

Chapter 24

SOLID WASTE*

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***Cross reference(s)**--Department of public works and transportation, § 2-336 et seq.; abandoned property, § 2-1246 et seq.; handbills and circulars, § 3-31 et seq.; environment, ch. 15; health and sanitation, ch. 17; distributing literature, throwing handbills or trash, etc., in off-street parking facilities, § 28-819; sewers and sewage disposal, § 29-81 et seq.

State law reference(s)--Powers of home rule charter cities, Mo. Const. art. VI, § 19(a); solid waste disposal generally, RSMo 260.200 et seq.; powers and duties of cities relative to solid waste, RSMo 260.215.

Sec. 24-1. Definitions.

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

Approved incinerator means an incinerator which complies with all current regulations of the state.

Battery means a battery designed to contain lead and sulfuric acid with a nominal voltage of at least six volts and of the type intended for use in motor vehicles and watercraft.

Brush means a dense growth of bushes or shrubs, cut or broken branches.

Bulky rubbish means nonputrescible solid wastes consisting of combustible and noncombustible waste materials from dwelling units and 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.

Clean fill means uncontaminated soil, rock, sand, gravel, concrete, asphaltic concrete, cinderblocks, brick, minimal amounts of wood and metal and inert solids as approved by the director for fill, reclamation or other beneficial use.

Closure means the permanent cessation of active disposal operations, abandonment of the disposal area, revocation of the permit or filling with waste of all areas and volumes specified in the permit.

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

Construction and demolition waste means waste materials from the construction or destruction of residential, industrial or commercial structures.

Director means the director of health and community services or his authorized representative.

Disposable solid waste container means disposable plastic or paper sacks with a capacity of 35 gallons or less specifically designed for storage of solid waste.

Garbage means putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food. See also *Solid Waste*.

Hazardous waste means any waste or combination of wastes, as determined by the director, 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 the environment, including, but not limited to, pathological wastes, explosive wastes, pesticides, pesticide containers, toxic or radioactive material.

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

Motor vehicle means any self-propelled vehicle not operated exclusively upon tracks, except farm tractors.

Occupant means 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.

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

Refuse. See *Solid Waste*.

Refuse trucks and trailers means all trucks one ton rated and larger and all multiple-axle trailers, including pickups and trailers with sideboards, hauling solid refuse of any amount or building rubbish and demolition debris.

Rubbish. See *Solid Waste*.

Solid waste means solid and semisolid waste materials resulting from industrial, commercial, agricultural, governmental and domestic activities, including, but not limited to, animal wastes, appliances, ashes, construction and demolition wastes, garbage, major appliances, refuse, rubbish, street refuse, trash and yard wastes, but not hazardous waste or waste material resulting from mining, milling or smelting.

Special waste means solid wastes requiring specific handling other than that accorded normal wastes and/or so designated and permitted by the state agency regulating the operation of sanitary landfills.

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

Tire means a continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle or trailer.

Trash. See *Solid Waste*.

Waste tire means a tire that is no longer suitable for its original intended purpose because of wear, damage or defect.

Yard waste means leaves, grass clippings, yard and garden vegetation, tree trimmings and Christmas trees. The term "yard waste" does not include stumps, roots or shrubs with intact root balls.

(Gen. Ord. No. 1151, § 1(11-182), 2-14-94)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 24-2. Violations and penalties.

(a) Any owner or occupant who fails to comply with the provisions of this chapter may be charged with a misdemeanor and, upon conviction thereof, shall be punished therefor as provided in Section 1-14 of this code, unless a more specific punishment is provided. A separate offense shall occur for each day on which a violation occurs or continues.

(b) In the event of a violation or a threat of violation of this chapter, the city attorney or his or her designee(s) may take appropriate action to enforce this chapter, including, but not limited to, applying for injunctive relief, filing an action to compel performance or filing any other cause of

action necessary to prevent, restrain, correct or abate such violations or threatened violations.

(c) If an owner or occupant violates Section 24-4 or Section 24-8 of this chapter, the city may take the necessary steps to correct such violations. When the city expends any funds to correct such violations, the director of finance or his or her designee(s) shall notify the person against whose property the costs were incurred by regular mail of said costs. The director of community services or his or her designee(s) shall certify all costs incurred, together with the description of the property. The person notified shall have 30 days from the mailing of this notice within which to pay said costs to the director of finance. If the person so notified fails to pay the costs within 30 days, the director of finance or his or her designee(s) shall immediately, upon receiving this information, enter an assessment in the appropriate books of the city to be kept for that purpose and upon the entry of this assessment a lien will be attached to the property.

