**Chapter 14**

**GARBAGE AND TRASH**

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**Chapter 14**

**GARBAGE AND TRASH**

**Sec. 14-1. Definitions.**

 For the purpose of this Ordinance the following terms shall be deemed to have the meaning indicated below:

 *Approved* *incinerator* - An incinerator which complies with all current regulations of the Missouri Air Conservation Commission.

 *Bulky* *rubbish* - Non putrescible 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.

 *City* - The city of Potosi, Missouri.

 *Collection* - Removal and transportation of solid waste from its place of storage to its place of processing or disposal.

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

 *Disposable solid waste container* - Disposable plastic sacks with a capacity of 20 to 35 gallons especially designed for storage of solid waste.

 *Dwelling* *unit* - Any room or group of rooms located within a structure, and forming a single habitable unit with facilities which are used or intended to be used, for living, sleeping, cooking and eating.

 *Garbage* - Putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food.

 *Hazardous wastes* - Including but not limited to: pathological wastes, explosive wastes, pesticides, pesticide containers, toxic or radioactive materials, tires, batteries, and appliances.

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

**CROSS REFERENCES:**

**Health and sanitation, Ch. 35; Nuisances, Ch. 18; Utilities, Cha. 25.**

**STATE REFERENCES:**

**Garbage disposal, RSMo. §§ 71.689, 71.690.**

 *Occupant* - Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or of any other improved real property, either as owner or as a tenant.

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

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

 *Refuse* - Solid waste.

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

(a) Commercial solid waste - Solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment, and multiple housing facilities with more than four (4) dwelling units.

(b) Residential solid waste - Solid waste resulting from the maintenance and operation of dwelling units, excluding multiple maintenance and operation of dwelling units, excluding multiple housing facilities with more than four (4) dwelling units.

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

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

 *Solid waste management* - The entire solid waste system of storage, collection, transportation, processing and disposal.

 *Yard waste* - Grass clippings, leaves, tree trimmings. (Ord. 645)

**Sec. 14-2. Solid waste storage.**

 The occupant of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits of the City, shall provide sufficient and adequate containers for the storage of all solid waste except bulky rubbish and demolition and construction waste to serve each such dwelling unit and/or establishment; and to maintain such solid waste containers at all times in good repair. (Ord. 645)

**Sec. 14-3. Solid waste to be placed in containers.**

 The occupant of every dwelling unit and of every institutional, commercial, industrial, agricultural or business establishment shall place all solid waste to be collected in proper solid waste containers, except as otherwise provided herein, and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times. (Ord. 645)

**Sec. 14-4. Container specifications.**

 Residential solid waste shall be stored in containers of not more than 35 gallons nor less than 20 gallons in nominal capacity. Containers shall be leakproof, waterproof, and fitted with a tight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. The containers shall have handles, bails or other suitable lifting devices or features. Containers shall be of a type originally manufactured for residential solid waste, with tapered sides for easy emptying. They shall be of light weight and sturdy construction. The weight of any individual container and contents shall not exceed 75 pounds. Galvanized metal containers, rubber of fiberglass containers, and plastic containers which do not become brittle in cold weather may be used. (Ord. 645)

**Sec. 14-5. Commercial solid waste.**

 Commercial solid waste shall be stored in solid waste containers as approved by the City health officer. The containers shall be waterproof, leakproof and shall be covered at all times except when depositing waste therein or removing the contents thereof. (Ord. 645)

**Sec. 14-6. Burning of solid waste.**

 There shall be no burning of solid waste within the city of Potosi, but any future allowance for burning shall be only in accordance with Chapter 643, RSMo and the rules promulgated thereunder. (Ord. 645)

**Sec. 14-7. Unapproved containers.**

 The solid waste containers which are not approved shall be collected together with their contents and shall be disposed of. (Ord. 645)

**Sec. 14-8. Collection of solid waste.**

 The City shall provide for the collection of all solid waste in the City, save and except any hazardous waste, yard wastes or tree limbs provided, however, that the City may provide the collection service by contracting with the person, county, corporation, or partnership or other city, as deemed to be in the best interests of the City, to provide for said collection. Should the City contract with any person, partnership, corporation, county or other City for the collection of solid waste as above specified, that contractor shall be the principal contractor for the City.

