

**CITY OF NORMANDY, MISSOURI
AN ORDINANCE**

**1st READING 08/08/2023
2nd READING 09/19/2023**

**BILL NO. 23-19
ORDINANCE NO. 788**

AN ORDINANCE OF THE CITY OF NORMANDY, MISSOURI, AMENDING CHAPTER 235 ARTICLE I OF THE NORMANDY CITY CODE REGARDING SOLID WASTE COLLECTION

WHEREAS, Section 77.260 RSMo empowers the Mayor and City Council to enact and ordain any and all ordinances which they deem expedient for the health of the inhabitants of the City; and

WHEREAS, the City Council has previously enacted changes to Chapter 235, Solid Waste, of the Code of Ordinances of the City of Normandy; and

WHEREAS, the City Council finds it to be in the best interest of the City to amend Chapter 235 to better facilitate the codification, implementation, administration, and enforcement of Chapter 235.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMANDY, MISSOURI, AS FOLLOWS:

Section 1 Chapter 235 Article I Amended –

The City Code of the City of Normandy is hereby amended by the enactment of the following amendments to Chapter 235 Article I of the Code of Ordinances of the City of Normandy, which will read as follows:

Section 235.010 Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

APPROVED INCINERATOR

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

BULKY RUBBISH

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

COLLECTION

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

CONSTRUCTION AND DEMOLITION WASTE

Waste materials from the construction and demolition of residential, industrial, or commercial structures, shall not include materials defined as clean fill under Section 260.200, RSMo.

DIRECTOR

The City Administrator or his/her authorized representative.

DISPOSABLE SOLID WASTE CONTAINER

Plastic bags, paper bags, cardboard, or wooden containers, specifically designed for the disposal of solid wastes.

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.

HAZARDOUS WASTES

Any waste or combination of wastes, as determined by regulation promulgated by the Missouri Hazardous Waste Management Commission, 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.

MULTIPLE HOUSING FACILITY

Any building in which two (2) or more persons or families reside in separate buildings or household units under one (1) common roof.

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.

PROCESSING

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

SERVICE PROVIDER

Any person who has been licensed by the City to engage in the collection, removal and final disposition of solid waste and other refuse within the City.

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 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 SYSTEM

The entire process of managing solid waste in a manner which minimizes the generation and subsequent disposal of solid waste, including waste reduction, source separation, collection, storage, transportation, recycling, resource recovery, volume minimization, processing, market development, and disposal of solid wastes.

STORAGE

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

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 235.020 Prohibited Acts.

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. Fail to have solid waste collected as required by this Code;
3. Interfere in any manner with solid waste collection and transportation equipment or with solid waste collectors in the lawful performance of their duties as such,

whether such equipment or collectors are those of the City or those of a Service Provider;

4. Burn solid waste except in an incinerator approved by all local, state, and/or federal authorities with jurisdiction over such incinerator or unless a variance has been obtained from the appropriate air pollution control agencies;
5. Dispose of solid waste at any facility or location within the City which is not approved by the City and the appropriate county, state, and/or federal authorities;
6. Engage in the business of collecting, transporting, processing, or disposing of solid waste within the corporate limits of the City without a permit from the City or operate under an expired permit or operate after a permit has been suspended or revoked;
7. Waste or storage containers shall not be placed in front of the premises prior to 4:00 P. M. on the day preceding collection and shall be removed by 10:00 A.M. on the day following collection.
8. The number of storage containers placed for any one (1) collection shall not exceed the number of containers which will be collected by the Service Provider pursuant to the terms of the Service Provider's contract with the City.
9. It shall be unlawful for any person or persons, other than a duly authorized Service Provider, to tamper with, overturn, remove, or destroy any waste container mentioned herein.
10. Failure to have and maintain containers as required herein shall be prima facie evidence of a violation of this Section.
11. Violate any Section of this Ordinance or any other rule or regulation promulgated under the authority of same.

Section 235.030 Storage Containers

- A. The occupant and owner of every dwelling unit and of every institutional, commercial or business, industrial, or agricultural establishment producing solid waste within 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 or establishment, and shall maintain such solid waste containers at all times in good repair.
- B. The occupant and 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 such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times.

- C. Commercial solid waste shall be stored in solid waste containers as approved by the Director. The containers shall be waterproof, leakproof and shall be covered at all times except when depositing waste therein or removing the contents thereof.
- D. 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 and fully accessible to collection equipment, public health personnel and fire inspection personnel.

Section 235.040 Trash Containers — Screening.

- A. All commercial buildings and buildings containing four (4) or more residential units within the City of Normandy having one (1) or more trash containers shall adequately screen the trash containers with appropriate materials, so as to conceal the visibility of the trash containers from the right-of-way and from neighboring residential properties. For the purposes of this Section a "trash container" is any container that is over one hundred (100) gallons in size and which is not for public use.
- B. All such trash container enclosures shall conform to all yard and setback requirements for principal and accessory structures. This Section shall not apply to any trash containers which are not reasonably visible, as determined by the Code Enforcement Officer, from residential properties or a public right-of-way.
- C. Screening for trash containers shall be of a suitable material, such as a vinyl polymer, that matches or is compatible with the building. If the screening is constructed from wood, it must be painted or stained so as to protect from rotting and in a manner matches the building to which it relates. Chain link fences shall not be permitted as a means for screening trash containers.

