

COUNCIL BILL NO. 2007-509

ORDINANCE NO. 2007-214

AN ORDINANCE repealing Article I, In General, and Article III, Permits, of Chapter 102, Solid Waste, of the Code of Ordinances of the City of Joplin, and enacting in lieu thereof a new Article I, In General, and Article III, Permits, of Chapter 102, Solid Waste, of the Code of Ordinances of the City of Joplin to implement certain fee changes.

WHEREAS, the City has not raised fees since 1977 and the costs of services have substantially increased and exceed revenues, and,

WHEREAS, the Council of the City of Joplin desires to increase fees to meet the reasonable expenditures of this function.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Joplin, Missouri, as follows:

Section 1. That Article I, In General, of Chapter 102, Solid Waste, be repealed and a new Article I, In General, of Chapter 102, Solid Waste, of the Code of Ordinances of the City of Joplin be enacted in lieu thereof to read as follows:

CHAPTER 102 SOLID WASTE
ARTICLE I. IN GENERAL

Sec. 102-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved incinerator means an incinerator which complies with all current regulations of the responsible local and state air pollution control agencies.

Bulky rubbish means nonputrescible solid wastes consisting of combustible and/or noncombustible waste materials from dwelling units and commercial, industrial, institutional or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors with the equipment available therefor.

Collection means removal of solid waste from its place of storage to the transportation vehicle.

Commercial generator means any person engaged in an enterprise, including multiple housing facilities, and any other nonresidential activity which generates solid waste.

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Compost means the biodegradable end production from the processing of yard waste.

Demolition and construction waste means waste materials from the construction or destruction of residential, industrial or commercial structures.

Director means the director of public works of the city or his authorized representative.

Disposable solid waste containers means disposable biodegradable plastic or uncoated paper sacks specifically designed for storage of solid waste.

Dwelling unit means 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.

Electronic waste means electronic products that were used for data processing, telecommunications, or entertainment that are now considered obsolete, broken, or irreparable.

Garbage means putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food.

Hazardous waste includes but not is limited to pathological waste, infectious waste, explosive waste, pesticides, pesticide containers, and toxic or radioactive materials.

Multiple housing facility means a housing facility containing more than one dwelling unit under one roof.

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

Recyclable material means post-consumer household waste and post-consumer and pre-consumer commercial waste as determined and published by the director, not including yard waste.

Recyclable material collector means a person whose primary business is collecting recyclable material within the corporate limits of the city and transporting the materials to be recycled.

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Recycling means the separation and reuse of material which might otherwise be disposed of as solid waste.

Refuse means solid waste.

Solid waste means unwanted or discarded waste materials in a solid or semisolid state, including but not limited to putrescible and nonputrescible garbage, ashes, street refuse, rubbish, dead animals, animal or agricultural wastes, yard wastes, discarded appliances, special wastes, industrial wastes, and demolition and construction wastes. Solid waste under this definition shall clearly exclude recyclable material.

(1) Commercial solid waste means solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment.

(2) Residential solid waste means solid waste resulting from the maintenance and operation of dwelling units.

Solid waste collector means a person who has satisfied the permit requirements of this chapter in order to collect, transport and dispose of solid waste.

Solid waste container means a receptacle used by any person to store solid waste during the interval between solid waste collections.

Solid waste disposal means the process of discarding or getting rid of unwanted material, in particular, the final deposition of solid waste by man.

Solid waste management means the entire solid waste system of storage, collection, transportation, processing and disposal.

Storage means keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

Transportation means the transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.

White goods means household appliances, including but not limited to dishwashers, washers, dryers and refrigerators.

Yard waste means grass clippings, leaves, and tree, shrub and brush trimmings.

Sec. 102-2. Penalties.

Any person violating any provision of this chapter or any rules and regulations promulgated pursuant thereto, upon conviction, shall be punished as provided in section 1-5; provided, however, that any person violating section 102-4(1) or 102-4(4) shall be fined not less

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than \$500.00. If a solid waste collector shall be found to have violated any of the provisions of this chapter or rules and regulations promulgated pursuant thereto, his permit may be suspended or revoked as provided in this chapter.

Sec. 102-3. Authority to prescribe additional rules and regulations.

