

## Chapter 11

### GARBAGE AND SOLID WASTE

*Editor's Note — Ord. no. 2000-16 § 1, adopted on August 15, 2000, repealed this entire ch. 11 enacting the new provisions set out herein. Former ch. 11 derived from ord. no. 74-22 §§ 1 — 8, 10, 12-18-1974; ord. no. 75-22 § 1, 1-2-1976; ord. no. 77-16 § 1, 10-4-1977; ord. no. 82-8 SW §§ 2 — 3, 3-2-1982; ord. no. 83-08 §§ 1, 3 — 4, 5-3-1983; ord. no. 84-01 § 1, 1-10-1984; ord. no. 87-0018 § 2, 11-3-1987; ord. no. 88-13 §§ 2, 4, 6-28-1988.*

**SECTION 11-1. Definitions.** [Ord. No. 2000-16 § 1, 8-15-2000; Ord. No. 2000-16 § 1, 8-15-2000; Ord. No. 2013-23 § 1, 7-23-2013]

For the purpose of this Chapter, the following terms shall be deemed to have the meanings indicated below:

**APPROVED INCINERATOR** — An incinerator which complies with all current regulations of the responsible local and State air pollution control agencies.

**BULKY WASTE** — Non-putrescent 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. Waste may include furniture, appliances, building materials, carpet, remodeling debris, and similar disposable items. It does not include tires, yard waste, concrete, or other similar materials.

**CITY** — The City of Lexington, Missouri.

**COLLECTION** — Removal of solid waste from its place of storage to the transportation vehicle.

**COMPOSTABLE MATERIALS** — Leaves, grass, yard trimmings, tree limbs of less than four (4) inches in diameter, and other organic yard materials.

**COMMERCIAL AND INDUSTRIAL** — Any and all stores, shops, businesses or buildings used exclusively for retail trade or wholesale trade, sale, display, offices, warehouses, religious gatherings, rendering of personal, professional or business service, light manufacturing, assembly or fabrication and any sale of goods, property, wares or services and any other unit not specifically described and included in the definition of "residential" below.

**CONTRACTOR** — The solid waste hauler selected by the City to collect solid waste and bulky waste for disposal, and recyclables for recycling.

**DEMOLITION AND CONSTRUCTION WASTE** — Waste materials from the construction or destruction of residential, industrial or commercial structures.

**DIRECTOR** — The City Administrator as Director of the Solid Waste Management Program of the City, or his authorized representative approved by Council in his absence.

**DISPOSABLE SOLID WASTE CONTAINER** — A container supplied by the contractor. Such container shall be a ninety-gallon poly-cart for solid waste disposal and a minimum thirty-gallon poly-cart for recycling materials.

**DISPOSAL SITE** — A refuse depository for the processing or final disposal of refuse, including, but not limited to, sanitary landfills, transfer stations, incinerators, and waste processing separation centers licensed, permitted or approved by all governmental bodies and agencies having jurisdiction.

**DWELLING UNIT** — Any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.

**GARBAGE** — Putrescent animal or vegetable waste resulting from the handling, preparation, cooling, serving or consumption of food and including food containers.

**HAZARDOUS WASTES** — Waste designated as hazardous by the United States Environmental Protection Agency or appropriate State agency, including, but not limited to: pathological wastes, explosive wastes, pesticides, pesticide containers, toxic or radioactive materials.

**MULTIPLE-HOUSING FACILITY** — A housing facility containing more than four (4) attached dwelling units under one (1) roof.

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

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

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

**RECYCLABLES** — Waste materials that can be reused, including, but not limited to, aluminum and steel cans, newsprint, corrugated cardboard; chipboard boxes (i.e., cereal boxes, prepared food boxes), plastic containers: 1) PET or PETE: bottle-type containers used for carbonated and non-carbonated drinks, such as soft drink, liquor, juice, water and sports drink bottles; 2) PET or PETE: containers with a screw-neck lid for food, housecleaning products and personal car products, i.e., peanut butter jars, salad dressing, cooking oil, mouthwash, shampoo, window cleaners and dishwashing detergent bottles; 3) HDPE: natural or translucent bottle-type containers, such as milk jugs, juice bottles, water bottles, etc.; 4) HDPE: mixed colored or opaque bottle-type containers such as

detergent bottles, bleach bottles, fabric softener bottles, shampoo bottles and dishwashing detergent bottles.

