1st Reading 2/27/2024
2nd Reading 4/09/2024

BILL NO. 23-83 ORDINANCE NO. 5445

AN ORDINANCE AMENDING CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF CRESTWOOD, MISSOURI, RELATING TO SOLID WASTE MANAGEMENT WITHIN THE CITY OF CRESTWOOD, MISSOURI, as amended.

WHEREAS, pursuant to Article VI, § 19(a) of the Missouri Constitution, the Charter of the City of Crestwood (the "City") gives the City all powers the General Assembly of the State of Missouri has authority to confer upon any city, provided such powers are consistent with the Constitution and are not limited or denied either by the Charter or by statute, and provides that the City shall, in addition to its home rule powers, have all powers conferred by law; and

WHEREAS, Section 71.010, RSMo authorizes the City to pass ordinances regulating subjects, matters and things upon which there is a general law of the state and shall confine and restrict its jurisdiction and the passage of its ordinances to and in conformity with state law; and

WHEREAS, City staff has undertaken a comprehensive review of Chapter 23 of the Municipal Code of the City of Crestwood, Missouri (the "Code"), relating to solid waste management within the City; and

WHEREAS, pursuant to the authority granted to the City by its Charter, the Constitution of the State of Missouri, and Missouri statutes, the Board of Aldermen finds that the proposed amendments to Chapter 23 would be in the best interest of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CRESTWOOD, MISSOURI, AS FOLLOWS:

SECTION 1: Chapter 23 of the Municipal Code of the City of Crestwood, Missouri, is hereby amended, to read as set forth in Exhibit A, which is incorporated herein by reference, is hereby enacted in lieu thereof.

SECTION 2: The chapter, article, division, and/or section assignments designated in this Ordinance may be revised and altered in the process of recodifying or servicing the City's Code upon supplementation of the Code, if, in the discretion of the editor, an alternative designation would be more reasonable. The entity with which the City contracts for compilation, revision and/or codification of the City's ordinances is authorized and directed to renumber and/or revise any reference in the City's Code to the former City Code Chapter 23 to reflect the appropriate chapter, article, division, section, or subsection under the revised Chapter 23, and to update and revise any such reference in published versions of the City's Code, or any supplement thereto, including any versions of the Code maintained by such codification company available on the internet.

SECTION 3: It is hereby declared to be the intent of the Board of Aldermen that each and every part, section, and subsection, shall be separate and severable from each and every other part, section, and subsection hereof, including Exhibit A, and that the Board of Aldermen intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections, and subsections shall be and remain in full force and effect.

SECTION 4: The provisions of the City's Code which are reenacted, amended or revised by this Ordinance, so far as they are the same as those of a prior ordinance of the City, shall be construed as a continuation of such ordinance and not as a new enactment.

SECTION 5: This Ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and its approval by the Mayor.

PASSED AND SIGNED this 9th day of April, 2024.

Mayor

ATTEST:

City Clerk

APPROVED this 9th day of April, 2024.

Mayor

EXHIBIT A

[*new language appearing in red, language to be repealed struck through*]

Chapter 23. Solid Waste

Sec. 23-1. Definitions.

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

APPROVED INCINERATOR

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

BULKY WASTE

Household waste materials which will not fit in containers as defined in this Chapter, such as furniture and appliances, but which are capable of being carried to the curbside by two persons.

COLLECTION

Removal and transportation of any waste from its place of storage to its place of processing or disposal.

COMMERCIAL STORAGE CONTAINER

A portable container designed, constructed, and used for the temporary storage of building materials, goods, merchandise and supplies used by a permitted commercial or manufacturing operation. Typically, a commercial storage container is rented for a short time period and is removed by truck upon the expiration of the rental period. A commercial storage container is not a dumpster or receptacle used for the disposal of solid waste. It is also not a portable storage container. See "portable storage container."

COMMERCIAL WASTE

Solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment, and multiple housing facilities with more than one dwelling unit.

CONTAINERS

Any receptacle for storage, transportation and/or disposal of any waste materials as set forth herein, including household service carts and dumpsters. Containers shall be of such material, design, strength, size, capacity and weight as established by the Director of Public Works.