- (a) The director shall make, amend, revoke and enforce reasonable and necessary rules and regulations governing, but not limited to, the following:
 - (1) Preparation, drainage and wrapping of garbage deposited in solid waste containers.
 - (2) Specifications for solid waste containers, including the type, composition, equipment, size and shape thereof.
 - (3) Identification of solid waste containers and of the covers thereof and of equipment thereto appertaining, if any.
 - (4) Weight limitations on the combined weight of solid waste containers and the contents thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers.
 - (5) Storage of solid waste in solid waste containers.
 - (6) Sanitation, maintenance and replacement of solid waste containers.
 - (7) Schedules of and routes for collection and transportation of solid waste.
 - (8) Collection points of solid waste containers.
 - (9) Collection, transportation, processing and disposal of solid waste.
 - (10) Processing facilities.
 - (11) Disposal facilities.
 - (12) Records of quantity and type of wastes received at processing and/or disposal facilities.
 - (13) Handling of special wastes such as toxic wastes, sludges, ashes, agriculture, construction, bulky items, tires, automobiles, oil, greases, etc.
- (b) A copy of any and all rules and regulations made and promulgated under the provisions of this section shall be filed in the office of the city clerk.

Sec. 102-4. Prohibited acts.

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.
- (2) Interfere in any manner with solid waste collection and transportation equipment or with solid waste collectors in the lawful performance of their duties as such.
- (3) Burn solid waste unless an approved incinerator is provided or unless 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 state department of natural resources, or other appropriate state licensing or regulatory agency if such facility is located in a state other than Missouri.

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- (5) Engage in the business of collecting, transporting, processing or disposing of solid waste and/or collecting and transporting recyclable material within the corporate limits of the city without a permit from the city, or operate under an expired permit, or operate after a permit has been suspended or revoked.
- (6) Remove any material from another person's solid waste receptacle, unless such individual is licensed by the city and under contract to such person to remove such material.
- (7) Place, leave, dump or permit to accumulate any solid waste in any building or on any premises, improved or vacant, or on any open lot, alley or public right-of-way in the city unless the solid waste is properly deposited and stored in a solid waste container. Any person convicted of violating this subsection (7) shall be fined not less than \$100.00 for the first offense. Any person convicted of violating this subsection (7) for a second or subsequent offense within three years of a prior conviction shall be fined not less than \$500.00 for each such subsequent conviction.
- (8) Fail to remove the solid waste container from the curbside to the residential premises within 12 hours of the day of collection.

Sec. 102-5. Storage.

(a) Adequate containers required. The occupant of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits of the city shall provide sufficient and adequate containers for the storage of all solid waste except bulky rubbish and demolition and construction waste to serve each such dwelling unit and/or establishment, and maintain such solid waste containers at all times in good repair.

(b) Placement of waste in containers. The occupant of every dwelling unit and of every institutional, commercial, industrial, agricultural or business establishment shall place all solid waste to be collected in proper solid waste containers, except as otherwise provided in this chapter, and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times.

(c) Containers for residential waste. Residential solid waste shall be stored in containers of not more than 90 gallon capacity. Where wastes attract vectors, containers shall be leakproof, waterproof and fitted with a flytight 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 50 pounds. Galvanized metal containers, or rubber, fiberglass or plastic containers which do not become brittle in cold weather, may be used. Disposable solid waste containers with suitable frames or containers as approved by the director may also be used for storage of residential solid waste.

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(d) Containers for commercial waste. Commercial solid waste shall be stored in solid waste containers as approved by the director. The containers shall be waterproof and leakproof and shall be covered at all times except when depositing waste therein or removing the contents thereof, and shall meet all requirements as set forth by section 102-3.

(e) Tree limbs and brush. Tree limbs less than four inches in diameter and brush shall be securely tied in bundles not larger than 48 inches long and 18 inches in diameter when not placed in storage containers. The weight of any individual bundle shall not exceed 50 pounds.

(f) Yard waste. Yard waste shall be stored in containers so constructed and maintained as to prevent the disposal 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 50 pounds.

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

(h) Multifamily dwellings. The owners of all multifamily dwellings, excluding duplexes, shall contract with a permitted solid waste collector for a dumpster, or a substitute container approved by the director of public works, to be placed on the site for disposal of tenants' solid waste. Any such dumpster required pursuant to this subsection must be screened on three sides, and placed on a concrete pad of sufficient strength to hold the weight of a fully loaded dumpster. The owner of such premises shall keep such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times.

Sec. 102-6. Collection.

(a) Contract for collection service. The occupant of every dwelling unit and every institutional, commercial, industrial, agricultural or business establishment in the city shall contract or otherwise agree with a solid waste collector to collect all solid waste generated thereby, except as provided in subsection (b) of this section.

(b) Nonresidential facilities. Each nonresidential facility shall provide for the proper collection of solid waste, and that service shall be maintained by either the owner with vehicles as required by section 102-7(a), or by contract with a private hauler that is licensed by the city.

