

Chapter 60 -- Solid Waste

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

1. "Bulky rubbish" is any solid waste which is of a size too large to be stored in the specified disposable solid waste container.
2. "Collection" is removal and transportation of solid waste from its place of storage to its place of processing or disposal.
3. "Contractor" is such person, firm or corporation as may be contracted with to provide solid waste transportation and disposal.
4. "Demolition or construction waste" is waste materials from the construction or destruction of residential, industrial or commercial structures.
5. "Director" is the director of the solid waste management program of the City shall be the code enforcement officer.
6. "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.
7. "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, excluding, however, any motel or hotel.
8. "Garbage" is putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food.
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. "Processing" is incinerating, composting, baling, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.
13. "Refuse" is solid waste.

14. "Solid waste" is trash, refuse and garbage, both putrescible and non-putrescible (excluding, however, human body waste), including garbage, rubbish, ashes, street clearings, dead animals, abandoned automobiles, solid market and industrial wastes (excluding non-biodegradable plastics from industrial sources), rubbish, both combustible and noncombustible, including paper, cardboard, tin cans, wood, glass, bedding, crockery and similar materials; putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of foods (excluding human body wastes), and all other trash, refuse or garbage of any kind or description.

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 containment of solid wastes in individual containers at residential units or commercial establishments.

19. "Yard wastes" 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 Moscow Mills, 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 not more than 35 gallons nor less than 20 gallons in 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 Mayor and Board of Aldermen may also be used for storage of residential solid waste.

60.050. Commercial containers. Commercial solid waste shall be stored in solid waste containers as approved by the code enforcement officer. The 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 Section 60.310.

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

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

1. The City shall require all property owners and residents to provide for the collection of all residential solid waste in the City of Moscow Mills.

2. It shall be the duty of any commercial or industrial establishment to provide for collection of all solid waste produces upon such premises.

3. The City shall assign the City's code enforcement officer to monitor performance of the solid waste management system. At the time of licensing, contractors shall submit a current list of customers in the City and subsequently notify the City of any additions or deletions to their customer lists each month. When service has been discontinued, the code enforcement officer shall notify the property owner that service must be resumed within seven (7) days or a violation will be issued. If the property owner fails to resume service within seven (7) days of a notice of violation, the owner shall be summoned to appear in court.

60.080. Same; what collected; becomes property of collection agency. All solid waste from premises to which collection services are provided by private haulers 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 and Board of Aldermen as hereinafter provided. All solid waste collected shall, upon being loaded into collection equipment, become the property of the collection agency.

60.090. May enter private property. Solid waste collectors, or solid collection agencies operating under contract with property owners, 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 except at the request of the property owner. Commercial solid waste may be removed from within commercial establishments upon written request of the owner and approval by the code enforcement officer.

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

1. All property owners shall provide for solid waste collection and transportation by licensed waste contractors. The City shall grant license to those waste contractors whose service vehicles have received a Lincoln County Health Department trash hauling permit. In addition, all such vehicles shall satisfy the provisions of RSMo 260.200 and 260.245. Service shall be provided on a house-to-house basis by individual contract, with fees paid directly to the contractor. All waste shall be collected at the curb or at community containers. All waste collection shall be provided at least once per week. Contractors shall provide bulk removal on an as-needed basis. Waste collection shall be allowed Monday through Friday from 6:00 a.m. to 6:00 p.m. and Saturday from 6:00 a.m. to 1:00 p.m.

2. All commercial solid waste shall be collected at least once weekly and collected at lesser intervals as may be necessary for any commercial establishment for the purpose of aesthetic health, safety and general welfare of the City.

60.110. Store containers on private property. 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 shall be well drained; fully accessible to collection equipment, public health personnel and fire inspection personnel. Commercial containers shall be screened from view in accordance with the development regulations for the City.

60.120. 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. Vehicles used for collection of bulky rubbish shall provide for securing of same rubbish to prevent scattering.

60.130. 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.

1. Transportation and disposal of demolition and construction wastes shall be in accordance with Sections 60.170 and 60.190.

60.140. Disposal of solid waste. Solid wastes shall be disposed of at a processing facility or disposal area complying with all requirements of the Missouri Department of Natural Resources.

60.150. Disposal of hazardous wastes. The Mayor and Board of Aldermen may classify certain wastes as hazardous wastes which will require special handling and shall be disposed of only in a manner acceptable to the Mayor and the Board of Aldermen and which will meet all local, state and federal regulations.

60.160. 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.

60.170. 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 Mayor and Board of Aldermen 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) 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 one

hundred dollars (\$100) of liability for damage to property to be deductible. Should any such policy be cancelled, the Mayor and Board of Aldermen 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.

60.180 **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 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 Mayor and Board of Aldermen.

60.190. **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 Mayor and Board of Aldermen shall issue the permit authorized by this Chapter. The permit shall be issued for a period of one year. There shall be a \$ 6.00 fee for this permit.

60.200. **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 Mayor and Board of Aldermen, 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.

60.210. **Permit renewal.** 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 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.

60.220. **Inspections.** In order to insure compliance with the laws of this State, this Chapter and the rules and regulations authorized herein, the code enforcement officer is authorized to inspect all phases of solid waste management within the City of Moscow Mills. 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 code enforcement officer shall issue notice for each such violation stating therein the violations found, the time and date and the corrective measure to be taken, together with the time in which such corrections shall be made.

60.230. Revocation of permit. In all cases, when the corrective measures have not been taken within the time specified, the code enforcement officer 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.

60.240. Appeal of violation notice. Any person who feels aggrieved by any notice of violation or order issued pursuant thereto from the code enforcement officer may, within seven (7) days of the act for which redress is sought, appeal directly to the municipal court in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal.

60.250. 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 six (6) inches high.

60.260. Rules and regulations.

1. The Mayor and Board of Aldermen 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.

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- 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, 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.

60.270. 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 any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such.

3. Burn solid waste.

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.

6. Permit bulky rubbish to be stored at the curb for a period of time in excess of twenty-four (24) hours.

60.280. 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); providing, that each day's violation thereof shall be a separate offense for the purpose thereof.

60.290. Saving Clause. Nothing in this Chapter shall be deemed to affect, modify, amend or repeal any provision of any ordinance administered by the code enforcement officer unless that ordinance is specifically repealed herewith.

Adopted by Ordinance 6/14/93. Amended 11/14/94 by Ordinance #7.