REFUSE — Solid waste.

RESIDENTIAL — Any home, house, living or dwelling unit designed to be occupied by one (1) or more families living independently or attached at the side or sides, including auto or trailer courts, mobile home parks, and any other living unit, including multiple-family housing units with fewer than five (5) dwelling units, such as apartment complexes or buildings; however, exclusive of campgrounds, hotels, motels, or other transient overnight business accommodation units.

SOLID WASTE — Unwanted or discarded material, including waste material, whether solid or in semi-solid state, including, but not limited to, garbage, ashes, street refuse, rubbish, mechanical tools, utensils or other metals, or any part of such item described above, of every kind, shape, material or description and/or any other kind of special wastes, industrial wastes or demolition wastes, construction wastes, or other building salvage materials.

1. *Residential solid waste.* Any and all solid waste resulting from the maintenance and operation of dwelling units, excluding multiple-housing facilities with more than four (4) dwellings units.
2. *Commercial solid waste.* Any and all solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment and including multiple-housing facilities with more than four (4) dwelling units. This definition shall include all stores, shops, businesses or buildings used for retail trade or wholesale trade, sale, display, offices, warehouses, religious gatherings, rendering of personal and professional services, light manufacturing, assembly or fabrication and any sale of goods, property, wares or services and any other unit not specifically described and included in the definition of "residential" listed above.

SOLID WASTE CONTAINER — Receptacle used by any person to store solid waste during the interval between solid waste collections; means a container supplied by the contractor. Such container shall be a ninety-gallon poly-cart for solid waste disposal and a minimum thirty-gallon poly-cart for recycling materials and shall comply with all other specifications required under Chapter 11 of the City's Code of Ordinances.

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 11-2. Solid Waste Storage.** [Ord. No. 2000-16 § 1, 8-15-2000; Ord. No. 2013-23 § 1, 7-23-2013]

- A. 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 herein, and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times.
- B. "Solid waste container" means a container supplied by the contractor. Such container shall be a ninety-gallon poly-cart for solid waste disposal and a minimum thirty-gallon poly-cart for recycling materials.
- C. *Storage.*
  - 1. 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 and personnel and fire inspection personnel. The container must be removed from curb by 11:59 P.M. on the day of collection and placed in the most inconspicuous location as possible, which may include side of residence, garage or porch. Other placement may be acceptable with approval of the Director of the Program.
  - 2. Commercial solid waste shall be stored in solid waste containers as approved and/or required by the Director per Section 11-7. The containers shall be waterproof, leak-proof and shall be covered at all times except when depositing waste therein or removing the contents thereof.
- D. Solid waste containers which are not approved of will be collected together with their contents and disposed of.

**SECTION 11-3. Collection of Solid Waste.** [Ord. No. 2000-16 § 1, 8-15-2000; Ord. No. 2013-23 § 1, 7-23-2013]

- A. The City shall, at its discretion, contract with a contractor to provide solid waste collection, removal and disposal of all residential solid waste as defined in this Chapter.
- B. All solid waste from premises to which collection services are provided by the contractor shall be collected. All solid waste collected shall, upon being loaded into transportation equipment, become the property of the contractor.
- C. Every person requiring residential solid waste collection must notify City Hall to initiate solid waste collection at his or her address. Additionally, every residential customer must notify City Hall thirty (30) days prior to termination date that said collection service is to be discontinued. In the event services are not needed for a

period of thirty (30) days or more, then the process recited in this Subsection shall apply.