(Code 1969, § 11-190; G.O. 1452, 8-26-96)

Sec. 24-3. Prohibited practices.

It shall be unlawful for any person to:

- (1) Dispose of solid waste at any facility or location which is not approved by the city and the state.
- (2) 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.
- (3) Violate any statute, regulation or ordinance concerning the handling or disposal of solid waste.

(Code 1969, § 11-189)

Sec. 24-4. Unauthorized deposit of solid waste.

Any person who:

- (1) Deposits solid waste, recyclable materials, demolition debris or yard waste upon any public or private highway, street, road or right-of-way, (with exception of solid waste that has been placed in appropriate containers and set

out for collection); deposits solid waste, recyclable materials, demolition debris or yard waste upon or within any river, creek, stream, lake, waterway or other body of water of any kind or character; or deposits solid waste, recyclable materials, demolition debris or yard waste on the property of another; or

- (2) Causes, maintains or permits solid waste to be blown onto or upon any of the locations referenced above in subsection (1); or
- (3) Causes, maintains or permits the accumulation of solid waste, which creates an unsanitary condition or permits or encourages the accumulation or breeding of rats, insects or other vermin, causes, maintains or permits solid waste to be placed in a container that has not been approved by the director of community services or fails to securely cover said container; or
- (4) Deposits solid waste, recyclable materials, demolition debris or yard waste within the city in any manner that violates the provisions of this chapter,

may be charged with a misdemeanor and, upon conviction thereof, shall be punished as set out in Section 24-2 of this chapter.

(Code 1969, § 11-196; G.O. 1452, 8-26-96)

Sec. 24-5. Littering.

(a) It shall be unlawful for any person to throw, place or deposit trash, garbage, litter, or other waste of any kind anywhere on the private property of another or anywhere on the streets or other public places of the city except in receptacles provided therefor.

(b) Any person who fails to comply with the provisions of this section may be charged with a misdemeanor and, upon conviction thereof, shall be subject to the penalties as provided in Sections 1-14 and 24-2(a) of this code and a fine of not less than \$250.00 and not more than \$500.00, in addition to all related administrative costs and courts costs.

(Code 1969, § 11-197; G.O. 2681, 4-1-13)

Sec. 24-6. Reserved.

Sec. 24-7. Reserved.

Sec. 24-8. Reserved.

Sec. 24-9. Appeal of notice.

If an owner and/or occupant wishes to appeal any notice received pursuant to Section 24-18(b) hereunder, he/she may submit a written request to do so to the director of community services, who shall serve as chairperson of the solid waste appeals board. Such board shall also be comprised of the director of health and the director of public works and transportation, or their designees, and shall operate in accordance with written procedures adopted by it.

(Code 1969, § 11-194; G.O. 1452, 8-26-96)

Sec. 24-10. Disposal.

(a) Solid wastes shall be disposed of at a processing facility or disposal area approved by the city and complying with all requirements of the state.

(b) The director of public works and transportation may classify certain wastes as hazardous wastes which will require special handling and shall be disposed of only in a manner acceptable to the director and which will meet all local, state and federal regulations.

(c) Residential waste haulers shall only be allowed to collect solid waste between the hours of 5:00 a.m. and 5:00 p.m. Monday through Saturday in residential areas.

(Code 1969, § 11-185; G.O. 2046, 8-30-04)

Sec. 24-11. Permits for hauling and processing of solid waste.

(a) 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 subsection shall not be deemed to apply to employees of the holder of any such permit.

(b) 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 of public works and transportation 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.

The public liability policy shall be in the amount of not less than \$500,000.00 for each person injured or killed, not less than \$1,000,000.00 for injury or death of two or more persons in any single accident and not less than \$50,000.00 for damage to property. Should any such policy be cancelled, the director of public works and transportation 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 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.

(c) Each applicant for any such permit shall state in his application therefor the following:

- (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 vehicles to be operated thereunder;
- (4) The precise 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 of public works and transportation.

(d) 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 director of public works and transportation shall issue the permit authorized by this chapter. The permit shall be issued for a period of one year, and each applicant shall pay therefor a fee of \$100.00 for the first collection vehicle used and a fee of \$25.00 for each additional collection vehicle to be used. Permits issued under this section shall expire on June 30.