CONTRACTOR

The privately operated firm contracted with by the City to provide the collection of waste materials as set forth in this chapter.

CURBSIDE RECYCLING

Collection and disposal of recyclable materials.

DEMOLITION AND CONSTRUCTION WASTE

Waste materials from the construction or destruction of residential, industrial or commercial structures.

DEMOLITION AND CONSTRUCTION WASTE CONTAINERS

Containers exceeding a capacity of 100 gallons used primarily for storage, transportation and/or disposal of demolition and construction waste.

DIRECTOR

The director of the solid waste program of the City shall mean the Director of Public Works or ~~his~~ their designee.

DISABLED PICKUP

Residential disposal service for persons with disabilities that limit their ability to transport waste to collection points.

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.

GARBAGE

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

HAZARDOUS WASTES

Materials classified as hazardous by state or federal law, including, ~~Includes~~ but ~~is~~ not limited to, certain chemicals, oils, batteries, pathological wastes, explosive wastes, pesticides, pesticide containers and toxic or radioactive materials.

HOUSEHOLD SERVICE CARTS

Receptacles for solid waste, recyclables, or yard waste intended primarily for household use, equipped with handles and wheels of a capacity not exceeding 100 gallons, capable of being wheeled by one person and dumped into trash collection trucks by one person with the use of special equipment installed upon said trucks. An "approved household service cart" shall meet the above description and, in addition thereto, be approved by the Public Works Director and the contractor and be compatible with the equipment installed upon the authorized collector's trash collection trucks.

LARGE HOUSEHOLD ITEMS

Those items other than normal household trash including, but not limited to: appliances, furniture, and any other items which cannot be safely and conveniently loaded into a solid waste transportation vehicle. Specifically excluded are concrete and bricks, whole trees, and construction materials.

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 the owner or as a tenant.

PERSON

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

PORTABLE STORAGE CONTAINER

A portable container designed, constructed, and used for temporary storage of property or building materials in residential districts. Typically, a portable on-demand storage container is rented for a short time period and is removed by truck upon the expiration of the rental period. A portable on-demand storage container is not a dumpster or receptacle used for the disposal of solid waste.

PROCESSING

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

RECYCLABLES

Those materials that are accepted as a renewable resource by the contractor and are able to be collected for such purpose. A complete listing of acceptable recyclables is available from the contractor upon request ~~is kept by the Director of Public Works~~.

~~**RECYCLING CONTAINERS**~~

~~A durable container provided by the contractor suitable for curbside recycling pickup, or at the option of a resident, a container approved by the Director of Public Works.~~

RESIDENTIAL WASTE

Solid waste resulting from domestic activities and the maintenance and operation of dwelling units, excluding multiple housing facilities with more than one dwelling unit.

SOLID WASTE

~~All semi-solid and solid waste derived from and during the procurement, storage, processing, cooking, and consumption of food materials of animal, vegetable or synthetic origin, which are intended for and are used by residents, for the refreshment or sustenance of human beings or animals. Solid waste shall not include dead animals, animal parts, household hazardous waste such as wet paint, pesticides, strong clean air agents, tires, auto batteries, and combustibles of all kinds. Solid waste shall not include ashes stored in ash pits, parts of trees, bushes, and soil, mortar, plaster, concrete, bricks, stone, gravel, sand and all waste or leftover materials resulting from grading, excavation, construction, alteration, repair or wrecking of buildings, structures, walls, roofs, roads, streets, walks or other facilities and such items of rubbish whose weight, size, dimension, and shape require more than one man for removal.~~ All garbage, refuse, and other discarded materials resulting from residential, commercial, industrial, and agricultural operations, and from community activities. This includes all semi-solid and solid waste derived from and during the procurement, storage, processing, cooking, and consumption of food materials of animal, vegetable, or synthetic origin, which are intended for and are used by residents, businesses, and industries for the refreshment or sustenance of human beings or animals. Solid waste does not include dead animals, hazardous waste as defined by state and federal regulations (such as wet paint, pesticides, strong cleaning agents, and certain batteries), ash stored in ash pits, or materials resulting from construction, demolition, and land-clearing activities such as soil, rock, concrete, bricks, and lumber. It also excludes items such as tree trunks, branches beyond a certain size, and other large materials that cannot be reasonably collected and processed in the standard waste management system.

