

Chapter 230

SOLID WASTE

Section 230.010. Definitions.

For the purposes of this Chapter, the following terms shall be deemed to have the meanings indicated below:

BULKY RUBBISH — Non-putrescible solid wastes consisting of combustible and/or non-combustible waste materials from dwelling units, commercial, industrial, institutional, or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors, with the equipment available therefor.

CITY — The City of Wellington, Missouri.

COLLECTION — Removal of solid waste, from its place of storage to the transportation vehicle.

COMMERCIAL SOLID WASTE — All solid waste generated from a source other than a dwelling unit.

CONTRACTOR — Such person, firm or corporation as may be contracted with to provide solid waste transportation and disposal for the City.

CURBSIDE — A location adjacent to and not more than five (5) feet from any street.

DISPOSABLE SOLID WASTE CONTAINER — Disposable plastic or paper sacks with a capacity of twenty (20) to thirty-nine (39) gallons, or if specifically designated for storage of solid waste, a maximum of fifty-five (55) gallons.

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. Units of multiple housing facilities may be billed as dwelling units upon request by the owner of said dwelling units.

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

HAZARDOUS WASTES — Any waste or combination of wastes, as determined by the 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 the environment.

MAJOR APPLIANCES — Clothes washers and dryers, water heaters, trash compactors, dishwashers, conventional ovens, ranges, stoves, wood stoves, air-conditioners, refrigerators and freezers.

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, limited liability company, corporation, association, trust, institution, City, County, other political subdivision, authority, State agency or institution, or Federal agency or institution, or any other legal entity. As applied to partnerships or associations, the word includes the partners or members thereof; and as applied to corporations, it includes the officers, agents or employees thereof who are responsible for the act referred to.

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

PROHIBITED ITEMS — Items which are eliminated by State law from being disposed of in a solid waste disposal area, including but not limited to, major appliances, waste oil, lead acid batteries, waste tires and the like as the same may be now or hereafter defined by State law.

RESIDENTIAL SOLID WASTE — Solid waste resulting from the maintenance and operation of dwelling units.

SOLID WASTE — Garbage, refuse and other discarded materials including, but not limited to, solid and semi-solid waste materials resulting from industrial, commercial, agricultural, governmental and domestic activities, but does not include hazardous waste as defined in Sections 260.360 to 260.432, RSMo., recovered materials, overburden, rock, tailings, matte, slag or other waste material resulting from mining, milling or smelting. Solid waste does not include "*Yard Waste*" as defined herein.

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.

STORAGE — Keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

TRANSPORTATION — The transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.

YARD WASTES — Leaves, grass clippings, yard and garden vegetation and Christmas trees. The term does not include stumps, roots or shrubs with intact root balls.

Section 230.020. Solid Waste Storage. [Ord. No. 18 §5, 10-14-1974]

- A. 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.
- B. The occupant of every dwelling unit and of every institutional, commercial, business, industrial or agricultural establishment shall place all solid waste to be collected in proper solid waste containers and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times. Accumulation of waste in suitable containers shall not be stored upon any site in the City for a period longer than ten (10) days.
- C. Residential solid waste shall be stored in containers as provided by the current solid waste hauler or of not more than thirty-nine (39) gallons nor less than twenty (20) gallons in nominal capacity, except that residential solid waste may be stored in trash bags of adequate strength in a size not to exceed fifty-five (55) gallons. All containers, including bags, shall be leakproof and waterproof, fly-tight and properly covered, tied or enclosed, except when depositing waste therein, or removing the contents thereof. Containers other than bags shall have handles, bails, or other suitable lifting devices or features. Containers other than bags 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, including bags and its contents, shall not exceed seventy-five (75) pounds. Galvanized metal containers, or rubber, fiberglass or plastic containers which do not become brittle in cold weather may be used in addition to bags. Disposable solid waste containers with suitable frames or containers as approved by the City may also be used for storage of residential solid waste. Galvanized metal containers, or rubber, fiberglass or plastic containers with suitable frames or containers as approved by the City may also be used for storage of residential solid waste.
- D. Commercial solid waste shall be stored in solid waste containers as approved by the Board. 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 230.070.
- E. Solid waste containers which are not approved will be collected together with their contents and disposed of.
- F. Tree limbs less than four (4) inches in diameter and brush shall be securely tied in bundles not larger than forty-eight (48) inches long and eighteen (18) inches in diameter when not placed in storage containers. The weight of any individual bundle shall not exceed seventy-five (75) pounds.