(e) 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 which shall be separate, of suitable material with fasteners designed to secure all sides of the cover to the vehicle which shall be secured whenever the vehicle is transporting solid waste, or, as an alternative, the entire bodies of such vehicles shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers.

(Code 1969, § 11-186; G.O. 1827, 5-29-01; G.O. 2047, 8-30-04)

Sec. 24-12. Burning solid waste.

(a) *Restricted.* The burning of solid waste is prohibited at all times, except when solid waste is burned in a commercial incinerator which complies with all current regulations of this city and the state, except as provided in this section.

(b) *Time periods for burning yard waste.* Within the corporate limits of the city, the open burning of residential yard waste consisting of leaves and brush from vegetation grown on a residential property is permitted during the following calendar periods and times of the day:

- (1) A three-week period within the period commencing March 1 through April 30 and continuing for 21 consecutive calendar days.
- (2) A three-week period within the period commencing October 1 through November 30, continuing for 21 consecutive calendar days.
- (3) The burning shall take place only between the daytime hours of 10:00 a.m. and 3:30 p.m.
- (4) The 21-day burning period, in each instance, shall be determined by the director of health and community services and the state fire marshal for the region in which the city is located; provided, however, the burning period shall first receive the approval of the director of the state department of natural resources, division of environment quality.
- (5) The burning of paper, garbage, tires and other kinds of wastes is prohibited.

(c) *Restrictions on burning yard waste.* The burning of yard waste shall be conducted as follows:

- (1) All fires shall be in an upright cylindrical metal container no larger in size than a 55-gallon capacity drum, such container to be located at least 15 feet away from any building.
- (2) Firefighting material, including but not limited to a garden hose or a container of water sufficient to contain any fire started under this section, will be at the site of the burning.
- (3) All fires shall be monitored from a point on the property where the fire is located by a person capable of containing a fire, should containment become necessary.

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- (4) If the safety of the community or the public may be endangered, the fire chief may invoke a temporary burning ban.
- (5) If climatological conditions indicate open burning may create a health hazard, the director of health and community services may invoke a temporary burning ban.
- (6) Any person engaged in open burning in violation of this chapter shall be summonsed for a misdemeanor violation.

(d) This section shall not apply to fireplaces located wholly within a residence, outdoor barbecues for the preparation of food or properly supervised fires set for recreational or ceremonial purposes. A parade/event permit must be obtained from the department of public works and transportation for recreational and ceremonial fires.

(Code 1969, § 11-188)

Cross reference(s)--Air pollution, § 15-81 et seq.; burning on paved streets, § 25-8.

Sec. 24-13. Commercial hauler and processor.

(a) In order to ensure compliance with the laws of this state, this chapter and the rules and regulations authorized in this chapter, both the director of public works and transportation and the director of health and community services may 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 or the laws of the state, the appropriate director shall issue notice for each such violation stating therein the violation found, the time and date and the corrective measure to be taken, together with the time in which such corrections shall be made.

(b) In all cases, when the corrective measures have not been taken within the time specified, the director of public works and transportation shall suspend or revoke the permit involved in the violation.

(c) All vehicles to be licensed under this chapter shall be inspected by the director of public works and transportation prior to licensing.

(d) All motor vehicles operating under any permit required by this chapter shall display the permit number plate issued by the city.

(e) If a written complaint is received by the city about the time of collection of solid waste at a specific commercial solid waste receptacle, a commercial waste hauler shall only be allowed to collect solid waste at that location between the hours of 6:00 a.m. and 5:00 p.m. Monday through Saturday. The complaint must be filed by a resident living within one block of the commercial solid waste receptacle. Enforcement shall be as referenced in Subsection (f) below.

(f) The director of public works and transportation shall, from time to time, promulgate, amend, revoke and enforce reasonable rules and regulations governing solid waste management within the city which are necessary to protect the public health and welfare. Any rules or regulations promulgated under this section shall be filed with the city clerk.

(g) Any party aggrieved by a decision under this section shall have the right to appeal as established in Chapter 2, Article XIII of this code. (Code 1969, § 11-187; G.O. 1401, 10-14-02; G.O. 2048, 8-30-04)

Sec. 24-14. Dumpster permit.

