

Chapter 60 -- Solid Waste Management

60.010. Definitions. For the purposes of this Chapter, the following terms shall be deemed to have the meaning indicated below:

1. "Approved incinerator" is an incinerator that complies with all current regulations of the responsible local, state, and federal air pollution control agencies.
2. "Bulky rubbish" is nonputrescible solid wastes consisting of combustible and/or noncombustible waste materials from dwelling units, commercial, industrial, institutional, or agricultural establishments that are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors, with the equipment available therefor.
3. "City" is the City of Holts Summit, Missouri.
4. "Collection" is the removal of solid waste from the designated pickup location to the transportation vehicle.
5. "Demolition or construction waste" is waste materials from the construction or destruction of residential, industrial, or commercial structures.
6. "Director" of the solid waste management program of the City shall be the Mayor or his authorized representative. (Revised: Ord. 610)
7. "Disposable solid waste container" is disposable plastic or paper sacks with a capacity of 20 to 35 gallons, specifically designed for storage of solid waste.
8. "Dwelling unit" is 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.
9. "Hazardous waste" is any waste or combination of wastes, as determined by the Missouri Hazardous Waste Management Commission by rules and regulations, which, because of its quantity, concentration or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness, or pose a present or potential threat to the health of humans or other living organisms (subsection 260.360(9) of the Missouri Hazardous Waste Management Law).

10. "Multiple housing facility" is a housing facility containing more than one dwelling unit under one roof.

11. "Occupant" is 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 tenant.

12. "Person" is 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.

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

14. "Solid waste" is 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, solid wastes, discarded appliances, special wastes, industrial wastes, and demolition and construction wastes. **Ord. 744 (10-16-95)**

a. "Commercial solid waste" is solid waste resulting from the operation of any commercial, industrial, institutional, or agricultural establishment.

b. "Residential solid waste" is solid waste resulting from the maintenance and operation of dwelling units.

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

16. "Solid waste disposal" is the process of discarding or getting rid of unwanted material. In particular, the final disposition of solid wastes by man.

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

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

19. "Transportation" is the transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.

20. "Yard waste" is grass clippings, leaves, tree trimmings.

60.020. Solid waste storage; containers. 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 of Holts Summit, 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.

60.030. Same; duty to use. 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.

60.040. Residential containers. Residential solid waste shall be stored in containers of 35 gallons nominal capacity. Containers shall be leak proof, waterproof, and fitted with a fly-tight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. The containers shall have handles, bails, or other suitable lifting devices or features. Containers shall be of a type originally manufactured for residential solid waste, with tapered sides for easy emptying. They shall be of light weight and sturdy construction. The weight of any individual container and contents shall not exceed 75 pounds. Galvanized metal containers, rubber, or fiberglass containers, and plastic containers which do not become brittle in cold weather, may be used. Disposable solid waste containers with suitable frames or containers as approved by the director may also be used for storage of residential solid waste.

60.045. Multi-family and mobile home park solid waste containers. Residential solid waste containers as described in Section 60.040 shall not be allowed in a mobile and/or manufactured home park or multi-family dwelling containing more than four dwelling units. Solid waste produced by the residents of a mobile and/or manufactured home park or multi-family dwelling containing more than four dwelling units, shall utilize at least one centrally located disposal area screened from view, whereby a commercial container is located for the disposal of solid wastes. The owners and the occupants have joint and separate responsibility as to the cleanliness of the disposal area. The commercial containers shall be waterproof, leak proof, and shall be covered at all times except when depositing waste therein or removing the contents thereof; and shall meet all requirements as set forth by this Chapter. **(Ord. #1185, June 12, 2000)**

60.050. Commercial containers. Commercial solid waste shall be stored in solid waste containers as approved by the director. The containers shall be waterproof, leakproof,

and shall be covered at all times except when depositing waste therein or removing the contents thereof; and shall meet all requirements as set forth by Section 60.310.

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

60.070. Yard wastes. Yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public rights-of-way. The weight of any individual container and contents shall not exceed 75 pounds.

60.080. Unapproved containers. Solid waste containers which are not approved will be collected together with their contents and disposed of.

60.090. Collection of solid waste. The City shall provide for the collection of solid waste as follows:

1. The City shall provide for the collection of all residential solid waste in the City, provided, however, that the City may provide the collection service by contracting with a person, county, or other city or a combination thereof, for the entire City or portions thereof, as deemed to be in the best interests of the City.

2. The City may, at its discretion, provide commercial solid waste collection services upon specific application of the owners or persons in charge thereof. However, in the event that such application is not made or approved, it shall be the duty of such establishment to provide for collection of all solid waste produced upon any such premises. Alternatively, the City may provide collection service by contracting with a person, county, or other city or a combination thereof for the entire City or portions thereof, as deemed to be in the best interests of the City.