SOLID WASTE DISPOSAL

The process of discarding or getting rid of unwanted waste materials. In particular the final deposition of solid waste by man.

STORAGE

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

TEMPORARY PORTABLE RESTROOMS

Temporary portable restrooms are those restroom facilities that are impermanent.

TIRES AND LEAD-ACID BATTERIES

Automobile and vehicle tires and batteries.

WHITE GOODS

Household metal goods such as large household appliances and water heaters, stoves and dishwashers. If placed outside, white goods that have a vacuum seal, such as a refrigerator, must have the doors removed.

YARD WASTE

Organic waste material from gardening or landscaping activities, such as grass clippings, leaves, vines, hedges and shrub trimmings, tree trimmings, and tree limbs. Yard waste does not include dirt or rocks.

Sec. 23-2. Violations.

~~Any person violating any of the provisions of this chapter, or any lawful rules or regulations promulgated pursuant hereto, shall be guilty of an offense.~~ Any violation of any part of this Division shall be deemed an ordinance violation and shall be subject to all penalties as provided in Section 1-6 of this Code.

Sec. 23-3. Storage.

(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 limits, shall provide sufficient and adequate containers for the storage of all solid waste, except bulky waste 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~~. These containers shall be maintained at all times in good repair. Bulky waste shall be safely stored within an enclosed area, but not in any outdoor area for a period longer than ten (10) days.

(b) The occupant/owner 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 the area surrounding the containers in a clean, neat and sanitary condition at all times.

(c) All 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. Except while permitted to be located at the curb, all containers and bundled yard waste shall be located only behind the front of a building on the parcel.

~~(d) Commercial solid waste shall be stored in solid waste dumpsters as approved by the Director of Public Works.~~

(~~e~~d) Yard waste~~s, with the exception of "limbs" as referenced in subsection (g) below~~, shall be stored in containers so constructed and maintained as to prevent the dispersal of waste~~s~~ ~~placed therein~~ upon the premises served, upon adjacent premises or upon adjacent public rights-of-way. The only exceptions to the container requirements are tree limbs and brush less than six (6) inches in diameter and less than four (4) feet in length securely tied with twine in bundles not larger than eighteen (18) inches in diameter and not exceeding sixty (60) pounds.

~~(f) Tree limbs less than four inches in diameter and brush shall be securely tied in bundles not larger than 60 inches long and 18 inches in diameter when not placed in containers.~~

Sec. 23-4. Collection.

The City will provide for the collection of solid waste, in accordance with the regulations, terms and conditions as established by the City, approved by the Board of Aldermen and implemented by the Director of Public Works. The following regulations, terms and conditions apply to collection of solid waste in the City:

(a) Residential solid waste, bulky waste and recyclables collection. ~~The City will provide for the collection of all residential solid waste, bulky waste and recyclables in the City, and provide the collection service by contracting with a privately operated firm. There shall be one solid waste collector for all waste areas. Solid waste service is mandatory for all residential properties. Payment of any fees associated with this service as provided under the City's solid waste collection contract shall be the sole responsibility of the property owner. Residential solid waste, bulky waste and recyclables shall be collected at least once a week, on the same day at the front curb line. Collection of the City's residential solid waste, bulky waste and recyclables shall be accomplished in four days each week, excluding Sunday. There shall be no limit to the amount of residential solid waste or recyclables set out for collection on a weekly basis. Bulky waste shall be collected on an "on call" basis and will be subject to an additional charge. Materials collected for recycling at the curb shall include those materials as established by the Director of Public Works for inclusion in the collection service contract. All spillage of waste at any stage of the collection and transportation operation shall be immediately and completely removed by the contractor.~~

(1) Solid waste service is mandatory for all residential properties. Payment of any fees associated with this service as provided under the City's solid waste collection contract shall be the responsibility of the property owner.

(2) Residential solid waste, bulky waste and recyclables shall be collected at least once a week, on the same day. Collection shall be accomplished in four (4) days each week, excluding Sunday.

(3) All spillage of waste at any stage of the collection and transportation operation shall be immediately and completely removed by the contractor, including the cleaning of paved surfaces, if needed.