- D. 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, 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. Containers may be placed at collection area after 6:00 P.M. preceding collection day.
- E. Bulky rubbish shall be collected by request to the Director. The Director shall establish the procedure for collecting bulky rubbish.
- F. The solid waste contractor is hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this Chapter. The contractor shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste. Commercial solid waste may be removed from within the commercial establishments upon written request of the owner and approval by the Director.
- G. 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 weekly. The City and the contractor shall provide twice annually City-wide trash pickup for the purposes of collecting bulky rubbish. All commercial solid waste shall be collected once weekly and shall be collected at such lesser intervals as may be fixed by the Director upon a determination that such lesser intervals are necessary for the preservation of the health and/or safety of the public.
- H. The solid waste contractor, operating under contract with the City, shall be responsible for the collection of solid waste from the point of collection to the transportation vehicle, provided that the solid waste was stored in compliance with Section 11-2(C) and (D) of this Chapter. 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 11-4. Transportation of Solid Waste.** [Ord. No. 2000-16 § 1, 8-15-2000; Ord. No. 2013-23 § 1, 7-23-2013]

- A. All vehicles and equipment used in the provision of collection and removal service shall be maintained in a safe, clean and sanitary condition, free of excessive noise, odor or emissions. The vehicles must contain the solid waste so that no material is spilled, leaked or blown from the vehicle during its transit to the appropriate disposal site as approved by the City of Lexington. 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. No advertising other than the name of the contractor shall be permitted on the vehicles.

- B. Permits shall not be required for the removal, hauling or disposal of earth and rock material from grading or excavating 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 right-of-way.
- C. Transportation and disposal of demolition and construction wastes shall be in accordance with Sections 11-5 and 11-6.

**SECTION 11-5. Disposal of Solid Waste.** [Ord. No. 2000-16 § 1, 8-15-2000; Ord. No. 2013-23 § 1, 7-23-2013]

- A. Solid waste shall be deposited at a processing facility or disposal area approved by the City and complying with all requirements of the Missouri Division of Health and Missouri Department of Natural Resources.
- B. 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.

**SECTION 11-6. Permits.** [Ord. No. 2000-16 § 1, 8-15-2000; Ord. No. 2013-23 § 1, 7-23-2013]

- A. No person shall engage in the business of collecting, transporting, processing 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.
- B. 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 Director evidence of satisfactory workers' compensation insurance, including employer's liability insurance, complying with State requirements, public liability insurance policy, covering all operations of such applicant pertaining to such business and all vehicles operated in the conduct thereof, in the amount of not less than one million dollars (\$1,000,000.00) for each person injured or killed, and in the amount of not less than two million dollars (\$2,000,000.00) in the event of injury or death of two (2) or more persons in any single accident, and in the amount of not less than one million dollars (\$1,000,000.00) for damage to property. Such policy may be written to allow the first five hundred dollars (\$500.00) of liability damage to property to be deductible. Should any such policy be canceled, the Director shall be notified of such cancellation by the insurance carrier in writing not less than thirty (30) 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. A certificate evidencing insurance coverage in this Subsection shall be provided by the contractor to the City. The City shall be named as an additional named insured for all coverage's except the workers'

compensation coverage, and an endorsement of same shall be submitted with said certificate.

- C. 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 or any combination thereof;
  3. The characteristics of solid waste to be collected, transported, processed or disposed of;
  4. The number of solid waste transportation vehicles to be operated thereunder;
  5. The precise location or locations of solid waste processing or disposal facilities to be used;
  6. Boundaries of the collection area; and
  7. Such other information as required by the Director.
- D. 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 Chapter, the Director shall issue the permit authorized by this Chapter. The permit shall be issued for a period of one (1) year, and each applicant shall pay therefor a fee as authorized and set forth in Chapter 13, License and Business Regulations, for each solid waste processing or disposal facility and each transportation vehicle to be used. If, in the opinion of the Director, modifications can be made to the application regarding the 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 time in which it shall be done.
- E. If the applicant does not make the modifications pursuant to the notice in Subsection (D) 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 reapplication comply with the provision of this Chapter.
- F. The annual permit may be renewed simply upon payment of the fee or fees as designated herein if the business has not been modified and upon review by the Director to ascertain that all requirements are being currently met. If modification has been made, the applicant shall reapply for a permit as set forth in Subsections (B) and (C) of this Section. No permits authorized by this Chapter shall be transferable from person to person or to any other business unit.