60.100. Same; what collected; becomes property of collection agency. All solid waste from premises to which collection services are provided by the City shall be collected, except bulky rubbish as defined herein. Bulky rubbish will be collected in accordance with the rules and regulations as promulgated by the director.

60.110. Tree limbs and yard wastes collected. Tree limbs and yard wastes, as described in Sections 60.060 and 60.070 respectively, shall be placed at the curb for collection. Solid waste containers are required by this Chapter for the storage of other residential solid waste shall be placed at the curb for collection. Any solid waste containers, tree limbs, yard wastes, or other solid waste permitted by this Chapter to be placed at the curb or alley for collection shall not be so placed until the regularly scheduled collection day.

60.120. Bulky rubbish to be collected annually. Bulky rubbish shall be collected at least one annually. The Board of Aldermen shall establish the procedure for collecting bulky rubbish.

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

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

1. All residential solid waste, other than bulky rubbish, shall be collected at least once weekly.
2. All commercial solid waste shall be collected at least once weekly, and shall be collected at such lesser intervals as may be fixed by the director or requested by the commercial establishment upon a determination that such lesser intervals are necessary for the preservation of the health and/or safety of the public. The City may, by contract with any person providing collection services, require more frequent collections than required above.

60.150. Store containers on private property. Residential solid waste containers shall be stored upon the residential premises and shall be 35-gallon containers or such other containers as shall be approved by the Board of Aldermen. Commercial solid waste containers shall be stored upon private property, unless the owners shall have been granted written permission from the City to use public property for such purposes. The storage site shall be well drained; fully accessible to collection equipment, public health personnel, and fire inspection personnel. Any solid waste containers permitted by this Chapter and placed at the curb or alley for collection shall not be so placed for more than a twenty-four hour period of the regularly scheduled collection date. Within the twenty-four hour period, the containers shall be removed from the curb and placed against the side of the residence, in the rear of the residence, or in an unobtrusive spot, on dates other than the regularly scheduled collection date.

60.160. Solid waste collectors. Solid waste collectors, employed by the City or a solid waste collection agency operating under contract with the City, shall be responsible for the collection of solid waste from the designated pickup location to the transportation vehicle, provided the solid waste was stored in compliance with the provisions set forth in this Chapter. Any spillage or blowing litter caused as a result of the duties of the solid waste collector shall be collected and placed in the transportation vehicle by the solid waste collector.

60.170. Collection vehicles. All transportation 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 transportation of solid waste shall be constructed with water-tight bodies and with covers which shall be an integral part of the vehicle, or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste, or as an alternative, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers.

60.180. Earth and rock from excavation. 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.

60.190. Transportation of demolition and construction wastes. Demolition and construction wastes shall be transported to a disposal area as provided in Section 60.170. A permit shall not be required for the hauling of demolition and construction waste; however, all such material shall be conveyed in tight vehicles, trucks, or receptacles, so constructed and maintained that none of the material being transported shall spill upon the public rights-of-way.

60.200. Disposal of Solid waste. Solid wastes shall be deposited at a processing facility or disposal area approved by the City and complying with all requirements of the Missouri Solid Waste Management Law, Section 260.200 to 260.245, RSMo., and the rules and regulations adopted thereunder. The City may designate the processing or disposal facility to be utilized by persons operating under Section 60.220 et seq. of this Chapter.

60.210. Disposal of hazardous wastes. Hazardous wastes under provisions will require special handling and shall be disposed of only in a manner authorized by state regulations.

60.220. Permits 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 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 or to any person or firm providing solid waste collection services by contract within the City.

60.230. Liability 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 director evidence of a satisfactory public liability insurance policy, covering all operations of such applicant pertaining to such business and all vehicles to be operated in the conduct thereof, in the amount of not less than One Hundred Thousand Dollars (\$100,000) and for each person injured or killed, and in the amount of not less than Three Hundred Thousand Dollars (\$300,000) 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 (\$50,000) for damage to property. Such policy may be written to allow the first Five Thousand Dollars (\$5,000) of liability for damage to property to be deductible. Should any such policy be cancelled, the director shall be notified of such cancellation by the insurance carrier in writing not less than (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.

60.240. Application for permit. Each applicant for any such permit shall state in his application therefor:

1. the nature of the permit desired, as to collect, transport, process, or dispose of solid waste or any combination thereof;
2. the characteristics of solid waste to be collected, transported, processed, or disposed;
3. the number of solid waste transportation vehicles to be operated thereunder;
4. the precise location or locations of solid waste processing or disposal facilities to be used;
5. boundaries of the collection area; and
6. such other information as required by the director.