(a) No person shall place or cause to be placed any container 12 cubic yards or larger for the purpose of depositing rubbish or debris on any street, alley, sidewalk, parkway or boulevard without first obtaining a permit from the director of public works and transportation or the director of parks, recreation and civic facilities, as the case may be. Such dumpsters shall not be placed closer than 20 feet from an alley and no closer than 50 feet from any street intersection. All dumpsters placed on a street shall be placed parallel to the edge of street. No dumpster shall be placed on an emergency snow route the months of November, December, January, February or March. It is the responsibility of the owner of the dumpster or container to properly mark the dumpster with the company name (identification) and reflective devices.

(b) Any dumpster found in violation of this section is declared to be a public safety hazard and shall be immediately removed by or caused to be removed by the owner of the dumpster upon the request of the director of public works and

transportation or director of parks, recreation and civic facilities, as the case may be.

(c) The application for such permit shall be signed by the person utilizing the container and appropriately designate the street address, where it is to be placed and the number of days required for this purpose.

(d) Permits will not be issued for any street address where onstreet parking is restricted, except for placement in alleys or sidewalk areas, unless special permission is granted by the director of public works and transportation or director of parks, recreation and civic facilities, as the case may be.

(e) Any permit issued under this section shall be kept at the place where the work is being done and, if issued in connection with hauling, shall be kept by the driver of the vehicle doing the hauling.

(f) The director of public works and transportation, the director of parks, recreation and civic facilities, or any authorized agent or any member of the police department shall have the right to inspect any such permit. It shall be the duty of any person upon demand by any person or officer, as stated in this subsection, to allow such person or officer to inspect the permit. (Code 1969, §§ 19-1(b), 19-37)

Sec. 24-15. Fees for city sanitary landfill--established.

(a) *Automobile definition.* For the purposes of this section "automobiles" shall be deemed to include only two-axle passenger cars, sport utility vehicles, and similar motor vehicles which do not have exposed cargo areas and which are rated to haul less than one ton. Pickup trucks, regardless of size, and any vehicle pulling a trailer shall not be deemed to be "automobiles."

(b) The following schedule of fees is established for the use of the city sanitary landfill:

- (1) Automobiles, per vehicle trip (V.T.). \$10.00
- (2) All other vehicles, per ton.....34.00
With a minimum charge of,
per V.T 20.00
- (3) Additional charge for refuse

trucks that do not have a current City of St. Joseph business license, per ton \$10.00

(4) When both scales are inoperable, the rate charged for refuse trucks and trailers that have a current City of St. Joseph business license and all other vehicles which are neither refuse trucks nor automobiles shall be as follows:

- a. For compacted refuse, per cubic yard \$14.73
- b. For roll-on packers and side loading packers, per cubic yard 11.05
- c. For non-compacted refuse, per cubic yard 5.53

(5) When both scales are inoperable, the rate charged for refuse trucks and trailers that do not have a current City of St. Joseph business license shall be:

- a. For compacted refuse, per cubic yard \$19.08
- b. For roll-on packers and side loading packers, per cubic yard..... \$14.30
- c. For non-compacted refuse, per cubic yard \$7.15

(6) This schedule shall be applied to special wastes. Special wastes shall be defined as those solid wastes requiring specific handling other than that accorded normal wastes. One and three-tenths times the stated rate shall be charged for special waste. The special waste schedule shall be as follows:

- a. Automobiles, per V.T. \$13.00
- b. All other vehicles, per ton 44.20
With a minimum charge of,
per V.T, 26.00
- c. Brush: normal charge
- d. Tires: passenger tires, each \$2.00
Rate increases depending on the size of tire.
- e. Appliances, other large bulky items: normal charge plus/each piece..... \$6.00
- f. All vehicles with uncovered loose materials other than secured brush shall be charged the following surcharge \$10.00

(7) This schedule shall be applied to mercury-containing lamps, including fluorescent, neon, high-pressure sodium, high-intensity discharge, mercury vapor and metal halide lamps, which are disposed of as universal waste. The following schedule of fees is established for the disposal of spent lamps at the sanitary landfill:

- a. Straight fluorescent, per foot\$0.10
- b. Utube/circular/compact, each ...\$0.50
- c. HID/mercury/halide/sodium, each\$1.25
- d. Shatter-shield/power groove, each\$1.60
- e. Incandescent/quartz/halogen, each\$0.25
- d. Ultraviolet/arc lamps, each\$3.15

