

AN ORDINANCE REGULATING SOLID WASTE MANAGEMENT  
(Storage, Collection, Transportation, Processing and Disposal)

ORDINANCE NO. 202

AN ORDINANCE: PERTAINING TO PUBLIC HEALTH, SAFETY, AND WELFARE;  
REGULATING STORAGE, COLLECTION, TRANSPORTATION, PROCESSING AND  
DISPOSAL OF SOLID WASTE; PROVIDING FOR COLLECTION AND DISPOSAL  
OF SOLID WASTE; PROVIDING A PENALTY FOR VIOLATION OF THE PROVISIONS  
OF THIS ORDINANCE; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED by the Board of Aldermen, of the City of  
Arcadia, Missouri:

SECTION 1. DEFINITIONS

For the purposes of this ordinance the following terms shall be  
deemed to have the meaning indicated below:

APPROVED INCINERATOR - an incinerator which complies with  
all current regulations of the responsible local, State, and  
Federal air pollution control agencies.

BOARD - Arcadia Valley Sanitation Board, representing the  
Cities of Ironton, Arcadia, and Pilot Knob, and County of Iron,  
and being the administering body of the Solid Waste Management  
Program of these cities and county.

BULKY RUBBISH - 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 transportation  
vehicles by solid waste collectors, with the equipment available  
therefor.

CITY - The City of Arcadia, Missouri.

COLLECTION - removal of solid waste from the designated  
pickup location to the transportation vehicle.

DEMOLITION AND CONSTRUCTION WASTE - waste material from the  
construction or destruction of residential, industrial or com-  
mercial structures.

DISPOSABLE SOLID WASTE CONTAINER - disposable plastic or paper sacks with a capacity of 20 to 36 gallons specifically designed for storage of solid waste.

RESIDENTIAL 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, i.e. a one family dwelling.

HAZARDOUS WASTE - any waste or combination of wastes which is determined by the Department of Natural Resources, pursuant to rules and regulations adopted by the Hazardous Waste Management Commission, because of its quantity, concentration, or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness, or pose a present or potential threat to the health of humans or other living organisms.

MULTIPLE RESIDENTIAL UNIT - a housing facility containing more than one family dwelling unit under one roof.

OCCUPANT - any person who, alone or jointly or severally with others, shall be in actual possession of any residential unit or of any other improved real property, either as owner or as a tenant.

PERSON - any individual, partnership, co-partnership, firm company, corporation, association, joint stock company, trust, estate, political sub-division, or organization of any kind, or their legal representative, agent or assigns.

SOLID WASTE - unwanted or discarded waste materials in a solid or semi-solid state, including but not limited to garbage, ashes, street refuse, rubbish, dead animals and agricultural wastes, yard wastes, discarded appliances, special wastes, industrial wastes, and demolition and construction wastes.

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

(b) Residential solid waste - solid waste resulting from the maintenance and operation of dwelling units.

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 deposition of solid waste by man.

SOLID WASTE MANAGEMENT - the entire solid waste system of storage, collection, transportation, processing and disposal.

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

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

YARD WASTES - grass clippings, leaves, tree trimmings.

## SECTION 2. SOLID WASTE STORAGE

SECTION 2.1 - The occupant or owner of every residential 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 residential unit and/or establishment; and to maintain such solid waste containers at all times in good repair.

SECTION 2.2 - The occupant or 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.

SECTION 2.3 - Residential solid waste shall be stored in containers of not more than 36 gallons nor less than 20 gallons in nominal capacity. Each container is to be lined with a disposable plastic trash bag. Containers shall be leakproof, 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, or other suitable lifting devices. 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 60 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 Board may also be used for storage of residential solid waste.

SECTION 2.4 - Commercial solid waste shall be stored in solid waste containers as approved by the Board. The containers shall be waterproof, 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 7.

SECTION 2.5 - Tree limbs less than 4" in diameter and brush shall be securely tied in bundles not larger than 36" long and 18" in diameter when not placed in storage containers. The weight of any individual bundle shall not exceed 60 pounds.

SECTION 2.6 - 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 60 pounds.

SECTION 2.7 - Solid waste containers which do not meet the specifications as outlined in this Section will be collected together with their contents and disposed of, (i.e., cardboard boxes).