60.250. Approval; fee required. 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 Chapter, the director may issue the permit authorized by this Chapter. The director shall have the authority to limit the number of annual permits issued under this Section in order to preserve the health, comfort, safety, and welfare of the residents,

to promote energy conservation and to provide for collection and disposal consistent with good solid waste management practices. The permit shall be issued for a period of one year. If modifications can be made to the application regarding service, equipment, or mode of operation so as to bring the application within the intent of this Chapter, the director shall notify the applicant in writing setting forth the modification to be made and the time in which it shall be done.

60.260. Permit denial. If the applicant does not make the modifications pursuant to the notice in Section 60.220 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 director, in writing, stating the reason for such denial. Nothing in this Section shall prejudice the right of the applicant to reapply after the rejection of his application provided that all aspects of the reapplication comply with the provisions of this Chapter. Nothing in this Section shall prevent the denial of a permit should the total number of annual permits have already been issued.

60.270. Permit renewal. The annual permit may be renewed upon payment of the fee or fees as designated herein if the business has not been modified, the collection vehicles meet the requirements of Section 60.090 et seq. of this Chapter, and the renewal is approved by the director. If modifications have been made, the applicant shall reapply for a permit as set forth in Section 60.200 - 60.210. No permits authorized by this Chapter shall be transferrable from person to person.

60.280. Inspections. In order to insure compliance with the laws of this State, this Chapter, and the rules and regulations authorized herein, the director is authorized to inspect all phases of solid waste management within the City of Holts Summit. 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 violations of this Chapter, the rules and regulations authorized herein for the storage, collection, transportation, processing, or disposal of solid waste or the laws of the State of Missouri, the director shall issue notice for each such violation stating therein the violations found, the time and date and corrective measure to be taken, together with the time in which such corrections shall be made.

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

60.300. Compliance to be enforced. In the event a permit is revoked and the person continues to operate, the director may request the action of a court of law to enjoin the

acts and to enforce compliance with this Chapter or any rule or regulation promulgated thereunder. In any such action, the court may grant to the City such prohibitory or mandatory injunctive relief as the facts may warrant.

60.310. Appeal of violation notice. Any person who feels aggrieved by any notice of violation or order issued pursuant thereto from the director may, within thirty (30) days of the act for which redress is sought, appeal directly to the Circuit Court of Callaway County, Missouri, in writing, setting forth in a concise statement of the act being appealed and the grounds for its reversal.

60.320. Display number or numbers on motor vehicles. All motor vehicles operating under any permit required by this Chapter shall display the 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 (3) inches high. Each permit for processing or disposal facilities shall be prominently displayed at the facility.

60.330. Rules and regulations.

1. The director may make, amend, revoke, and enforce reasonable rules and regulations governing, but not limited to:

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

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

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

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

- e. Storage of solid waste in solid waste containers.
 - f. Sanitation, maintenance, and replacement of solid waste containers.
 - g. Schedules of and routes for collection of solid waste.
 - h. Collection points of solid waste containers.
 - i. Collection, transportation, processing, and disposal of solid waste.
 - j. Processing facilities and fees for the use thereof.
 - k. Disposal facilities and fees for the use thereof.
 - l. Records of quantity and type of wastes received at processing and/or disposal facilities.
 - m. Handling of special wastes such as sludge, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.
2. A copy of any and all rules and regulations made and promulgated under the provisions hereof shall be filed in the office of the city clerk of the City.

60.340. Prohibited practices. It shall be unlawful for any person to:

- 1. Deposit solid waste in any solid waste container other than his own, without the written consent of the owner of such container and/or with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal;
- 2. Fail to have solid waste collected as provided in this Chapter;
- 3. Interfere in any manner with solid waste collection and transportation equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the City, or those of a solid waste collection agency operating under contract with the City.
- 4. Burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency;

5. Dispose of solid waste at any facility or location which is not approved by the City and the Missouri Department of Natural Resources.

6. 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;

7. Violate any section of this Chapter or any other rule or regulation promulgated under the authority of Section 60.220 et seq.

60.350. Service charges. Any person or entity providing solid waste collection services within the City shall be solely responsible for collection of service charges to customers served and the City shall have no responsibility with respect thereto.

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

60.370. Bonds. The City may require a bond to be posted with the City by an person issued a permit under Section 60.220 et seq. or providing collection services to the City by contract to assure compliance with this Chapter and with other applicable law. The Board of Aldermen shall have the power to establish the amount and nature of said bond by motion, resolution, or ordinance.