Section 235.050 Schedule and Services for Solid Waste Collection.

The scope and schedule of solid waste collection services shall be determined by the terms of the City's contract with the Service Provider.

Section 235.060 Tree Limbs.

Tree limb pick-up service shall be provided by the Service Provider in accordance with the terms of the City's contract with the Service Provider.

Section 235.070 Collection — Exclusive License Agreement – Obligation to Pay

- A. The City will grant an exclusive license agreement to a solid waste provider (the "Service Provider") with the intent to achieve economies of scale, uniformity, and health and safety objectives for the City's residents. No person or entity shall engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the City except the Service Provider selected by the City. The City Council may, for the benefit of the public's health and/ or safety, switch or alternate suitable persons or entities

for the exclusive right to collect and dispose of solid waste in the City or any part thereof. Any exclusive agreement shall be set forth in writing and approved by the City through a separate action of the Council.

- B. The resident, property owner, or the person(s) generating waste, recyclables, or bulk items shall be obligated to accept and pay for the services provided in accordance with the exclusive license agreement and may not accept these services of any other provider.
- C. The Service Provider shall directly bill any resident, property owner, or person(s) utilizing its services. Payment and collection of payments shall be handled by the Service Provider. The City will not assist, participate, or interfere with any payment or billing practices of the provider unless any such practice violates any term of the exclusive service agreement.
- D. In any building in the City of Normandy in which two (2) or more persons or families reside in separate buildings or household units under one (1) common roof, the owner thereof shall subscribe and pay for the collection of garbage and rubbish for each unit contained in the building.
- E. Except to the extent that the City's contract with the Service Provider addresses the collection of hazardous wastes, the provisions of this Section shall not apply to the collection, transportation, and disposal of demolition and construction wastes or hazardous wastes.

Section 235.080 Solid Waste Collectors.

Solid waste collectors, employed by a solid waste collection agency operating as the Service Provider 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 Article. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste.

Section 235.090 Collection Vehicles.

All vehicles used for collection of solid waste 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 separate covers of suitable material with fasteners designed to secure all sides of the cover to the vehicle, which shall be secured whenever the vehicle is transporting solid waste, or the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers.

Section 235.100 Effect of Article Upon Removal, Hauling, Etc., of Materials From Grading or Excavation Activities.

Permits shall not be required under this Article 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 shall be so constructed and maintained that none of the material being transported shall spill upon the public rights-of-way.

Section 235.110 Transportation and Disposal of Demolition and Construction Wastes.

Building permits issued under Chapter 405, Article I of this Code shall set forth the terms of transportation and disposal of demolition and construction wastes, but such terms shall not be carried out in violation of the terms of this Article.

Section 235.120 Disposal Processing Facility.

Solid wastes shall be disposed of at a processing facility or disposal area approved by the City and complying with all requirements of the appropriate county, state, and/or federal authorities.

Section 235.130 Hazardous Wastes.

The transportation and disposal of hazardous wastes shall require a permit issued by the City pursuant to the terms of this Article. Such transportation and disposal shall be carried out in a manner which complies with all applicable local, state, and federal regulations.

Section 235.140 Permit Required.

- A. No person, company, or corporation shall engage in the business of collecting, transporting, processing or disposing of solid waste within the City limits without first obtaining an annual permit therefor from the City; provided, that this provision shall not be deemed to apply to employees of the holder of any such permit.
- B. Any persons, company, or corporation engaged in the business of collecting, transporting, processing or disposing of solid waste or trash shall collect, transport, process or dispose of said solid waste or trash between the hours of 6:00 A.M. and 6:00 P.M. Monday through Saturday only.

Section 235.150 Applicant to File and Maintain Insurance.

No permit shall be issued under this Article until and unless the applicant therefor, in addition to all other requirements set forth, shall file and maintain with the Director evidence of a satisfactory public liability insurance policy covering all operations of such applicant pertaining to such business and all vehicles to be operated in the conduct thereof, in amounts not less than the sovereign immunity limits for Missouri public entities as calculated and published annually by the Missouri Department of Insurance. This Section shall not be construed as a limit on the City's authority to require solid waste providers to obtain additional policies as part of a contract for service in the City. The Director shall have the authority to waive these requirements if he finds it to be in the best interest of the City. Should any such policy be canceled, the Director 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, which shall also place upon the company writing such policy the duty to give notice.

Section 235.160 Permit Application.

- A. Each applicant for a permit under this Article shall state in his/her application therefor:
1. The nature of the permit desired, whether 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 of solid waste processing or disposal facilities to be used.
 5. Boundaries of the collection area.
 6. Such other information as required by the Director.

Section 235.170 Permit Issuance — Terms — Fees — Authority to Require Modifications in Application.