### SECTION 3. COLLECTION OF SOLID WASTE

SECTION 3.1 - The Board shall provide for the collection of solid waste as follows:

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

(b) It shall be the duty of each business establishment or multiple residential unit, to provide for collection of all solid waste produced upon any such premises.

SECTION 3.2 - All solid waste from premises to which collection services are provided by the City shall be collected, except bulky rubbish as defined herein. Bulky rubbish will be collected in accordance with the rules and regulations as promulgated by the Board.

SECTION 3.3 - Tree limbs, and yard wastes, as described in Sections 2.5 and 2.6 respectively, shall be placed at the curb, or public alley if accessible, for collection. Solid waste containers as required by this ordinance for the storage of other residential solid waste shall be placed at the curb, or public alley if accessible, for collection. Any solid waste containers,

tree limbs, yard wastes, or other solid waste permitted by this ordinance to be placed at the curb or public alley for collection shall not be so placed until the regularly scheduled collection day.

SECTION 3.4 - Bulky rubbish shall be collected four times annually and on the same day for all Cities. The Board shall establish the procedure for collecting bulky rubbish, and clean-up days.

SECTION 3.5 - Solid waste collectors, employed by a solid waste collection agency operating under contract with the Board, are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this ordinance. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste.

SECTION 3.6 - All residential solid waste, other than bulky rubbish, shall be collected at least once weekly. All commercial solid waste shall be collected at least once weekly, and shall be collected at such lesser intervals as may be fixed by the City or Board, or requested by the commercial establishment, upon determination that such lesser intervals are necessary for the preservation of the health and/or safety of the public.

SECTION 3.7 - Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owner shall have been granted written permission from the City to use public property for such purposes. The storage site shall be well drained; fully accessible to collection equipment, public health personnel and fire inspection personnel.

SECTION 3.8 - Solid waste collectors, employed by a solid waste collection agency operating under contract with the Board, shall be responsible for the collection of solid waste from the designated pickup location to the transportation vehicle provided the solid waste was stored in compliance with the provisions set forth in this ordinance. 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.

#### SECTION 4. TRANSPORTATION OF SOLID WASTE

SECTION 4.1 - 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 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.

SECTION 4.2 - 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.

SECTION 4.3 - Demolition and construction wastes shall be transported to a disposal area as provided in Section 5.1. A permit shall not be required for the hauling of demolition and construction waste, 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.

## SECTION 5. DISPOSAL OF SOLID WASTE

SECTION 5.1 - Solid wastes shall be deposited at a landfill disposal area approved by the Board and complying with all requirements of the Missouri Solid Waste Management Law, Section 260.200 to 260.245, R.S.Mo., and the rules and regulations adopted thereunder. The Board may designate the landfill disposal area to be utilized by persons operating under Section 6 of this ordinance.

SECTION 5.2 - Hazardous wastes under provisions will require special handling and shall be disposed of only in a manner authorized by State regulations.

## SECTION 6. PERMITS

SECTION 6.1 - No person shall engage in the business of collecting, transporting, or disposing of solid waste within the corporate limits of the City, without first obtaining an annual permit therefor from the City; provided, however, that this provision shall not be deemed to apply to employees of the holder of any such permit.

SECTION 6.2 - 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 Board 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 \$50,000 for each person injured or killed, and in the amount of not less than \$100,000 in the event of injury or death of two or more persons in any single accident, and in the amount of not less than \$10,000 for damage to property. Should any such policy be cancelled, the Board 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 issuing such policy the duty to give such notice.

SECTION 6.3 - Each applicant for any such permit shall state in his application therefor:

- (a) the nature of the permit, as to collect, transport, or dispose of solid waste or any combination thereof;
- (b) the characteristics of solid waste to be collected, transported, processed, or disposed;
- (c) the number of solid waste transportation vehicles to be operated thereunder;
- (d) the precise location or locations of landfill or waste disposal facilities to be used;
- (e) boundaries of the collection area;
- (f) such other information as required by the City or Board.

SECTION 6.4 - If the application shows that the applicant will collect, transport, process or dispose of solid wastes without hazard to the public health or damage to the environment and in conformity with the laws of the State of Missouri and this ordinance, the City may issue the permit authorized by this ordinance. The City shall have the authority to limit the number of annual permits issued under this Section in order to preserve the health, comfort, safety and welfare of the residents, to promote energy conservation, and to provide for collection and disposal consistent with good solid waste management practices. The permit shall be issued for a period of one year, and each applicant shall pay therefor a fee of Eighteen Dollars (\$18.00) per permit holder. If 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 ordinance, the City shall notify the applicant in writing setting forth the modification to be made and the time in which it shall be done.