Section 230.030. Collection of Solid Waste. [Ord. No. 18 §6, 13, 10-14-1974]

- A. The City shall provide for the collection of solid waste as follows:
1. *Collection of residential solid waste.* The City shall provide for the collection of 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. Residents are hereby prohibited from otherwise dumping or disposing of garbage, trash or other solid waste.
 2. *Other collections.* 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 in a manner approved by City. If and when the City does provide commercial collection service, the provisions herein concerning such service shall apply.
- B. All solid waste from premises to which collection services are provided by the City shall be collected, except bulky rubbish as defined herein, provided however, that bulky rubbish will be collected if tied securely in bundles not exceeding reasonable limitations of weight and bulk to be fixed by regulations to be made and promulgated by the Mayor or such other person as may be designated by the Board of Aldermen of said City, as hereinafter provided. All solid waste collected shall, upon being loaded into collection equipment, become the property of the collection agency.
- C. Solid waste containers as required by this Chapter for the storage of residential solid waste shall be placed at the curb for collection but shall not be so placed until after 6:00 P.M. on the day next preceding the regularly scheduled collection day. Containers shall be removed from the curb no later than 8:00 P.M. on the day of collection. No alley service shall be allowed under the terms of this Chapter, except as approved by the Board of Aldermen.
- D. Individuals desiring the collection of bulky rubbish shall deal directly with those licensed by the City for the collection of the same.
- E. 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.
- F. It shall be the responsibility of the occupants of each dwelling unit to prepare, package and deliver solid waste to curbside for collection as prescribed in this Chapter and as it may be amended from time to time.
- G. It shall be the responsibility of each commercial, industrial, institutional or other non-residential generator of solid waste to prepare, package and store solid waste so generated as prescribed by this Chapter and as it may be amended from time to time.

- H. It shall be the responsibility of every solid waste collector to abide by this Chapter and receive and transport solid waste in a manner consistent with the provisions of this Chapter.
- I. 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. All commercial solid waste shall be collected once weekly, and shall be collected at such lesser intervals as may be fixed by the Board upon a determination that such lesser intervals are necessary for the preservation of the health and/or safety of the public.
- J. Residential solid waste containers shall be stored upon the residential premises. Except as provided in Subsection (C) hereof, all solid waste containers stored out of doors shall be stored behind any building located on the tract of land. Commercial solid waste containers shall remain in the location from which they are to be serviced except while being serviced.
- K. All solid waste collectors operating under contract with the City or otherwise collecting solid waste within the City limits shall be responsible for the collected solid waste from the point of collection to the point of disposal provided the solid waste was stored in compliance with the applicable Sections of 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.
- L. It shall be unlawful for any person, firm or corporation collecting and disposing of rubbish, garbage or waste material from premises in the residential districts or premises in any commercial district which abuts or adjoins a residential district in the City to make such collection or dispose of rubbish, garbage or waste materials between the hours of 9:00 P.M. and 7:00 A.M.

Section 230.040. Transportation of Solid Waste.

- A. All transportation vehicles shall be maintained in a safe, clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for transportation of solid waste shall be constructed with watertight 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. Provided however, other vehicles may be used to transport bulky rubbish which because of its size or weight, is not susceptible to being loaded or unloaded in vehicles described above, but in no event shall such vehicles be operated without adequate cover or binding to prevent spillage or waste therefrom and in accordance with the rules and regulations made by the Board.
- B. 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.

- C. Transportation and disposal of demolition and construction wastes shall be in accordance with Sections 230.050 and 230.060.

Section 230.050. Disposal of Solid Waste. [Ord. No. 18 §10, 10-14-1974]

- A. 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, Sections 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 holding permits under this Chapter.
- B. The Mayor, or other such person as may be designated by the Board may classify certain wastes as hazardous wastes which will require special handling and shall be disposed of only in a manner acceptable to the Board which will meet all local, State and Federal regulations.

Section 230.060. Permits.

