

STURGEON CITY CODE

CHAPTER 18: SOLID WASTE MANAGEMENT

Section 18.010 Definitions.

For the purposes of this code the following words and/or phrases will have the meaning indicated below.

1. **Approved Incinerator**, shall mean an incinerator which complies with all current regulations of the Missouri Air Conservation Commission.
2. **Bulky Rubbish**, shall mean non-putrescible solid wastes consisting of combustible and/or non-combustible waste materials from dwelling units commercial, industrial, institutional, or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in solid waste collection vehicles by solid waste collectors, with the equipment available therefor.
3. **City**, shall mean the City of Sturgeon, Missouri.
4. **Collection**, shall mean removal and transportation of solid waste from its place of storage to its place of processing or disposal.
5. **Demolition and Construction Waste**, shall mean waste materials from the construction or destruction of residential, industrial or commercial structures.
6. **Director**, shall mean the Director of the solid waste management program of the City shall be the Mayor of Sturgeon or his authorized representative.
7. **Disposable Solid Waste Container**, shall mean disposable plastic or paper sacks with a capacity of twenty to thirty-five gallons specifically designed for storage of solid waste.
8. **Dwelling Unit**, shall mean 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.
9. **Garbage**, shall mean putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving, or consumption of food.
10. **Hazardous Wastes**, shall mean including but not limited to pathological wastes, explosive wastes, pesticides, pesticide containers, toxic or radioactive materials.
11. **Multiple Housing Facility**, shall mean a housing facility containing more than one dwelling unit under one roof.
12. **Occupant**, shall mean 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.
13. **Person** shall mean any individual, partnership, co-partnership, firm, company, limited liability company, corporation, association, joint stock company, trust, estate, political subdivision or other governmental entity, or organization of any kind, or their legal representative, agent or assigns.
14. **Processing**, shall mean incinerating, composting, bailing, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

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15. **Refuse**, shall mean solid waste.

16. **Solid Waste** shall mean unwanted or discarded waste materials in a solid or semi-solid state, including but not limited to garbage, ashes, street refuse, rubbish, dead animals, animal and agricultural wastes, yard wastes, discarded appliances, special wastes, industrial wastes, and demolition and construction wastes.

(a) **Commercial solid waste** shall mean solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment, multiple housing facility with more than four dwelling units, or church (such establishments collectively known as “business establishments”).

(b) **Residential solid waste** shall mean solid waste resulting from the maintenance and operation of any dwelling unit, excluding any multiple housing facility with more than four dwelling units.

17. **Solid Waste Container**, shall mean a receptacle not larger than thirty five gallons used by any person to store solid waste during the interval between solid waste collections.

18. **Solid Waste Disposal**, shall mean the process of discarding or getting rid of unwanted material. In particular the final disposition of solid waste by man.

19. **Solid Waste Management**, shall mean the entire solid waste from the time of its production until the time of its collection.

20. **Storage**, shall mean keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

21. **Yard Wastes**, shall mean grass clippings, leaves, tree trimmings.

(Ord. 763, Sec. 1, Approved and Effective June 6, 2012. Ord. 531, Sec. 1, Approved and Effective November 28, 1994; Ord. 336, Sec. 1, Approved July 22, 1974 and Effective September 1, 1974, Amended)

Section 18.020 Solid Waste; Storage.

The occupant of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment including a multiple housing facility and including a church producing either residential solid waste or commercial solid waste within the corporate limits of the City, shall provide sufficient and adequate solid waste containers for the storage of all solid waste except bulky rubbish and demolition and construction waste to serve each such dwelling unit and/or business establishment producing residential solid waste or commercial solid waste and to maintain such solid waste containers at all times in good repair.

The occupant of every dwelling unit and every institutional, commercial, industrial, agricultural or business establishment producing either residential solid waste or commercial solid waste 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.

(Ord. 763, Sec. 2, Approved and Effective June 6, 2012. Ord. 336, Sec. 2.1 and Sec. 2.2, Approved July 22, 1974 and Effective September 1, 1974.)

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Section 18.030 Method of Residential Solid Waste Storage.

Residential solid waste shall be stored in containers of not more than thirty-five gallons nor less than twenty 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 seventy-five 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 are approved by the Director may also be used for storage of residential solid waste.

(Ord. 336, Sec. 2.3, Approved July 22, 1974 and Effective September 1, 1974.)