The Health Inspector shall provide and enforce rules and regulations regarding procedures for the health and safety of the collectors of solid waste. (Ord. 645)

**Sec. 14-9. All solid waste to be collected.**

 All solid waste shall be collected, except hazardous waste, yard waste, tree limbs and bulky rubbish as defined herein, provided however, the bulky rubbish will be collected if tied securely in bundles not exceeding reasonable limitations of weight and bulk. All solid waste collected shall, upon being loaded into collection equipment, become the property of the collection agency. (Ord. 645)

**Sec. 14-10. Placement for collection.**

 Solid waste containers as required by this Ordinance for the storage of other residential solid waste shall be placed at the curb or alley for collection. Any solid waste containers, tree limbs, yard wastes, or other solid waste permitted by this Ordinance to be placed at the curb or alley for collection shall not be so placed before 6 p.m. on the day preceding the regularly scheduled collection day. (Ord. 645)

**Sec. 14-11. Bulky rubbish collection.**

 Bulky rubbish shall be collected by request to the city clerk. The city clerk shall establish the procedure for collecting bulky rubbish at least once every year. (Ord. 645)

**Sec. 14-12. Authorization to enter upon private property.**

 Solid waste collectors, employed by the City or solid waste collection agency operating under contract with the City, are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this Ordinance. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste. Commercial solid waste may be removed from within commercial establishments upon written request of the owner and approval by the city clerk. (Ord. 645)

**Sec. 14-13. Frequency of collections.**

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

 All residential solid waste, other than bulky rubbish, shall be collected at least once weekly. At least forty-eight (48) hours shall intervene between collections. All commercial solid waste shall be collected at least weekly, and shall be collected at such lesser intervals as may be fixed by the City health officer upon a determination that such lesser intervals are necessary for the preservation of the health and/or safety of the public. (Ord. 645)

**Sec. 14-14. Residential container storage.**

 Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner shall have been granted written permission from the City to use public property for such purposes. The storage site from the City to use public property for such purposes. The storage site shall be well drained; fully accessible to collection equipment, public health personnel and fire inspection personnel. (Ord. 645)

**Sec. 14-15. Construction, maintenance of collection vehicles.**

 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 water-tight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste, or, as an alternate, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers. (Ord. 645)

**Sec. 14-16. Grading, excavation activities.**

 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. (Ord. 645)

**Sec. 14-17. Transportation, disposal of demolition and construction wastes.**

 Transportation and disposal of demolition and construction wastes shall be considered separately from municipal solid waste. (Ord. 645)

**Sec. 14-18. Disposal of solid waste.**

 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. (Ord. 645)

**Sec. 14-19. Hazardous wastes.**

 The City health officer may classify certain wastes as hazardous wastes which will require special handling and shall be disposed of only in a manner acceptable to the City health officer and which will meet all local, state and federal regulations. (Ord. 645)

**Sec. 14-20. Permits.**

 No person except the City's principal contractor shall engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the City, without first obtaining an annual permit therefor from the City; provided, however, that this provision shall not be deemed to apply to employees of the holder of any such permit. (Ord. 645)

**Sec. 14-21. Evidence of insurance required.**

 No such permit shall be issued until and unless the applicant therefor, in addition to all other requirements set forth, shall file and maintain with the city clerk 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 $100,000.00 for each person injured or killed, and in the amount of not less than $300,000.00, in the event of injury or death of two or more persons in any single accident, and in the amount of not less than $50,000.00 for damage to property. Such policy may be written to allow the first $100.00 of liability for damage to property to be deductible. Should any such policy be cancelled, the city clerk shall be notified of such cancellation by the insurance carrier in writing not less than ten (10) days prior to the effective date of such cancellation, and provisions to that effect shall be incorporated in such policy, which shall also place upon the company writing such policy the duty to give such notice. (Ord. 645)