- A. No person, including any person contracting with the City for the collection of solid waste, 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. Permits shall be approved by the City Clerk.
- 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 City 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 (\$100,000.00) for each person injured or killed, and in the amount of not less than three hundred thousand dollars (\$300,000.00) in the event of injury or death of two (2) or more persons in any single accident, and in an amount of not less than fifty thousand dollars (\$50,000.00) for damage to property. Such policy may be written to allow the first (1st) one thousand dollars (\$1,000.00) of liability for damage to property to be deductible. Should any such policy be canceled, the City 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. Any subcontractor shall provide insurance coverage in like amount as is required of the contractor.
- C. Each applicant for any such permit shall state in his/her 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;
 6. If for processing or disposal, a copy of a permit issued by the State of Missouri; and
 7. Such other information as required by the City.
- 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 is in conformity with the laws of the State of Missouri, and this Chapter and is approved by the City, the City Clerk shall issue the permit authorized by the ordinance. The permit shall be issued for a period of one (1) year.
- E. If the applicant does not make the modifications pursuant to the notice in Subsection (D) hereof, 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 not create a 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/her application, provided that all aspects of the reapplication comply with the provisions of this Chapter.
- F. The annual permit may be renewed simply upon payment of the fee or fees as designated herein if the business has not been modified. If modifications have been made, the applicant shall re-apply for a permit as set forth in Subsections (B) and (C). No permits authorized by the ordinance shall be transferable from person to person.
- G. In order to ensure compliance with the laws of this State, this Chapter and the rules and regulations authorized herein, the City Clerk is authorized to inspect all phases of solid waste management within the City of Wellington. No inspection shall be made of any residential waste unit unless authorized by the occupant or by due process of law. In all instances where such inspections reveal violation of this Chapter concerning processing or disposal of solid waste or the laws of the State of Missouri, the City shall issue notice for 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.
- H. In all cases, when the corrective measures have not been taken within the time specified, the City 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 not a public health hazard created by the delay, one (1) extension of time not to exceed the original time period may be given.

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

Section 230.070. Rules and Regulations.

- A. The Board may make, amend, revoke and enforce reasonable and necessary rules and regulations, governing, but not limited to:
 1. Preparation, drainage and wrapping of garbage deposited in solid waste containers.
 2. Specifications for solid waste containers, including the type, composition, equipment, size and shape thereof.
 3. Identification of solid waste containers, and of the covers thereof, and of equipment thereto appertaining, if any.
 4. 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.
 5. Storage of solid waste in solid waste containers.
 6. Sanitation, maintenance and replacement of solid waste containers.
 7. Schedules of and routes for collection and transportation of solid waste.
 8. Collection points of solid waste containers.
 9. Collection, transportation, processing and disposal of solid waste.
 10. Processing facilities and fees for the use thereof.
 11. Disposal facilities and fees for the use thereof.
 12. Records of quantity and type of wastes received at processing and/or disposal facilities.
 13. Handling of special wastes such as toxic wastes, sludge, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.
- B. The City Clerk or such other City Official who is responsible for preparing utility or other service charge billings for the City, is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billing and collection of solid waste collection and/or disposal service charges, as hereinafter provided for, subject to the approval of the Board.
- C. A copy of any and all rules and regulations made and promulgated under the provisions hereof shall be filed in the office of the City Clerk of the City.

Section 230.080. Prohibited Practices.

- A. It shall be unlawful for any person to:

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

Section 230.090. Bonds.

The Board may require performance or payment bonds of any solid waste collection agency prior to issuing permits to so operate.

Section 230.100. Service Charges. [Ord. No. 18 §15, 10-14-1974]

- A. There is hereby imposed for the collection and disposal of solid wastes and for the improvement of the general public and environment, a service charge for each dwelling unit to which such service shall be provided under the provisions of this Chapter. Said service charge shall be set by the Board of Aldermen from time to time.
- B. The system of services established by the provisions of this Chapter hereof is designated as an integral part of the City's program of health, sanitation and general welfare, to be operated as an adjunct to the City's system for providing all manner of utilities services. The City may enforce collection of such charges by bringing proper legal action against the occupant of the premises which has received such services to recover any sums due for such services plus a reasonable attorney's fee to be fixed by the court, plus the cost of such action.
- C. The service charge herein provided for is hereby imposed upon the occupant of each occupied dwelling unit and the billing therefor shall be made to the person contracting for City utilities of any kind to each such dwelling unit. In the event a dwelling unit is not serviced by City utilities or in the absence of information that such person is neither the owner or the tenant of such dwelling unit, then billing therefor shall be made to the owner. Service charges shall be payable to the City of Wellington, Missouri.
- D. The City shall include the foregoing service charge on its utility bill as a separate charge, which shall be paid on or before the fifteenth (15th) of the following month.

- E. The City shall provide any contractor hereunder with a monthly statement showing the number of dwelling units, together with all additions and deletions.

Section 230.110. Violation and Penalty. [Ord. No. 18 §16, 10-14-1974]

Any person violating any of the provisions of this Chapter, or any unlawful 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.