Section 18.040 Method of Commercial Solid Waste Storage

Commercial solid waste shall be stored in the following solid waste containers:

For smaller quantities of commercial solid waste to be collected curbside, a maximum of four (4) plastic solid waste containers with a maximum capacity of thirty-five (35) gallons. The containers shall be waterproof, leakproof and shall be covered at all times except when depositing waste therein or removing the contents thereof. For larger quantities of commercial solid waste to be collected in commercial solid waste containers

(dumpsters), commercial waste shall be stored in solid waste containers (dumpsters) of sufficient size to contain all the commercial solid waste without any solid waste overflowing the solid waste container or spilling out of the solid waste container. The containers shall be waterproof, leakproof and shall be covered at all times except when

depositing waste therein or removing the contents thereof.

(Ord. 763, Sec. 3, Approved and Effective June 6, 2012, Ord. 336, Sec.2.4, Approved July 22, 1974 and Effective September 1, 1974.)

Section 18.060 Method of Yard Waste Storage

Yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public rights of way. The weight of any individual container and contents shall not exceed 75 pounds.

(Ord. 336, Sec. 2.6, Approved July 22, 1974 and Effective September 1, 1974.)

Section 18.070 Collection of Solid Waste

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

1. Collection of residential solid waste. The City shall provide for the collection of all residential solid waste in the City, provided, however, that the City may provide the collection service by contracting with a person, county, other city or a combination thereof, for the entire City or portions thereof, as deemed to be in the best interests of the City.

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2. Collection of commercial solid waste: The City shall provide for the collection of all commercial solid waste from business establishments in the City, provided, however, that the City may provide the collection service by contracting with a person, county, other city or a combination thereof, for the entire City or portions thereof, as deemed to be in the best interests of the City.

(Ord. 763, Sec. 4, Approved and Effective June 6, 2012, Ord. 336, Sec.3.1 Approved July 22, 1974 and Effective September 1, 1974.)

Section 18.080 Collection of Utility Rubbish

All solid waste from premises to which collection services are provided by the City shall be collected, except bulky rubbish as defined herein, provided, however, that bulky rubbish will be collected if tied securely in bundles not exceeding reasonable limitations of weight and bulk to be fixed by regulations to be made and promulgated by the (Director) as hereinafter provided. All solid waste collected shall, upon being loaded into collection equipment, become the property of the collection agency.

(Ord. 336, Sec. 3.2, Approved July 22, 1974 and Effective September 1, 1974.)

Section 18.100 Request for Collection of Bulky Rubbish.

Bulky rubbish shall be collected by request to the Director. The Director shall establish the procedure for collecting bulky rubbish, which shall be collected up to two times per year.

(Ord. 531, Sec. 5, Approved and Effective November 28, 1994; Ord. 336, Sec. 3.4, Approved July 22, 1974 and Effective September 1, 1974, Amended.)

Section 18.110 Method of Collection.

Solid waste collectors, employed by the City or a solid waste collection agency operating under contract with the City, are hereby authorized to enter upon private property for the purpose of collecting commercial solid waste therefrom. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste but instead shall collect such residential solid waste within five (5) feet of the curb.

(Ord. 763, Sec. 5, Approved and Effective June 6, 2012, Ord. 336, Sec. 3.5, Approved July 22, 1974 and Effective September 1, 1974.)

Section 18.120 Frequency of Collection.

The following collection frequencies shall apply to collections of solid waste within the City:

1. All residential solid waste, other than bulky rubbish, shall be collected at least twice weekly, with at least seventy-two hours to intervene between collections.

2. All commercial solid waste shall be collected from business establishments at least once weekly on the first collection date of the week, provided that if requested in writing by a business establishment, being any commercial, industrial, institutional or agricultural establishment, multiple housing facility with more than four dwelling units, or church, then commercial solid waste collected from such requesting business establishment shall be collected twice weekly, with at least seventy-two hours to intervene between collections.

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(Ord. 763, Sec. 6, Approved and Effective June 6, 2012, Ord. 336, Sec. 3.6, Approved July 22, 1974 and Effective September 1, 1974.)

Section 18.130 Location of Solid Waste Containers.

Residential solid waste containers shall be stored upon the residential premises. Commercial collection 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.

(Ord. 336, Sec. 3.7, Approved July 22, 1974 and Effective September 1, 1974.)

Section 18.140 Maintenance of 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 alternative, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers.

(Ord; 336, Sec. 3.8, Approved July 22, 1974 and Effective September 1, 1974.)

Section 18.150 Permits for Hauling Earth and Rock.

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.

(Ord. 336, Sec. 3.9, Approved July 22, 1974 and Effective September 1, 1974.)

Section 18.160 Transportation and Disposal of Demolition and Construction Wastes.

Transportation and disposal of demolition and construction wastes shall be in accordance with Sections 18.170 through 18.280.

(Ord. 336, Sec. 3.10, Approved July 22, 1974 and Effective September 1, 1974.)