(b) Yard waste. Collection of ~~unlimited~~ yard waste will be made at the front curb line on the day as agreed to between the City and contractor~~, which may or may not be the same day as residential solid waste, bulky waste and recyclables~~. The frequency of yard waste collection shall be established by the Director of Public Works for inclusion in the collection service contract. All yard waste shall be secured as noted in Section 23-3(e)~~, with the exception of bundled brush and tree limbs, is to be collected in approved containers. Brush and tree limbs are to be tied into bundles no longer than four feet in length and having a diameter no greater than 18 inches. Limbs and bundles must be of a weight to be carried easily and safely by one man~~.

(c) Special pickup. This collection and disposal of~~, on request, includes large household items,~~ bulky waste, large household items and white goods as previously defined, shall be collected on an "on-call" basis and may be subject to an additional charge.~~ and white goods as indicated in the definitions. Automobile tires and lead acid batteries are not to be picked up as a part of the solid waste services provided under the contracted services.~~

(d) Disabled pickup. Special residential collection ~~disposal~~ service will be provided for persons with disabilities that limit their ability to bring waste to collection points, ~~in a manner~~ as directed by the Public Works Director and agreed to in the collection service contract.

~~(e) Senior citizen/disabled residents program. Residents 60 years of age or older, or disabled, with a taxable income not exceeding 80% of area median income as it appears on the most recent IRS Form 1040 or 1040A or 1040EZ are eligible for a discount for residential waste collection service. Persons participating in the program shall receive residential waste, yard waste and recycling collection pickup at a reduced rate as described in the current residential solid waste hauling contract. They shall also be entitled to receive yard waste and recycling collections.~~

(~~f~~e) Limitations. All solid waste collected shall, upon being loaded into collection equipment, become the property of the collecting agency.

(~~g~~f) Location of containers, bundles. ~~Tree limbs and~~ Yard waste, containers and bundles, as described in Subsection 23-3(e) ~~and (f) respectively,~~ shall be placed at the curb for collection. Containers as required by this chapter for the storage of other solid waste and recyclables shall be placed at the curb for collection. Any containers, ~~tree limbs,~~ yard waste or other solid waste permitted by this chapter to be placed at the curb for collection shall not be left at the curb any time other than from 4:30 p.m. the evening before the scheduled pickup to ~~8~~10:00 p.m. the evening of the scheduled pickup.

(~~h~~g) Entry upon private property. Collection vehicles shall not enter upon private property, except private streets, nor shall driveway aprons or sidewalks be used to facilitate a turn around. Facilities damaged by the collector shall be replaced promptly with like facilities by the contractor at ~~his~~ their sole expense. 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 the written request of the owner and approval by the Director.

(~~i~~h) Schedule for pickups. The contractor shall establish regular routes and a schedule of collection days for each collection point. All collections shall occur between the hours of 7:00 a.m. and 6:00 p.m., with no collections made on Sundays. The collectors and truck operators shall exercise care to keep noise at a minimum, particularly during early morning hours. ~~No collection shall occur on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. Collection shall occur on the first Wednesday following the holiday should the holiday fall on a Monday or Tuesday or on the first Saturday following the holiday should the holiday fall on a Thursday or Friday. No collections shall be made on Sundays. All collections shall occur between the hours of 7:00 a.m. and 6:00 p.m. Variations from the published collection schedule shall receive prior approval by the Director of Public Works. Upon receiving prior City approval, the~~

~~contractor shall be responsible for direct mailing to each residential unit notifying them of any changes in collection days due to a holiday at least one week prior to the affected collection day. The collectors and truck operators shall exercise care to keep noise at a minimum, particularly during early morning hours. No waste shall be transported in the loading hoppers of trucks. The contractor shall establish regular routes and a schedule of collection days for each collection point. Said schedules and routing and any changes thereto shall be approved by the Director of Public Works. It will be the contractor's responsibility to provide notification to all affected residences of any approved changes to currently scheduled pickup days.~~

(1) Said schedules and routine and any changes thereto by the contractor shall be approved by the Director of Public Works, in accordance with the contract. It will be the contractor's responsibility to provide notification to all affected residences and the City of any changes to currently scheduled pickup days.