**Sec. 14-22. Contents of application.**

 Each applicant for any such permit shall state in his application therefor; (a) the nature of the permit desired, as to collect, transport, process, or dispose of solid waste or any combination thereof; (b) the characteristics of solid waste to be collected, transported, processed, or disposed; (c) the precise location or locations of solid waste processing or disposal facilities to be used; (d) the number of solid waste vehicles to be operated thereunder; (e) boundaries of the collection area; and (f) such other information as required by the city clerk. (Ord. 645)

**Sec. 14-23. Issuance of permit; term; fee.**

 If the application shows that the applicant will collect, transport, process or dispose of solid wastes without hazard to the public health or damage to the environment and in conformity with the laws of the state of Missouri and this Ordinance, the city clerk shall issue the permit authorized by this Ordinance. The permit shall be issued for a period of one year, and each applicant shall pay therefor a fee of fifty dollars ($50.00) for each solid waste processing or disposal facility to be operated and a fee of three dollars ($3.00) for each collection vehicle to be used. If in the opinion of the city clerk, modifications can be made to the application regarding service, equipment, or mode of operation so as to bring the application within the intent of this Ordinance; the city clerk shall notify the applicant in writing setting forth the modification to be made and the time in which it shall be done. (Ord. 645)

**Sec. 14-24. Denial of application.**

 If the applicant does not make the modifications pursuant to the notice in Section 14-23 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 clerk 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 Ordinance. (Ord. 645)

**Sec. 14-25. Inspections.**

 The annual permit may be renewed simply upon payment of the fee or fees as designated herein if the business had not been modified. If modifications have been made, the applicant shall reapply for a permit as set forth in Section 14-23. No permits authorized by this Ordinance shall be transferable from person to person. (Ord. 645)

**Sec. 14-26. Inspections.**

 In order to insure compliance with the laws of this State, this Ordinance and the rules and regulations authorized herein, the chief of police or the City health officer is authorized to inspect all phases of solid waste management within the city of Potosi. In all instances where such inspections reveal violation of this Ordinance, the rules and regulations authorized herein for the storage, collection, transportation, processing or disposal of solid waste or the laws of the state of Missouri, the chief of police or the City health officer 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. (Ord. 645)

**Sec. 14-27. Suspension, revocation or permit.**

 In all cases, when the corrective measures have not been taken within the time specified, the city clerk shall suspend or revoke the permit or permits involved in the violation, however, in those cases where an extension of time will permit correction and there is no public health hazard created by the delay, one extension of time not to exceed the original time period may be given. (Ord. 645)

**Sec. 14-28. Appeal.**

 Any person who feels aggrieved by any notice of violation or order issued pursuant thereto of the chief of police may, within three (3) days of the act for which redress is sought appeal directly to the city court of Potosi in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal. All motor vehicles operating under any permit required by this Ordinance shall display the number or numbers on each side in colors which contrast with that of the vehicle, such numbers to be clearly legible facilities shall be prominently displayed at the facility. (Ord. 645)

**Sec. 14-29. Emergency contractor.**

 The city clerk may, in case of emergency, authorize a contractor other than the principal contractor to engage in the business of collecting, transporting, processing and disposing of solid waste within the corporate limits of the City. Said emergency contractor shall substantially fulfill the obligations and requirements for the principal contractor as set forth herein. (Ord. 645)

**Sec. 14-30. Rules and regulations.**

 The City health officer shall make, amend, revoke, and enforce reasonable and necessary rules and regulations, governing, but not limited to:

 (a) Preparation, drainage and wrapping of garbage deposited in solid waste containers.