Section 18.170 Disposal of Solid Waste.

Solid waste shall be disposed of at a processing facility or disposal area approved by the City and complying with all requirements of the Missouri Department of Natural Resources.

(Ord. 531, Sec. .6, Approved and Effective November 28, 1994; Ord. 336, Sec. 4.1, Approved July 22, 1974 and Effective September 1, 1974, Amended.)

Section 18.180 Duties of Director to Classify Hazardous Wastes.

The Director 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.

(Ord. 336, Sec. 4.2, Approved July 22, 1974 and Effective September 1, 1974.)

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Section 18.190 Permits Required for Engaging in Solid Waste Business.

No person shall engage in the business of collecting, transporting, processing or disposing of solid waste

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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.

(Ord. 336, Sec. 5.1, Approved July 22, 1974 and Effective September 1, 1974.)

Section 18.200 Requirements for Issuance of Permit.

No such permit shall be issued until and unless the applicant therefor, in addition to all other requirements set forth, shall file and maintain with the City Clerk 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 for each person injured or killed and in the amount of not less than five hundred thousand dollars for damage to property. Should any such policy be canceled, the City Clerk shall be notified of such cancellation by the insurance carrier in writing no less than ten days prior to the effective date of such cancellation, and provisions to that effect shall be incorporated in such policy, which shall also place upon the company writing such policy the duty to give such notice.

(Ord. 531, Sec. 7, Approved and Effective November 28, 1994; Ord. 336, Sec. 5.2, Approved July 22, 1974 and Effective September 1, 1974, Amended.)

Section 18.210. Permits, Information Required.

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 Director.

(Ord. 336, Sec. 5.3, Approved July 22, 1974 and Effective September 1, 1974.)

Section 18.220 Issuance of Permit and Fee.

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 conforming with the laws of the State of Missouri and this code, the City Clerk shall issue the permit authorized by this code. The permit shall be issued for a period of one year, and each applicant shall pay therefore a fee for each solid waste processing or disposal facility to be operated and a fee for each collection vehicle to be used. 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 code; the Director shall notify the applicant in writing setting forth the modification to be made and the time in which it shall be done. (For current rates see Chapter 25, Deposits, Fees and Charges, Section 25.550)

(Ord. 336, Sec. 5.4, Approved July 22, 1974 and Effective September 1, 1974.)

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Section 18.230 Failure to Make Modifications.

If the applicant does not make the modifications pursuant to the notice in Section 18.220 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 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 application provided that all aspects of the re-application comply with the provisions of this code.

(Ord. 336, Sec. 5.5, Approved July 22, 1974 and Effective September 1, 1974.)

Section 18.240 Renewal Procedure.

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 Sections 18.200 and 18.210. No permits authorized by this code shall be transferrable from person to person.

(Ord. 336, Sec. 5.6, Approved July 22, 1974 and Effective September 1, 1974.)

Section 18.250 Authority to Inspect for Compliance.

In order to insure compliance with the laws of this State, this code and the rules and regulations authorized herein, the Director is authorized to inspect all phases of solid waste management within the City of Sturgeon. No inspection shall be made in any residential unit unless authorized by the occupant or by due process of law. In all instances where such inspections reveal violation of this code, 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 Director shall issue notice for each such violation stating therein the violation or violations found, the time and date and the corrective measures to be taken, together with the time in which such corrections shall be made.

(Ord. 336, Sec. 5.7, Approved July 22, 1974 and Effective September 1, 1974.)

Section 18.260 Failure to be in Compliance.

In all cases when the corrective measures have not been taken within the time specified, the Director 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.

(Ord. 336, Sec. 5.8, Approved July 22, 1974 and Effective September 1, 1974.)

Section 18.270 Appeal Process.

Any person who feels aggrieved by any notice of violation or order issued pursuant thereto of the Director may, within five days of the act for which redress is sought appeal directly to the county court of Boone County, Missouri in writing, setting forth in a concise statement the act being appealed and the grounds for the reversal.

(Ord. 336, Sec. 5.9, Approved July 22, 1974 and Effective September 1, 1974.)

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Section 18.280 Motor Vehicles to Display Permit Numbers.

All motor vehicles operating under any permit required by this code, 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 one inch high. Each permit for processing or disposal facilities shall be prominently displayed at the facility.

(Ord. 336, Sec. 5.10, Effective September 1, 1974.)

Section 18.290 Officials; Duty to Make Rules and Regulations.

