 - c. Automobile liability insurance covering all owned, nonowned, and hired automobiles, trucks, and trailers. The coverage shall be as broad as that found in the standard comprehensive automobile liability policy with limits of not less than \$1,000,000.00 combined single limit each occurrence. The required limit may include excess liability (umbrella) coverage.

The city's approval or acceptance of certificates of insurance does not constitute city assumption of responsibility for the validity of any insurance policies nor does the city represent that the above coverages and limits are adequate to protect any individual/group or business, and assumes no liability therefor.

- (9) A bond shall be filed with the city finance office in an amount of at least \$25,000.00, indemnifying the public against damages sustained because of any spill, dump or discharge occurring at the transfer, collection or processing facility or during transport from the facility to a permanent disposal site.

(10) A written emergency operational plan to provide for an alternative waste-handling system during periods of in operation, if applicable.

(11) A statement of the proposed days and hours of operation.

(Ord. No. 93-88, § 2, 10-24-88; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 75-01, § 7, 8-6-01; Ord. No. 15-03, § 15, 2-10-03)

Sec. 18-72. Transfer.

Licenses issued pursuant to this chapter are not transferable.

(Ord. No. 93-88, § 2, 10-24-88; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-73. Renewal.

The city may, upon reapplication, renew a license issued under this article.

(Ord. No. 93-88, § 2, 10-24-88; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 15-03, § 16, 2-10-03)

Sec. 18-74. License fees.

On filing an original application or a renewal application for a license to operate a solid waste or regulated medical waste transfer or treatment facility, or a solid waste transfer site, the applicant shall pay a fee as provided for in Chapter 23.

(Ord. No. 93-88, § 2, 10-24-88; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 75-01, § 9, 8-6-01)

Sec. 18-75. Denial or revocation.

The license required by this chapter may be denied or revoked by the city if one or more of the following facts or circumstances are found to exist:

- (1) The applicant is not able to obtain the necessary bonding and insurance.
- (2) The facility is permitted to operate in such a manner as to create air, land or water pollution, public health hazards or nuisances.

- (3) The facility or site is not maintained in a clean and sanitary condition.
- (4) Violation by the licensee of applicable noise and fire ordinances.
- (5) Violation by the licensee of any applicable provision of this Code, state law, rule or regulation.

(Ord. No. 93-88, § 2, 10-24-88; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 15-03, § 17, 2-10-03)

Sec. 18-76. Operating requirements.

General requirements and operation procedures for solid waste transfer facilities are listed as follows:

- (1) *Storage of salvage.* Salvaging and volume reduction operations shall be restricted to a specified, clearly identified area of the transfer facility. Salvage materials generated onsite or imported shall be stored away from other activity areas and be limited to a volume as approved by the health department. Stored materials salvaged from solid wastes shall be ancillary to the operation of the facility, unless such storage is planned as an integral part of the operation.
- (2) *Drainage control.* Surface drainage shall be handled as specified in the facility design. Storm water drainage leaving the facility shall not contain pollutants, solids, washwater or leachate emanating from solid wastes or any other process wastewater.
- (3) *Housekeeping.* A high standard of housekeeping is required in the maintenance of station equipment. Accumulation of fuel drums, parts, inoperable equipment, tires, scrap and similar items must be minimized unless reasonably screened from outside the station boundary.
- (4) *Odor control.* The facility shall not be a source of odor nuisances.
- (5) *Equipment construction.* All equipment used for the collection and transportation of solid wastes shall be durable, easily cleanable and designed for safe handling and constructed to prevent loss of waste from the equipment during collection or transportation. All equipment shall be maintained in a good condition and cleaned in a frequency and in a manner to prevent the

propagation or attraction of flies, mosquitoes, rodents, birds and other vectors.

- (6) *Frequency of removal.* Waste can be stored at the transfer facility or site for no longer than 48 hours. A weekly removal of salvaged waste material is required. Other frequencies may be acceptable, so long as they do not result in health or safety problems and are authorized by the health department.

(Ord. No. 93-88, § 2, 10-24-88; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 15-03, § 18, 2-10-03)

Sec. 18-77. Volume reduction permitted.