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

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

 (d) Weight limitations on the combined weight of solid waste containers and the contents thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers.

 (e) Storage of solid waste in solid waste containers.

 (f) Sanitation, maintenance and replacement of solid waste containers.

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

 (h) Collection points of solid waste containers.

 (i) Collection and disposal of solid waste.

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

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

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

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

 (n) Billing and collection of solid waste collection and/or disposal service charges.

 A copy of any and all rules and regulations made and promulgated under the provisions hereof shall be filed in the office of the city clerk of the city of Potosi. (Ord. 645)

**Sec. 14-31. Prohibited practices.**

 It shall be unlawful for any person to: (1) deposit solid waste in any solid waste container other than his own, without the written consent of the owner of such container and/or, with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal; (2) Interfere in manner with solid waste collection equipment, or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the City, or those of a solid waste collection agency operating under contract with the City; (3) Burn solid waste unless an approved incinerator is provided; (4) Dispose of solid waste at any facility or location which is not approved by the City and the Missouri Division of Health; (5) Engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the City without a permit from the City, or operate under an expired permit, or operate after a permit has been suspended or revoked. (Ord. 645)

**Sec. 14-32. Service charges.**

 There is hereby imposed, for the collection and disposal of solid waste, a service charge for each dwelling unit and each commercial establishment to which such service shall be provided under the provisions of this Chapter. The service charge for collection of residential solid waste shall be in an amount calculated on a cost plus overhead basis. The charges may be adjusted up or down, by the City Clerk, based on the cost to the City for providing the service and an amount sufficient to maintain sufficiency for unpaid amounts. The service charge for each commercial establishment will be determined by the independent contractors on the basis of quantity and the characteristics of material, point of pickup, and time required to collect the solid waste. (Ord. 645; Ord. 906, §1)

**Sec. 14-33. Termination, commencement of charge and service.**

 The service and service charge shall be terminated upon presentation of satisfactory proof to the city clerk that any such dwelling unit or establishment is unoccupied and shall be commenced upon renewed occupancy thereof. (Ord. 645)

**Sec. 14-34. City may enforce collection of charges.**

 The system of service established by the provisions of this Ordinance hereof is designed as an integral part of the City's program of health and sanitation, to be operated as an adjunct to the City's system for providing potable water and the City's system for providing sewerage disposal. The City may enforce collection of such charges by bringing proper legal action against the occupant of any premises which has received such services, to recover any sums due for such service plus a reasonable attorney's fee to be fixed by the Court. (Ord. 645)

*(Revised 12/05)*

**Sec. 14-35. Charge imposed upon occupant.**

 The service charge herein provided for is hereby imposed upon the occupant of each dwelling unit receiving such service under the provisions of this Ordinance and billing therefore shall be made to the person contracting for the City water and/or each dwelling unit receiving such service under the provisions of this Ordinance and billing therefore shall be made to the person contracting for the city water and/or sewerage service or for other water service or otherwise providing water service to each such dwelling unit. In the absence of information that such person is neither the owner nor the tenant of such dwelling unit, in which event billing therefore shall be made to the owner. (Ord. 645)

**Sec. 14-36. Penalties.**

 Any person violating any of the provisions of this Ordinance, or any lawful rules or regulations promulgated pursuant thereto, upon conviction, shall be punished by a fine of not less than five dollars ($5.00) and court costs, not more than five hundred dollars ($500.00) and court costs; provided, that each day's violation thereof shall be a separate offense for the purpose hereof. (Ord. 645)

**Sec. 14-37. Severability.**

 The provisions of this Ordinance are severable and if any provisions or parts thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstances, such invalidity, unconstitutionality, or inapplicability shall not affect or impair the remaining provisions of this Ordinance. (Ord. 645)

**Secs. 14-38 to 14-42. Reserved.**

 *(Revised 12/05)*