The Director shall make, amend, revoke, and enforce reasonable and necessary rules and regulations, governing, but not limited to:

1. Preparation, drainage and wrapping of garbage deposited in solid waste containers;
2. Specifications for solid waste containers, including the type, composition, equipment, size and shape thereof;
3. Identification of solid waste containers and of the covers thereof, and of equipment thereto appertaining, if any;
4. Weight limitations on the combined weight of solid waste containers and the contents thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers;
5. Storage of solid waste in solid waste containers;
6. Sanitation, maintenance and replacement of solid waste containers;
7. Schedules of and routes for collection of solid waste;
8. Collection points of solid waste containers;
9. Collection and disposal of solid waste;
10. Processing facilities and fees for the use thereof;
11. Disposal facilities and fees for the use thereof,
12. Records of quantity and type of wastes received at processing and/or disposal facilities;
13. Handling of special wastes such as toxic wastes, sludge, ashes, agriculture, construction bulky items, tires, automobiles, oils, greases, and other hazardous substances, which shall, at a minimum, be required to be contained and stored in plastic bags, bottles, jars or other containers.

The City Clerk or such other City official who is responsible for preparing utility and other service charge billings for the City, is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billing and collection of solid waste collection and/or disposal service charges, as hereinafter provided for. 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.

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(Ord. 531, Sec. 9, Approved and Effective November 28, 1992; Ord. 336, Sec. 6, Approved July 22, 1974 and Effective September 1, 1974, Amended.)

Section 18.300 Unlawful Acts or 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, whether such equipment or collectors shall be those of the City, or those of the solid waste collection agency operating under contract with the City;
3. Burn solid waste unless an approved incinerator is provided or, less a variance has been obtained from the appropriate air pollution control agency;
4. Dispose of solid waste at any facility or location which is not approved by the City and the Missouri Department of Natural Resources;
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.

(Ord. 531, Sec. 10, Approved and Effective November 28, 1994; Ord. 336, Sec. 7, Approved July 22, 1974 and Effective September 1, 1974, Amended.)

Section 18.310 Solid Waste Management Service Charge Rates and Fees

The City shall provide solid waste management services through a contract with a private operator. The private operator shall establish rates for solid waste management collection services for Residential, Commercial and Senior Citizens which shall be passed along to the citizen/customer of the solid waste management department with the addition of a one dollar fifty cent (\$1.50) City administrative fee to cover the City's cost of billing individual City customers.

On September 24, 2007 the City entered into a contract with Veolia Environmental Services which among other things provided for annual increases to the City in the cost of solid waste management collection services.

(For current service charge rates and fees, see Section 25.560)

The service charge rate and fee herein provided for is hereby imposed upon the occupant of each dwelling unit receiving such services under the provisions of the City Code and billing therefor shall be added to the water and sewer bill, if water and sewer services are furnished by the City. Otherwise, such occupant of a dwelling unit receiving such service not supplied by the City water or sewer services shall be billed directly once monthly for the service charge rate and fee herein imposed. If the City lacks information as to who the occupant of the dwelling unit is, billing for the solid waste rate and fee shall be made to the owner of the dwelling unit. The owner of such dwelling unit shall be liable for the rates and fees for all services provided prior to the date the name of the occupant of the dwelling unit is provided to the City by the owner of the dwelling unit. Service charge rates and fees shall be payable to the department empowered to collect service charges and fees imposed by the City.

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(Ord. 703, Sec. 1, Approved and Effective January 25, 2010; Ord. 531, Sec. 11, Approved and Effective November 28, 1994, Amended; Ord. 336, Sec. 8, Approved July 22, 1974 and Effective September 1, 1974, Amended; Ord. 750, Sec. 1, Approved and Effective August 22, 2011, Amended)

Section 18.320 Penalties.

Any person violating any of the provisions of this code, or any lawful rules or regulations promulgated pursuant thereto, upon conviction shall be punished by a fine (For current rates see Chapter 25 - Deposits, Fees & Charges, Section 25.570.) provided, that each day's violation thereof shall be a separate offense for the purpose hereof.

(Ord. 336, Sec. 9, Approved July 22, 1974 and Effective September 1, 1974.)

Section 18.330 Bonds.

There is hereby required by any person, firm or corporation operating a business as a solid waste collector or operating a business as a solid waste disposal facility, a performance bond, (For current rates see Chapter 25 - Deposits, Fees & Charges, Section 25.580.) underwriting the performance of any contract of such person firm or corporation with the City, shall be executed at least by one corporate surety approved by the City.

(Ord. 336, Sec. 10, Approved July 22, 1974 and Effective September 1, 1974.)

Section 18.340 Severability Clause.

The provisions of this code are severable and if any provision or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of this code.

(Ord. 336, Sec. 11, Approved July 22, 1974 and Effective September 1, 1974.)