Volume reduction operations, such as baling, shredding, compacting or salvaging, are permitted at a solid waste transfer facility, provided they are conducted in a controlled manner as an integral part of the operation and in conformance with conditions established by the health department. Volume reduction activities shall not interfere with other aspects of the station operation and shall be controlled to minimize health, safety or nuisance problems.

(Ord. No. 93-88, § 2, 10-24-88; Ord. No. 149-95, § 1, 11-20-95)

Sec. 18-78. Conduct prohibited.

The following conduct is prohibited, unless the applicable permit to allow such activity has been obtained and the operation is in accordance with the appropriate federal, state and local laws, rules and regulations:

- (1) Scavenging.
- (2) Acceptance of hazardous substances.
- (3) Acceptance of regulated medical wastes.
- (4) Acceptance of liquid wastes.

(Ord. No. 93-88, § 2, 10-24-88; Ord. No. 149-95, § 1, 11-20-95; Ord. No. 75-01, § 8, 8-6-01)

Sec. 18-79. Requirements for disposal of solid waste generated from the treatment of regulated medical waste.

Any person that brings solid waste generated from the treatment of regulated medical waste to the landfill shall meet the following requirements:

- (1) Provide documentation that the waste has been properly treated. Sampling and testing of the solid waste generated from the treatment of regulated medical waste shall be performed by a method and frequency approved by the city.
- (2) Maintain waste manifests containing information regarding the waste generators and quantities of materials treated from each source.
- (3) Allow the city to inspect the treatment facility and required records.
- (4) The facility shall maintain all records for a minimum of three years.

(Ord. No. 75-01, § 10, 8-6-01; Ord. No. 15-03, § 19, 2-10-03)

ARTICLE VI. SOLID WASTE PLANNING BOARD

Sec. 18-80. Creation.

There is hereby created a solid waste planning board.

(Ord. No. 61-98, § 1, 6-15-98)

Sec. 18-81. Composition of board.

The solid waste planning board shall be composed of 13 members appointed by the mayor with the advice and consent of the council:

- (1) Eight members shall be voting members and selected as follows:
 - a. Three members shall be city employees who shall serve at the pleasure of the mayor.
 - b. One member shall be a representative of the garbage/recycling industry.
 - c. One member shall be from the Minnehaha County Planning Office.
 - d. Three members shall be citizens of Sioux Falls who have no financial interest in the garbage/recycling industry.

- (2) Five members shall be nonvoting members and selected as follows:
 - a. One representing Lake County.
 - b. One representing Lincoln County.
 - c. One representing McCook County.
 - d. One representing Turner County.
 - e. One representing the City of Madison.
- (3) The terms of members, except the three city employees, shall be for a period of three years.

(Ord. No. 61-98, § 1, 6-15-98)

Sec. 18-82. Purpose.

- (a) Review the current waste stream of the users of the Sioux Falls landfill and investigate how the waste stream may vary in the future and analyze how current and future recycling efforts may impact on the waste stream.
- (b) Assess the availability of markets and potential markets for recyclable materials on the local, regional, and national scale, including collection sites, actual recycling operations, prices, and any related matters.
- (c) Develop plans for public education programs for waste reduction and recycling.
- (d) Develop plans and pilot projects to achieve waste reduction and recycling goals and provide economic, environmental, and social cost-benefit analysis for each project.
- (e) Assess current ordinances and statutes and recommend appropriate changes.
- (f) Review and analyze alternative methods (other than landfilling) for disposal of "special wastes," i.e., hazardous wastes generated by households and small quantity generators, waste oil, tires, batteries, pesticides, and any other problem wastes.
- (g) Make ongoing reports to the mayor of its findings and recommendations.

(Ord. No. 61-98, § 1, 6-15-98)

Sec. 18-83. Staff.

The city employee member from the public works department shall act as chairman and secretary for the board. The city attorney shall appoint a staff member of the attorney's office to advise the board.

(Ord. No. 61-98, § 1, 6-15-98; Ord. No. 15-03, § 20, 2-10-03)