(c) *Miscellaneous provisions.*

- (1) The city manager shall have the authority to waive portions of the scheduled fees because of severe weather, emergency or disaster.
- (2) That city departments within non-enterprise funds shall only pay the Missouri Department of Natural Resources state tonnage fee.
- (3) If a private company pays for the design and development of a special use area, it will be charged the standard stated rate.
- (4) Major appliances, yard waste and batteries shall not be disposed of in a solid waste disposal area.
- (5) Waste tires shall be collected at a waste tire site, waste tire processing facility or a waste tire collection center.
- (6) It is the intent of this section that the proceeds of gate fee charges for users of the landfill shall be used for the sanitary landfill and related solid waste management activities, which shall include, but not be limited to, construction and maintenance of onsite and offsite access roadways. Related solid waste management activity shall include resource recoveries, recycling, education awareness, ongoing closure and post closure costs, household hazardous waste

collection and disposal and the effects of various alternatives to disposal upon environmental quality.

(Gen. Ord. No. 1152, § 1(11-193), 2-14-94; Gen. Ord. No. 1189, § 1(11-193), 7-5-94; G.O. 1323, 7-31-95; G.O. 1712, 7-26-99; G.O. 1724, 10-4-99; G.O. 1789, 9-5-00; G.O. 1891, 9-3-02; G.O. 1973, 9-29-03; G.O. 2218, 3-12-07; G.O. 2242, 7-30-07; G.O. 2697, 6-24-13)

Sec. 24-16. Same--penalty for nonpayment of charges.

All bills for landfill services not paid by the 30th day of the month following the month in which landfill services are provided shall be immediately subject to a penalty of ten percent of the bill rendered. Any remaining unpaid balance of such bills shall be subject to an additional penalty of one percent for every completed 30-day period subsequent to the period after which the aforementioned ten percent penalty becomes due; provided, however, that this section shall not be deemed a waiver of the right of the city to seek any other remedy allowed under law.

(Gen. Ord. No. 951, § 1(11-195), 4-27-92; G.O. 2448, 11-1-11)

Sec. 24-17. Disposal of certain wastes.

(a) *Clean fill.* A person engaged in any activity which produces clean fill may use such material for fill, reclamation or other beneficial purposes on his own property or on the property of another person with the permission of the owner of such property, provided that such use does not violate any state or local law, rule or regulation.

(b) *Wood waste.* A person engaged in any activity which produces wood waste may reuse or recycle such waste or may dispose of wood waste on the site where generated if such disposal is in compliance with applicable state or local laws, rules or regulations. A person who engages in clearance, trimming or removal of trees, brush or other vegetation may use wood wastes from such

activities for beneficial purposes, including, but not limited to, firewood, ground cover, erosion control, mulch, compost or cover for wildlife.

(c) *Permit required.* No person shall engage in the disposal of clean fill or wood wastes within the corporate limits of the city, without first obtaining an annual permit from the city for each individual site on which clean fill or wood wastes will be disposed; provided, however, that this subsection shall not be deemed to apply to employees of the holder of any such permit. The application for any such permit shall contain such information as the director may require. If the application shows that the applicant will dispose of clean fill or wood wastes without hazard to the public health or damage to the environment and in conformity with all state and local laws, the director shall issue the permit authorized by this subsection following a site visit. Each applicant shall pay a fee of \$25.00 for each permit issued. The permittee shall contact the director, prior to closure of the site, so that the site may be inspected and a determination made as to whether the permittee has complied with applicable state and local laws, rules and regulations.

(Gen. Ord. No. 1153, § 1(11-199), 2-14-94)

Sec. 24-18. Inspection and abatement.

(a) Inspection and evaluation of collection and disposal shall be made by the city in such frequency as to insure consistent compliance by owners and/or occupants with the provisions of this chapter. Inspections of property by the code compliance officer(s) conducted pursuant to this chapter shall be governed by the mandates of Sections 2-1272 and 2-1273 of this code of ordinances, entitled "right of entry for purposes of enforcement" and "search warrant" respectively.

(b) Each owner and/or occupant shall be provided with written and documented notice of any deficiencies, recommendations for their abatement and the date on which the abatement shall be accomplished. The procedure to abate the violation shall be the same as that provided for the abatement of nuisances, as set out in Chapter 15 of this code of ordinances, entitled "procedure to abate", with the exception of Subsections (4)(c) and (5).

(G.O. 1452, 8-26-96; G.O. 2683, 4-29-13)