(c) Collection regulations. All solid waste generated from premises in the city shall be collected by the solid waste collector subject to the rules and regulations of the director, or subject to such rules and regulations of the solid waste collector as approved by the director. All solid waste shall, upon being placed at the curb or other area of collection, become the property of the solid waste collector.

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(d) Placement for collection. Tree limbs and yard waste, as described in sections 102-5(e) and 102-5(f) respectively, shall be placed at the curb or alley for collection. Solid waste containers as required by this chapter for the storage of other residential solid waste shall be placed at the curb or alley for collection. Any solid waste containers, tree limbs, yard waste or other solid waste permitted by this chapter to be placed at the curb or alley for collection shall not be so placed until the regularly scheduled collection day or the evening before.

(e) Bulky rubbish and white goods. Bulky rubbish and white goods shall be collected by request to the solid waste collector, who shall establish the procedures for collecting bulky rubbish and white goods, subject to the approval of the director.

(f) Entry on private property by collectors. Solid waste collectors are hereby authorized to enter upon private property of their contracting solid waste generator for the purpose of collecting solid waste therefrom as required by this chapter. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste without written authorization. Commercial solid waste may be removed from within commercial establishments upon written request and approval of the owner.

(g) Collection frequencies. The following collection frequencies shall apply to collections of solid waste within the city: All residential solid waste, other than bulky rubbish, shall be collected at least once every seven days. At least 48 hours shall intervene between collections. All commercial solid waste shall be collected at least once every seven days, and shall be collected at such lesser intervals as may be fixed by the director.

(h) Storage of containers. 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.

(i) Duty of collectors to clean up spilled waste. All solid waste collectors shall be responsible for the collection of solid waste from the point of collection to disposal of the solid waste at the collection facility or disposal area, provided solid waste was stored in compliance with section 102-5(c), (d), (e) and (f). Any spillage or blowing litter caused as a result of the duties of the solid waste collector shall be collected and placed in the transportation vehicle by the solid waste collector.

(j) Rented residential property. All written and oral residential rental real property leases which shall be in effect July 1, 1993, or thereafter shall provide that the owner of the real property shall contract with a solid waste collector licensed pursuant to the provisions of this chapter for the disposal of all solid waste.

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Sec. 102-7. Transportation.

(a) Generally. All transportation vehicles shall be maintained in a safe, clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for transportation of solid waste shall be constructed with watertight bodies and with covers which shall be a separate cover 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 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 vehicles to be used to transport recyclable materials shall be constructed in such a way as to prevent any of the transported material from being released from the vehicle, by means of full enclosure of the recyclable materials or a separate cover of suitable material with fasteners designed to secure all sides of the cover, which shall be secured whenever the vehicle is transporting recyclable materials that have the potential of being released from the vehicle during transit, as determined by the public works director.

(b) Material from grading or excavation activities. 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 watertight vehicles, trucks or receptacles so constructed and maintained that none of the material being transported shall spill upon the public rights-of-way.

(c) Demolition or construction wastes. Transportation and disposal of demolition and construction wastes shall be in accordance with section 102-8 and article III of this chapter.

Sec. 102-8. Disposal.

(a) Generally. Solid waste shall be deposited at a processing facility or disposal area complying with all requirements of the Missouri Solid Waste Management Law of 1972, RSMo 260.200--260.255, as amended, or any subsequent law, and the rules and regulations adopted thereunder, or any applicable law of the state where the processing facility or disposal area is located, and any applicable federal law, rule or regulation.

(b) Hazardous waste. 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.

Secs. 102-9--102-30. Reserved.

Section 2. That Article III, Permits, of Chapter 102, Solid Waste, be repealed and a new Article III, Permits, of Chapter 102, Solid Waste, of the Code of Ordinances of the City of Joplin be enacted in lieu thereof to read as follows:

ARTICLE III. PERMITS

Sec. 102-71. Required.

No person shall engage in the business of collecting, transporting, processing or disposing of solid waste or collecting, transporting or processing of recyclable material within the corporate limits of the city without first obtaining an annual permit therefor from the city; provided, however, that this section shall not be deemed to apply to individuals employed by the holder of any such permit and engaged in solid waste or recycling activities only as an employee.

Sec. 102-72. Application.