(2) No collections will occur on the following federal holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. Collections missed by the contractor shall occur in accordance with the City's contract.

(~~j~~i) Commercial container access. ~~Residential solid waste containers shall be stored upon the residential premises.~~ 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 and fully accessible to collection equipment, public health personnel and fire inspection personnel.

(~~k~~j) Non-approved containers. Containers that are not approved will not be collected by the contractor. ~~together with their contents and disposed of~~. If a non-approved container is to be disposed of, it must be properly marked and communicated to the contractor and their drivers, per their policies.

(~~l~~k) Collection vehicles. All collection vehicles shall be maintained in a safe, clean and sanitary condition and shall be constructed, maintained and operated as to prevent spillage of solid waste therefrom. All compactor type 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 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. All collection vehicles shall carry evidence of a current State of Missouri safety inspection. The gross axle weight of the solid waste disposal vehicles shall not exceed 15 tons. The gross vehicle weight of the vehicles shall not exceed 30 tons for single axle trucks and 45 tons for tandem axle trucks. No loaded or unloaded trucks will be allowed to be parked in the City overnight.

(~~m~~l) Material from excavations. Permits shall not be required for the collection, ~~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. The Director of Public Works shall retain the right to establish the procedure for transporting and disposing of material removed from excavations within the City.

(~~n~~m) Demolition and construction wastes. ~~Demolition and construction wastes shall be transported and disposed of upon approval of the Director.~~ The Director of Public Works shall retain the right to establish the procedure for the transporting and disposing of demolition and construction waste~~s~~ within the City.

Sec. 23-5. Disposal.

(a) Solid wastes shall be disposed of at a processing facility or disposal area approved by and complying with all requirements of the Missouri Department of Natural Resources, ~~the Illinois Environmental Protection Agency,~~ or other regulating agency with jurisdiction over disposal of solid waste.

(b) The Director of Public Works 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) Hazardous material, as defined in Section 23-1, shall not be included in regular solid waste collection and must be disposed of in accordance with state and federal regulations at designated hazardous waste facilities.

Sec. 23-6. Insurance and bond requirements.

(a) Performance bond. The contractor shall post and maintain during the term of any contract, at his own expense, a surety bond equal in amount to 1/4 of the current year contract price. The performance bond shall remain in effect for the term of the contract and shall be delivered upon contract execution. A new performance bond shall be delivered to the City at least 30 days prior to the expiration date of an existing bond. The form of bond and the bonding company shall be subject to approval of the City Attorney. Said bond shall indemnify the City against the contractor's failure or inability to comply with the terms of the contract and the manner and method of said performance.

(b) Worker's compensation insurance. The contractor shall obtain and maintain in force during the term of the contract, at his own expense, worker's compensation insurance in amounts as prescribed by the Statutes of Missouri.

(c) Liability insurance. The contractor shall obtain and maintain in force during the term of the contract, at his own expense, for all vehicles, equipment and personnel used in the work covered by the contract, whether used and employed by the contractor, general liability and property damage insurance in sums not less than $5,000,000 per accident or occurrence. Said insurance shall specifically name the City of Crestwood as an additional insured party under said policies, and said insurance shall be carried by a firm or corporation which has been duly licensed or permitted to write insurance in the State of Missouri. A verified copy of such insurance policy or policies, which shall be approved by the City Attorney, shall be filed in the office of the City Clerk with the certificate of the insurer that the policy is in

full force and effect and that said policy will not be altered, amended or terminated without 30 days' prior written notice having been given to the City of Crestwood - Director of Public Works.

Sec. 23-7. Rules and regulations~~; billing~~.

The Director of Public Works may make, amend, revoke and enforce reasonable and necessary rules and regulations with the approval of the City Administrator, governing the storage, collection and disposal of solid waste hereunder, including, but not limited to:

(a) Preparation, drainage and wrapping of garbage deposited in containers;
(b) Specifications for containers, including the type, composition, equipment, size and shape thereof;
(c) Identification of containers and of the covers thereof, and of equipment thereto appertaining, if any;
(d) Weight limitations on the combined weight of containers and the contents thereof, and weight and size limitations on bundles waste of too large for containers;
(e) Storage of waste in containers;
(f) Sanitation, maintenance and replacement of containers;
(g) Schedules of and routes for collection of waste;
(h) Collection points of waste containers;
(i) Collection and disposal of 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 and recyclables such as toxic wastes, sludges, ashes, agriculture, construction, bulky items, tires, automobiles, oils greases, etc.