- A. If the applicant for a permit under this Article 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 State law and this Article, the Director shall issue the permit authorized by this Article. The permit shall be issued for a period of one (1) year, and each applicant shall pay therefore a fee of fifty dollars (\$50.00).
- B. If, in the opinion of the Director, modifications can be made to the application regarding service, equipment or mode of operation, so as to bring the application within the intent of this Article, the Director shall notify the applicant in writing, setting forth the modification to be made and the time in which it shall be done.

Section 235.180 Denial — Reapplication.

If the applicant does not make the modifications pursuant to the notice provided for in Section 235.170 within the time limit specified therein, or if the application does not clearly show that the collection, transportation, processing or disposal of solid wastes will create no public health hazard or be without harmful effects on the environment, the application shall be denied and the applicant notified by the Director, in writing, stating the reason for such denial. Nothing in this Section shall prejudice the right of the applicant to reapply after the rejection of his/her application; provided that all aspects of the reapplication comply with the provisions of this Article.

Section 235.190 Renewal — Transfer.

The annual permit may be renewed simply upon payment of the fee 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 Sections 235.150 and 235.160. No permits authorized by this Article shall be transferrable from person to person.

Section 235.200 Appeals.

Any person who feels aggrieved by any notice of violation by the Director, or order issued pursuant thereto, may within ten (10) days of the act for which redress is sought, appeal directly to the City Council, in writing, setting forth in concise statement the act being appealed and the grounds for its reversal.

Section 235.210 Inspections — Notice of Violations.

In order to ensure compliance with the laws of this State, this Code and the rules and regulations authorized herein, the Code Enforcement Officer, or his/her authorized representative, is authorized to inspect all phases of solid waste management within the City. No inspection shall be made in any residential unit, unless authorized by the occupant or by due process of law. In all instances where such inspections reveal violations of this Code or the rules and regulations authorized herein for the storage, collection, transportation, processing or disposal of solid waste or the laws of the State, the Code Enforcement Officer, or his/her authorized representative, shall issue notice for each such violation stating therein the violation found, the time and date and the corrective measure to be taken together with the time in which such corrections shall be made. For the purpose of this Article, such notice shall be served by posting on the property, in a conspicuous place, or served in person, or mailed to the owner, caretaker, tenant, or agent of the property setting forth the violation and shall give the owner, caretaker, tenant or agent five (5) days from the date of the notice to abate the nuisance or violation. Only one (1) such notice within a twelve (12) month period or within twelve (12) months of any court action for a violation of a similar nature shall be required. Each day a nuisance or violation occurs or is allowed to occur, shall constitute a separate violation of this Article.

Section 235.220 Suspension or Revocation for Failure to Correct Violations — Extension of Time.

In all cases when the corrective measures have not been taken within the time specified, the Code Enforcement Officer or his/her authorized representative, shall refer the violation to the Municipal Prosecutor for prosecution in Municipal Court. However, in those cases where an extension of time will permit correction and there is no public health hazard created by the delay, one (1) extension of time, not to exceed the original time period, may be given.

Section 235.230 Violations and Penalties.

Whenever any nuisance or violation of this Code is permitted on any lot or part of lot in the City, the owner, caretaker, tenant or agent having the care of the lot or part of lot shall be liable not only to the penalties provided in Section **100.210** for violation of this Code but shall also be required to abate such nuisance or violation from the lot or part of lot so owned by him/her as provided in this Code.

Section 2 – Repealed

All acts and parts of Ordinances or Resolutions heretofore adopted by the City in conflict with the provisions of this Ordinance are hereby repealed insofar as they conflict with the provisions of this Ordinance.

Section 3 – Severability

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, phrases, and words of this ordinance are severable, and if any section, paragraph, sentence, clause, phrase, or word(s) of this ordinance shall be declared unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, phrases, and words of this ordinance since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional or invalid portion of the ordinance.

Section 4 – Codification

The Chapter, Article, Division, and/or Section assignments designated in this Ordinance may be revised and altered by the codification company servicing the City’s Code of Ordinances upon supplementation of such code if, at the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations, the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

Section 5 – Effective Date

This Ordinance shall be in full force and effect upon the passage of this Ordinance and its approval by the Mayor and attested by the City Clerk.

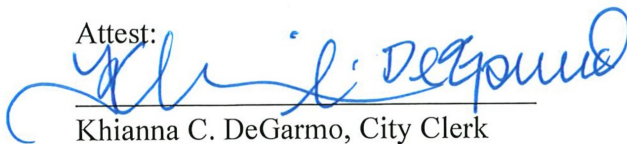
PASSED by the Council of the City of Normandy and **APPROVED** by the Mayor this **19th** day of **September**, 2023.



Honorable Mark Beckmann, Mayor

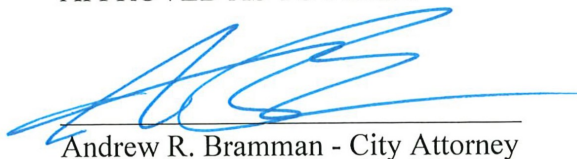
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Attest:



Khianna C. DeGarmo, City Clerk

APPROVED AS TO FORM:



Andrew R. Bramman - City Attorney