Each applicant for a permit required by the provisions of this article shall state in his application therefor:

- (1) The nature of the permit desired, as to collect, transport, process or dispose of solid waste, or to collect, transport or process recyclable material, or any combination thereof;
- (2) The characteristics of solid waste or recyclable material to be collected, transported, processed or disposed;
- (3) The number of solid waste or recycling transportation vehicles to be operated thereunder;
- (4) The precise location of solid waste and/or recycling processing or disposal facilities to be used;
- (5) Boundaries of the collection area if such exist;
- (6) The name and address of a primary disposal area or collection facility willing to accept the solid waste collector's solid waste and/or the recycling collector's recyclable material, and any restrictions thereon. In addition, the solid waste and/or recycling collector shall provide the director with such documentation as the director desires from the solid waste disposal area, collection or recycling facility;
- (7) If the solid waste collector shall collect residential solid waste, such written documentation describing the solid waste collector's recycling program as the director requires; and
- (8) Such other necessary pertinent information as required by the director.

Sec. 102-73. Insurance.

No permit required by this article shall be issued 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 the amount of not less than \$1,000,000.00 for each person injured or killed, and in the amount of not less than \$1,000,000.00 in the event of injury or death of two or more persons in any single accident,

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and in the amount of not less than \$50,000.00 for damage to property. Such policy may be written to allow the first \$500.00 of liability for damage to property to be deductible. Should any such policy be cancelled, the director shall be notified of such cancellation by the insurance carrier in writing not 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 the policy the duty to give such notice.

Sec. 102-74. Bond.

No permit shall be issued under this article until the contractor has filed with the city a performance bond or a deposit in the amount of \$250.00 per truck, conditioned that he/she will observe the provisions of this chapter and all ordinances of the city and pay all taxes, license fees, other fees, and fines, penalties and forfeitures that may be adjudged against him under the ordinances of the city.

Sec. 102-75. Fee.

Before any permit shall be issued under the provisions of this article, the applicant therefor shall pay a fee of \$30.00 for the first transportation vehicle to be used in the operation, plus an additional \$10.00 for *each* additional transportation vehicle.

Sec. 102-76. Issuance.

If the application for a permit required by this article shows that the applicant will collect, transport, process or dispose of solid wastes and/or recyclable material without hazard to the public health or damage to the environment and in conformity with the laws of the state and this chapter, the director shall issue the permit authorized by this article.

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 chapter, the director shall notify the applicant in writing, setting forth the modification to be made and the reasonable time in which it shall be done.

Sec. 102-77. Denial.

If the applicant does not make the modifications pursuant to the notice provided for in section 102-76 within the time limit specified therein, or if the application does not clearly show that the collection, transportation, processing or disposal of solid wastes or the collection, transportation or processing of recyclable material 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 reapplication comply with the provisions of this chapter.

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Sec. 102-78. Term.

Permits issued under the provisions of this article shall be valid for a period of one year beginning with January 1.

Sec. 102-79. Renewal.

The annual permit issued under this article may be renewed upon payment of the fee as designated in this article if the business has not been modified. If modifications have been made, the applicant shall reapply for a permit as set forth in sections 102-72 and 102-73.

Sec. 102-80. Inspections; notice of violation.

In order to ensure compliance with the laws of the state, this chapter and the rules and regulations authorized in this chapter, the director 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 violation of this chapter, the rules and regulations authorized in this chapter for the storage, collection, transportation, processing or disposal of solid waste and/or recyclable material, or the laws of the state, the director shall issue notice for each such violation, stating therein the violation found, the time and date, and the corrective measures to be taken, together with the time in which such corrections shall be made.

Sec. 102-81. Identification of vehicles.

All motor vehicles operating under any permit required by this article shall display the number on each side in colors which contrast with that of the vehicle, such numbers to be clearly legible and not less than three inches high.

Sec. 102-82. Display.

Each permit issued under the provisions of this article shall be prominently displayed at the permitted facility.

Sec. 102-83. Transfer.

No permit issued under the provisions of this article shall be transferable from person to person.

Sec. 102-84. Suspension or revocation.

In all cases when corrective measures have not been taken within the time specified pursuant to this article, the director shall suspend or revoke the permit involved in the violation;

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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.

Sec. 102-85. Appeals.

Any person who feels aggrieved by any notice of violation or order issued pursuant to this article by the director may, within 30 days of the act for which redress is sought, appeal directly to the municipal court, in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal.

Secs. 102-86--102-110. Reserved.

Section 3. That this ordinance shall become effective on January 1, 2008.

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this 15th day of October, 2007.

Jon Tupper, Mayor

ATTEST:

Barbara L Hogelin, City Clerk

APPROVED AS TO FORM:

Brian W Head, City Attorney