

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 38 OF THE CODE OF ORDINANCES PERTAINING TO SOLID WASTE, INCLUDING CLARIFICATION OF AND ADDING DEFINITIONS, CHANGING SOME REQUIREMENTS FOR STORAGE CONTAINERS, COLLECTION AND SERVICE CHARGES.

BE IT ORDAINED by the Board of Aldermen of the City of Lamar, Missouri, as follows:

Section 1. Section 38-1 of the Code of Ordinances is hereby amended and shall hereafter provide as follows:

Sec. 38-1. - 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, state and federal air pollution control agencies.

Bulky rubbish means non-putrescible solid wastes consisting of combustible and/or noncombustible 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.

Collection means removal of solid waste from the designated collection location or within 25 feet of the designated point to the transportation vehicle.

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

Composting means a controlled biological reduction of organic wastes to humus.

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

Disposable solid waste container means a garbage bag or a garbage container with a capacity of not more than thirty-five (35) gallons 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. A dwelling unit (residence) shall be deemed to be any house or apartment where an electric service meter is connected.

Garbage Bag means a durable, watertight plastic bag specifically designed for storage of solid waste with a capacity of not more than thirty-five (35) gallons and having a maximum loaded weight of fifty (50) pounds.

Hazardous waste means any waste or combination of wastes, as determined by the state hazardous waste management commission by rules and regulations, 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 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.

Oversize item means an item that does not fit within a disposable solid waste container or that weighs in excess of fifty (50) pounds.

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

Solid waste means unwanted or discarded waste materials in a solid or semisolid 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.

Residential solid waste means solid waste resulting from the maintenance and operation of dwelling units, including multiple housing facilities with more than two dwelling units.

Solid waste container means 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 disposition of solid waste by man.

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

Solid waste management board or board means the board of aldermen.

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.

Yard waste means grass clippings, leaves and tree trimmings.

Section 2. Section 38-25 of the Code of Ordinances is hereby amended and shall hereafter provide as follows:

Sec. 38-25. - Storage containers.

(a) *Generally.* The occupant or owner of every dwelling unit and of every institutional, commercial, 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 and/or establishment; and to maintain such solid waste containers at all times in good repair.

(b) *Residential.*

(1) 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. Containers shall meet the following requirements:

a. Residential solid waste shall be stored in disposable solid waste containers. 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, bails or other suitable lifting devices or features.

b. Containers shall be of a type originally manufactured for residential solid waste, with tapered sides for easy emptying.

c. Containers shall be of light weight and sturdy construction.

d. Galvanized metal containers or rubber, fiberglass, or plastic containers which do not become brittle in cold weather may be used.

(2) Disposal solid waste containers with suitable frames or containers as approved by the board may also be used for storage of residential solid waste.

(c) *Commercial.* 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 of this section applicable to residential containers.

(d) *Nonconforming containers will be collected and disposed of.* Solid waste containers which do not meet the specifications as outlined in this section will be collected together with their contents and disposed of.

Section 3. Section 38-27 of the Code of Ordinances is hereby amended and shall hereafter provide as follows:

Sec. 38-27. - Collection of solid waste.

(a) *City to provide collection directly or by contract.* The city shall provide for the collection of all residential and commercial solid waste in the city; provided, however, that the city 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 interests of the city.

(b) *Bulky waste subject to special collection rules.* Bulky rubbish shall be collected at least once annually in the spring. Leaf and rakings shall also be collected at least once annually in the fall. The day and date shall be as established and announced by the board. The board shall establish the procedure for collecting bulky rubbish and leaf and rakings. These two annual pickups shall be made at no additional charge to city residences.

(c) *Time for placement of waste for collection.* Approved solid waste containers shall be placed at the designated collection point for collection not earlier than on the regularly scheduled collection day.

(d) *Collection frequency.* All residential solid waste, other than bulky rubbish, shall be collected at least twice weekly. At least 48 hours shall intervene between collections. 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 board or requested by the commercial establishment upon a determination that such lesser intervals are necessary for the preservation of the health and/or safety of the public.

(e) *Storage of waste 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.

(f) *Entry onto private property for waste collection.* Commercial solid waste may be removed from within commercial establishments upon written request of the owner and approval by the board. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste. 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 solid waste therefrom as required by this article.

(g) *Responsibility of collectors employed by city to collect and transport; spillage.* Solid waste collectors, employed by the city or a solid waste collection agency operating under contract with the city, 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 article. 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.

(h) *Residential container limits.*

a. Residential occupants are limited to the collection of a maximum of three (3) disposable solid waste containers per regular collection date. In the event that residential solid waste is not collected due to a regular collection date falling on a holiday or due to inclement weather or otherwise, then residential occupants will be limited to the collection of a maximum of six (6) disposable solid waste containers on the next regular collection date.

b. Any such containers placed for collection in excess of the maximum limits herein established are deemed to be additional items and will not be collected unless collection of same is arranged as provided in subsection (i) herein.

c. Any solid waste not contained within disposable solid waste containers will not be collected.