SECTION 6.5 - If the applicant does not make the modifications pursuant to the notice in Section 6.4 within the time limit specified therein, or if the application does not clearly show that the collection, transportation, 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 City, 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 ordinance. Nothing in this Section shall prevent the denial of a permit should the total number of annual permits have already been issued.

SECTION 6.6 - The annual permit may be renewed upon payment of the fee as designed herein if the business has not been modified, the collection vehicles meet the requirements of Section 4 of this ordinance, and the renewal is approved by the City. If modifications have been made, the applicant shall reapply for a permit as set forth in Section 6.2 and 6.3. No permits authorized by this ordinance shall be transferrable from person to person.

SECTION 6.7 - In order to insure compliance with the laws of this State, this ordinance and the rules and regulations authorized herein, the City or Board is authorized to inspect all phases of solid waste management within the City of Arcadia, Missouri. 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 ordinance, 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 violation or violations found, the time and date and the corrective measure to be taken, together with the time in which such corrections shall be made.

SECTION 6.8 - In all cases, when the corrective measures have not been taken within the time specified, the City 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.

SECTION 6.9 - In the event a permit is revoked and the person continues to operate, the City may request the action of a court of law to enjoin the acts and to enforce compliance with this ordinance or any rule or regulation promulgated thereunder. In any such action,



the court may grant to the City such prohibitory or mandatory injunctive relief as the facts may warrant.

#### SECTION 7. RULES AND REGULATIONS

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

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

#### SECTION 8. PROHIBITED PRACTICES

It shall be unlawful for any person to:

- (1) deposit solid waste in any solid waste container other than his own, without the written consent of the owner of such

container and/or, with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal;

(2) fail to have solid waste collected as provided in this ordinance;

(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 shall be those of the city, or those of a solid waste collection agency operating under contract with the City/Board;

(4) burn solid waste, with the exception of yard wastes, unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency;

(5) dispose of solid waste at any facility or location which is not approved by the Board and the Missouri Department of Natural Resources;

(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 Board, or operate under an expired permit, or operate after a permit has been suspended or revoked;

(7) violate any section of this ordinance or any other rule or regulation promulgated under the authority of Section 7.

#### SECTION 9. SERVICE CHARGES

There is hereby imposed, for the collection and disposal of solid waste, in order to protect the general public health and environment, a service charge for each residential unit. The service charge for collection of residential solid waste shall be in the amount of \$\_\_\_\_\_ per calendar month, per residential unit, based upon current in-service water meters and wells, minus the water meters of business establishments and multiple residential units, within the city corporate limits. The monthly service charge shall be payable directly to Collector out of sales tax funds.

The service and service charge shall be terminated upon presentation of satisfactory proof to the Board that any such dwelling unit or establishment is unoccupied, and shall be commenced upon renewed occupancy thereof.

#### SECTION 10. PENALTIES

Any person violating any of the provisions of this ordinance, or any lawful rules or regulations promulgated pursuant thereto, upon conviction, shall be punished by a fine of not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00), provided, that each day's violation thereof shall be a separate offense for the purpose thereof.

#### SECTION 11. BONDS

Board may require performance or payment bonds of solid waste collection agency prior to obtaining permits to so operate.

#### SECTION 12. REPEALS

The following ordinances are hereby repealed: Any and all Ordinances, or parts of Ordinances, which may be in conflict with this Ordinance, and any and all Ordinances, heretofore enacted, dealing with or touching upon the storage, collection, transportation, processing and disposal of solid waste.

#### SECTION 13. SAVINGS CLAUSE

Nothing in this ordinance shall be deemed to affect, modify, amend or repeal any provision or any ordinance unless that ordinance is specifically repealed in Section 12.

#### SECTION 14. SEVERABILITY CLAUSE

The provisions of this ordinance are severable and if any provisions 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 ordinance.

This ordinance shall become effective upon the 10<sup>th</sup> day of December, 1979.

PASSED AND APPROVED THIS 10<sup>th</sup> day of December, 1979.

Floyd E. Myrache  
Mayor

ATTEST:

Mrs. Joyce Clevato  
City Clerk

Approved as to form and legality:

[Signature]