~~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.~~

Sec. 23-8. Business, commercial and industrial establishment containers.

(a) For the purposes of this section the following definitions are hereby adopted:

BUSINESS, COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS

In addition to the usual and ordinary meaning, shall include the owners and managers of office buildings, medical centers and other buildings where the refuse and waste of all or some occupants of the buildings is collected for deposit in a refuse and waste receptacle.

DUMPSTERS

Heavy gauge metal containers for the deposit of refuse and waste, so designed that they may be lifted by power-operated forks for emptying into a vehicle hauling refuse and waste from the premises.

REFUSE AND WASTE

All matter which is discarded and placed in waste receptacles by business, commercial and industrial establishments as herein defined, for removal from the premises.

(b) All business, commercial and industrial establishments, as herein defined, shall use dumpsters for the deposit of refuse and waste, and they shall be of sufficient size and number to receive all the refuse and waste from the premises they serve.

(c) No other type of receptacle shall be used by business, commercial and industrial establishments for the deposit of refuse and waste without the approval of the Director of Public Works.

~~(d) The Director of Public Works shall give notice to all business, commercial and industrial establishments in the City not now using dumpsters to obtain and use them within 30 days after such notice.~~

(~~e~~d) The Director of Public Works shall adopt regulations governing maintenance and inspection of dumpsters to the end that the scattering and spilling of refuse and waste shall be eliminated as herein provided.

(~~f~~e) All persons owning, using or servicing dumpsters in the City shall comply with all regulations of the Director of Public Works adopted pursuant hereto.

(~~g~~f) All spillage from dumpsters shall be immediately gathered and put into the hauling trucks or back into the dumpsters.

(~~h~~g) All dumpsters shall be kept in good condition and repair, with all door and lids closed except when opened for depositing refuse and waste or when being emptied.

Sec. 23-9. Prohibited acts.

It shall be unlawful for any person to:

(a) Deposit solid waste as defined herein in any 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 provided in this chapter for collection and disposal;

(b) Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the City or those of a contractor operating under contract with the City;

(c) Burn solid waste unless an approved incinerator is provided or unless a permit has been obtained from the appropriate air pollution control agency;

(d) Dispose of solid waste at any facility or location which is not approved by the Missouri Department of Natural Resources ~~MDNR, IEPA~~ or other agency having jurisdiction over disposal of solid waste;

(e) Engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the City without a contract from the City;

(f) Dispose of any solid waste hereunder, in any manner other than by depositing it in approved containers for pickup by the collector or by placing approved materials in a compost pile on the property owned and occupied by the person disposing of same;

(g) Dispose of solid waste generated off-site or at another property.

Sec. 23-10. Service charges.

(a) The contractor is responsible for the billing and collection of fees for services rendered to each household to which it provides services in the City. All billing will be at the beginning of the quarter for services to be provided for that quarter. Billing shall be on a quarterly basis. The contractor shall provide a list of all units being billed, as requested by the City. The quarterly bill sent to residents shall only show a total cost for waste disposal and shall not be itemized for each particular service (i.e., trash, curbside recycling, yard waste, etc.).

(b) The service charge and fee for collection of solid waste shall be obtained under the guidelines established in the City's purchasing policy and approved by the Board of Aldermen, and assessed accordingly.

(c) The system of services established by the provisions of this chapter is designed as an integral part of the City's program of health and sanitation~~, to be operated as an adjunct to the City's system for providing potable water and the City's system of providing sewage disposal~~. The City may, at its option, enforce collection of such charges by bringing proper legal action against the owner of any premises which have received such services, to recover any sums due for such services including but not limited to costs, fees, interest, court costs, attorney's fees and expenses.

(d) Senior Citizens Program. Those households with at least one (1) resident 65 years or older as of the beginning of the billing quarter of the current year shall receive a quarterly discount of the standard fee. Eligibility will be determined by the contractor.