(i) *Special collections.* Residential occupants may arrange for collection of additional items, oversize items, carpet and carpet padding. Fees for the collection of such items shall be set by the board and included in the city fee schedule. Residential occupants must notify the city at city hall during regular business hours and not less than 24 hours before a regularly scheduled collection to arrange for the collection of such items.

(j) *Sharp items* (e.g., hypodermic needles, syringes with needles, etc.) shall be placed inside a puncture resistant container which shall be secured such that the sharp item(s) therein do not endanger or pose any risk to solid waste collectors. If plastic bottles, such as detergent bottles or bleach bottles or similar items, are used to secure sharp items, the same shall be secured by tightly fastening the lid thereto and sealing the same with duct tape or substantially similar heavy-duty tape.

(k) *Return containers to residence after collection.* Within twenty-four (24) hours after collection of residential solid waste, residential occupants shall retrieve their solid waste containers and any uncollected items and return the same to their dwelling unit.

Section 4. Section 38-33 of the Code of Ordinances is hereby amended and shall hereafter provide as follows:

Sec. 38-33. - Service charges.

(a) The sanitation department of the city shall furnish collection of trash and garbage on regular dates from all customers within the city and the city shall charge the following rates:

(1) *Residential.* The minimum basic rate per month for twice a week pickup shall be as provided in the city fee schedule. A residence shall be deemed to be any house or apartment where an electric service meter is connected. The sanitation department shall designate at each residence a pickup point where trash and garbage will be picked up by the employees of the department. It shall be the duty of each person to place his trash at the designated spot or within 25 feet thereof. In the event a customer desires to have trash or garbage picked up outside this 25-foot radius, such person shall pay an additional charge for each additional 25 feet or fraction thereof where the containers are placed outside the designated area. The monthly charge for collection of trash and garbage shall be added to the utility bill for each customer. Upon failure of any resident to pay the service charge for such collection, the city shall be authorized to terminate electric water and water services to such residence.

(2) *Commercial.*

a. The minimum basic rate per month for twice a week pickup shall be as provided in the city fee schedule. The regulations in subsection (a)(1) of this section will also apply to commercial customers. Additional charges for a sanitation container will be as provided in the fee schedule.

b. Additional charges may be required for special size loads.

(3) *Nonresidential collection.* The sanitation department shall be authorized to service out-of-town residences. The minimum basic rate per month for once a week pickup shall be as provided in the city fee schedule. Commercial out-of-town customers shall be charged three times the equivalent service inside the city limits.

(4) *Residential use of landfill.*

a. Commercial waste fees are provided in the city fee schedule.

b. Residential waste, cars or trucks have no charge. City residents must show proof of residence if requested.

(5) *Large items at landfill.* The board of aldermen shall be authorized to sign a resolution to institute landfill charges for the dumping of large items.

(b) The service and service charge shall be terminated when the dwelling unit or establishment is unoccupied, and shall be commenced upon renewed occupancy thereof. A

structure shall be determined to be unoccupied when the electric service meter is removed.

(c) The system of services established by the provisions of this article is designed as an integral part of the city's program of health and sanitation, to be operated as an adjunct to the city's system for providing potable water and the city's system for providing sewerage disposal. The city may enforce collection of such charges by bringing proper legal action against the occupant of any dwelling unit or owner of any commercial establishment to recover any sums due for such services plus a reasonable attorney's fee to be fixed by the court, plus the cost of such action.

(d) The service charge herein provided for is hereby imposed upon the occupant of each dwelling unit and commercial establishment. Service charges shall be payable to the department empowered to collect service charges imposed by the city and shall be billed monthly along with other utility service charges.

(e) The service charge for the collection and disposal of residential solid waste per calendar month is provided in the city fee schedule. In the event a residence or commercial establishment desires to have solid waste picked up at a location other than the designated spot or within 25 feet thereof, an additional charge for each additional 25 feet or fraction thereof shall be charged.

(f) The service charge for the collection and disposal of commercial establishment solid waste per calendar month is provided in the city fee schedule, depending upon the number and size of containers and the number of pickups per week from each individual commercial establishment. The collection schedule shall be daily, twice a week, or weekly, as determined by the needs of each individual commercial establishment and charged as appropriate, and as determined by the board.

(g) Any nonresident of the city attempting to haul and dispose of solid waste without paying the nonresident fee shall be deemed guilty of a misdemeanor and upon conviction shall be fined an amount not in excess of \$100.00.

Section 5. This Ordinance shall be in full force and effect from and after the date of its passage and approval.

Section 6. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

PASSED by the Board of Aldermen and **APPROVED** by the Mayor of the City of Lamar, Missouri, this 17th day of December, 2018.

By

KENT M. HARRIS, Mayor

ATTEST:

By _____
BEV BAKER, City Clerk