- G. In order to ensure compliance with the laws of this State, this Chapter and the rules and regulations authorized herein, the Director is authorized to inspect all phases of solid waste management within the City of Lexington. 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 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 measure to be taken, together with the time in which such corrections shall be made.
- H. 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 (1) extension of time not to exceed the original time period may be given.
- I. All motor vehicles operating under any permit required by this Chapter 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 three (3) inches high. Each permit for processing or disposal facilities shall be prominently displayed at the facility.
- J. Each permit shall state the precise authority and type of business granted by the City.

**SECTION 11-7. Rules and Regulations.** [Ord. No. 2000-16 § 1, 8-15-2000; Ord. No. 2013-23 § 1, 7-23-2013]

- A. 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 and transportation of solid waste;
  - 8. Collection points of solid waste containers;

9. Collection, transportation, processing 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, etc.
- B. 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.
- C. 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.

**SECTION 11-8. Collection of Recyclables.** [Ord. No. 2000-16 § 1, 8-15-2000; Ord. No. 2013-23 § 1, 7-23-2013]

- A. The City may designate and require the contractor to provide a central collection site for discarding of recyclables. Such collection shall be done in compliance with all other applicable ordinances of the City now or hereafter in effect. Said collection shall be on terms and conditions set out in the contract between the City and contractor.
- B. The collection of recyclables at curbside by any private hauler not authorized by the City is expressly prohibited.
- C. Neither the foregoing provisions of this Section nor any other provisions of this Chapter shall prevent any resident from discarding that resident's recyclables by personally delivering them to a recyclables plant, manufacturer or other vendor, but the provisions of Section 11-9 of this Chapter shall be complied with by such resident.

**SECTION 11-9. Disposal of Recyclables Generally.** [Ord. No. 2000-16 § 1, 8-15-2000; Ord. No. 2013-23 § 1, 7-23-2013]

Recyclables shall not, in any event, be deposited in any landfill, be burned in any incinerator or be deposited or distributed in any way or manner which is contrary to then-applicable law, statute, ordinance, rule or regulation; provided, however, that the restrictions hereinabove shall not apply to any recyclables which are deposited in a landfill or burned pursuant to specific prior written approval granted by the City. Residents shall take such action as is reasonable under the circumstances to determine that recyclables are not disposed of contrary to the provisions of this Section.

**SECTION 11-10. Prohibited Practices.** [Ord. No. 2000-16 § 1, 8-15-2000; Ord. No. 2013-23 § 1, 7-23-2013]

- A. Trash collection is mandatory for every residential and commercial property within the City. It shall be unlawful for any person to:
1. Deposit solid waste in any solid waste container other than his own;
  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, 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;
  3. Residents of the City may burn weeds, grass and other plant life from gardens and areas being used as gardens and further be allowed to burn leaves, brush and tree clippings, provided that such burning shall not endanger the life or property of the community; all burning must be in compliance with both the City's Fire Prevention Code and all applicable State laws and regulations, including, but not limited to, regulations promulgated by the State's Department of Natural Resources and the State Air Conservation Commission.
  4. Dispose of solid waste at any facility or location which is not approved by the City and the Missouri Division of Health and State's 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;
  6. Fail to participate in the weekly residential or commercial trash collection provided by contractor;
  7. Combine residential solid waste and commercial solid waste into one (1) solid waste container.

**SECTION 11-11. Penalties.** [Ord. No. 2000-16 § 1, 8-15-2000; Ord. No. 2013-23 § 1, 7-23-2013]

Any person violating any of the provisions of this Chapter, or any lawful rules or regulations promulgated pursuant thereto, upon conviction, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00). Each day in which a violation occurs constitutes a separate violation.

**SECTION 11-12. Performance Bond.** [Ord. No. 2000-16 § 1, 8-15-2000; Ord. No. 2013-23 § 1, 7-23-2013]

Any contractor who shall collect, transport, process or dispose of solid waste under contract with the City of Lexington shall furnish the City and maintain during the term of

the contract a performance bond or letter of credit acceptable to City in a penal sum of a minimum of twenty-five thousand dollars (\$25,000.00) with good and sufficient surety acceptable to the City and conditioned upon the contractor performing his duties and obligations provided for in his contract.