(e) Senior citizen/disabled residents program. Residents 60 years of age or older, or disabled, with a taxable income not exceeding 80% of area median income as it appears on the most recent IRS Form 1040 or 1040A or 1040EZ are eligible for a discount for residential waste collection service. Persons participating in the program shall receive residential waste, yard waste and recycling collection ~~pickup~~ at a reduced rate as described in the current residential solid waste hauling contract. ~~They shall also be entitled to receive yard waste and recycling collections.~~

Sec. 23-11. Complaints and reports.

All residents or citizen complaints shall be directed to and received by the contractor and each shall be resolved as soon as practicable under the circumstances. Upon request, but, not less frequently than quarterly, the contractor shall ~~periodically (but not less than monthly)~~ supply the Director of Public Works copies of all complaints received from residents/citizens who reside within the City ~~on a form approved by the City~~ and indicate the disposition by the contractor for each complaint. The form shall indicate the day and the hour on which the complaint was received and the day and the hour on which it was resolved.
~~The collection supervisor shall contact the Director of Public Works, or a designated representative, each day, or more frequently as directed, of collection to obtain reports received directly by the City of misses or improper collections and to report resident violations of the collection regulations.~~

The contractor shall submit, as requested, ~~monthly~~ reports to the City which state the number of households served, ~~the number of households participating in the City's curbside recycling program (based on accurate counts by the contractor),~~ the total volume of refuse and yard waste collected, and certified monthly records of total net tons of mixed recyclables collected within the City ~~by the fifth working day of the following month~~.

Sec. 23-12. Penalties.

In the event that the contractor shall fail or refuse to perform his duties and obligations under the contract, or shall become insolvent or shall become the subject of a proceeding in bankruptcy (including any proceeding under Chapter 11 of the Bankruptcy Act), or shall become the subject of any proceeding for the appointment of a receiver, or in the event of an assignment of assets by the contractor for the benefit of its creditors, or the taking of the contractor's trucks, equipment vehicles or other facilities used in connection with the performance of the work hereunder or any execution against the contractor, in such events, the City may, at its option, declare the contractor to be in breach of its contract. The remedies available to the City hereunder shall include, but not be limited to, collection on the performance bond posted by the contractor, as well as any other rights or remedies at law or as set forth in the contract.

Sec. 23-13. Composting.

(a) The term "composting" means a controlled biological reduction of organic wastes to humus.

(b) Any person maintaining a compost pile shale comply with the following regulations:

(1) All compost piles shall be maintained using approved composting procedures to comply with the following requirements:

a. All compost piles shall be enclosed in a free-standing compost bin. Each compost bin shall be no larger in volume than 125 cubic feet for properties 10,000 square feet and less in size, with an additional 125 cubic feet permitted for each additional 10,000 square feet of area. Compost bins shall be no taller than four feet. Compost bins shall consist of new materials and shall be constructed and maintained in a good and workmanlike manner.

b. All compost piles shall be maintained so as to prevent the attraction or harborage of rodents and pests. The presence of rodents in or near a compost pile shall be cause for the City to issue a complaint for violation of this provision.

c. All compost piles shall be maintained so as to prevent unpleasant, rotten-egg like, putrefactive, sweet, sour or pungent odors.

d. Unless written permission has been granted by the then current adjoining property owner, no compost pile shall be located less than three feet from the rear or side property line, or within 20 feet of any home, patio, pool or

similar structure on the adjacent property. All compost piles shall be at least three feet behind the front building setback line.

e. No compost pile shall be located where it will impede the natural free flow of storm water drainage.

(2) (Reserved)

(c) Ingredients:

(1) No compost pile shall contain any of the following:

a. Lake weeds.

b. Fish, fowl, meat, dairy or other animal products.

c. Animal carcasses.

d. Diseased plants.

e. Inorganic material or items not normally composted.

(2) Permitted ingredients may include:

a. Yard waste.

b. Commercial compost additives.

c. Wood chips.

d. Fruit and vegetable scraps, coffee grounds, eggshells, and similar non-meat organic materials.

(d) Compost piles are for private use only. There shall be no commercial provision of material to be composted or commercial use of the product of such composting.

~~(e) Subsection (b)(1)b, c and e, and Subsections (c) and (d) hereof, shall apply to existing compost piles. All existing compost piles shall be brought into compliance with the provisions of subsection (b)(1)a and d not later than December 31, 2001.~~

Sec. 23-14. Construction-related equipment.

(a) Demolition and construction waste containers are permitted only upon the issuance of a permit from the Director of Public Work s~~Services~~. Should a demolition and construction waste container be required for a period exceeding seven days, the application for such permit shall be accompanied by a filing fee in an amount established by the Board of Aldermen. Permits will be granted for a period not to exceed 30 days, or the amount of time that would reasonably be expected to complete the work requiring the demolition and construction waste container, as determined by the Director of Public Works ~~Services~~. The Director of Public Works ~~Services~~ reserves the right to specify the location of a demolition and construction waste container as part of the permit.

(b) Demolition and construction waste containers must be located on an asphalt or concrete surface and may not be located in a public street or right-of-way. This requirement may be waived by the Director of Public Works ~~Services~~.

(c) Off-site waste may not be transported to any demolition and construction waste container located within the City.

(d) The demolition and construction waste containers shall be leakproof, odor-free, and maintained in a manner satisfactory to the Director of Public Works ~~Services~~.

(e) Demolition and construction waste containers shall be emptied as necessary, or within 72 hours of notification from the City, and the waste shall be deposited at an appropriate facility.

(f) No person shall store in or place demolition or construction waste in a container which is full. A demolition and construction waste container is full if no more waste can be added to it without making it unsafe or illegal to transport, if additional waste could be dispersed from the container by wind or gravity, or if deemed full by the Director of Public Works ~~Services~~.

(g) A demolition and construction waste container shall not be stored in a floodplain.

(h) ~~Any person or entity violating any provision of this section is guilty of a public offense, and upon conviction thereof shall be fined in a sum not less than $50 nor more than $500.~~ Any violation of any part of this Division shall be deemed an ordinance violation and shall be subject to all penalties as provided in Section 1-6 of this Code. Every day that this section is violated shall constitute a separate offense. The violation of any provision of this section is hereby deemed to be grounds for revocation of the permit issued hereunder.

(i) Portable storage containers and commercial storage containers are permitted only upon the issuance of a permit from the Director of Public Works ~~Services~~ for a period not to exceed seven days. Should a portable storage container or commercial storage container be required for a period exceeding seven days, the application for such permit shall be accompanied by a filing fee in an amount established by the Board of Aldermen. Permits will be granted for a period not to exceed 30 days, or the amount of time that would reasonably be expected to complete the work requiring the storage container, as determined by the Director of Public Works ~~Services~~. The Director of Public Works ~~Services~~ reserves the right to specify the location of a portable and commercial storage container as part of the permit. Commercial storage containers shall not be located upon a residential property.

(j) Portable storage containers and commercial storage containers must be located on an asphalt or concrete surface and may not be located in a public street or right-of-way. Portable storage containers and commercial storage containers for new construction shall be located on an asphalt or concrete surface or compacted crushed rock and may not be located in a public street right-of-way.

(k) Temporary portable restrooms are permitted only upon the issuance of a permit from the Director of Public Works ~~Services~~ for a period not to exceed seven days. Should a temporary portable restroom be required for a period exceeding seven days, the application for such permit shall be accompanied by a filing fee in an amount established by the Board of Aldermen. Permits will be granted for a period not to exceed 30 days, or the amount of time that would reasonably be expected to complete the work requiring the temporary portable restroom, as determined by the Director of Public Works~~Services~~. The Director of Public Works ~~Services~~ reserves the right to specify the location of a temporary portable restroom as part of the permit. Those in residential zones shall be located on an asphalt or concrete surface and may not be located in a public street or right-of-way; those for new construction shall be located on an asphalt or concrete surface or compacted crushed rock and may not be located in a public street right-of-way. For those in nonresidential zones, the Director of Public Works ~~Services~~ reserves the right to specify the location of the

temporary portable restrooms as part of the permit. ~~Any temporary portable restrooms allowed in a residential zoning district shall expire within six months after the date placed. The time allowed may be extended prior to its expiration upon written application to the Director of Public Services, who may extend the time allowed for no more than six months, upon good cause shown. No time extension shall be extended more than two times.~~