

ORDINANCE #: 090500A

AN ORDINANCE PRESCRIBING REGULATIONS AND RATES TO CHARGE~~X~~  
FOR TRASH SERVICES OF THE CITY OF WHEATON, MISSOURI, PRESCRIBING  
THE MANNER OF PAYMENT OF ACCOUNTS WHEN DUE, AND REPEALING  
ALL ORDINANCES, RESOLUTIONS AND OTHER ACTION OF THE BOARD OF  
ALDERMEN IN CONFLICT HEREWITH.

SECTION 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:

*Bulky Rubbish:* 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 loaded safely and conveniently in solid waste collection vehicles by solid waste collectors, with equipment available therefor.

*Collection:* Removal and transportation of solid waste from its place of storage to its place of processing or disposal.

*Demolition and Construction Waste:* Waste materials from the construction or destruction of residential, industrial or commercial structures.

*Disposable Solid Waste Container:* Disposable plastic or paper sacks with a capacity of twenty (20) to thirty-five (35) gallons specifically designed for the storage of solid waste.

*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:* Putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food.

*Hazardous Wastes:* Any waste or combination of wastes, as determined by the 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.

*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 the owner or as a tenant.

*Person:* Any individual, partnership, corporation, association, institution, city, county, other political subdivision, authority, state agency or institution, or federal agency or institution.

*Refuse:* "Solid waste" as defined in this Section.

*Solid Waste:* Garbage, refuse and other discarded materials including, but not limited to, solid and semi-solid waste materials resulting from industrial, commercial, agricultural, governmental and domestic activities, but does not include hazardous waste as defined in sections 260.360 to 260.432 RSMo., recovered materials, overburden, rock, tailings, matte, slag or other waste material resulting from mining, milling or smelting.

*Solid Waste Container:* A 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.

*Storage:* Keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

*Yard Wastes:* Leaves, grass clippings, yard and garden vegetation and Christmas trees. The term does not include stumps, roots or shrubs with intact root balls.

SECTION 2. VIOLATIONS. Any person who violates any of the provisions of this Ordinance, or any lawful rules or regulations promulgates pursuant hereto, shall be guilty of a misdemeanor.

SECTION 3. EXCEPTIONS. Excepted from the terms of this Chapter is the removal, hauling or disposal of earth and rock material from grading or excavation activities or demolition or construction 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. COLLECTION.

- A. 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, a county, or another city or a combination thereof for the entire city or portions thereof, as deemed to be in the best interests of the City.
- B. All solid waste from premises to which collection services are provided by the City shall be collected, except bulky rubbish as defined in this Chapter. All solid waste collected shall, upon being loaded into the collection equipment, become the property of the collection agency.

- C. Solid waste containers as required by this Chapter for the storage of other residential solid waste shall be placed outside buildings so as to be easily accessible 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 a regularly scheduled collection day.
- D. 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. All commercial solid waste shall be collected at least once weekly and shall be collected at such lesser intervals as may be necessary to ensure the preservation of the health and safety of the public.
- E. All collection vehicles shall be maintained in a safe, clean and sanitary condition and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for collection of solid waste shall be constructed with 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 alternative, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers.

**SECTION 5. PROHIBITED ACTS.** It shall be unlawful for any person to:

1. Deposit any solid waste in any solid waste container other than his/her own without the written consent of the owner of such container, and/or with the intent of avoiding payment of the service charge provided for in this Chapter for solid waste collection and disposal;
2. Interfere in any manner with solid waste collectors in the lawful performance of their duties as such, whether the equipment or collectors shall be those of the City or those of a solid waste collection agency operating under contract with the City;
3. Burn solid waste unless a variance has been obtained from the Board of Alderman and the appropriate air pollution control agency;
4. Dispose of solid waste at any facility or location which is not approved by the City and the State Department of Natural Resources;
5. Engage in the business of collecting, transporting, processing or disposing of solid waste for hire within the corporate limits of the City without authorization by the City.

## SECTION 6. SERVICE CHARGES

- A. *Imposed.* There is hereby imposed, for the collection and disposal of solid waste, a service charge for each dwelling unit and each commercial establishment to which such service shall be provided under the provision of this Chapter.
- B. *Excess Disposals—Contract.* Any residence, business, professional office or commercial establishment of any nature which has solid waste disposals exceeding one-half (1/2) cubic yard per week of solid waste shall contract for services for the disposal of such excess solid waste with the collecting agency on an individual basis, provided that the collecting agency cannot charge therefor more than a maximum charge.
- C. *Excess Disposals—Decision by Board.* If the collecting agency and the individual cannot agree on a contract price for the disposal of excess solid waste, then both parties may appear before the Board of Aldermen, which shall determine the fee to be charged. The determination of the Board of Aldermen shall be final in such instances.
- D. *Failure to Pay Charges.* If it is determined by the Board of alderman that any person has refused or failed to pay any charge assessed pursuant to the provisions of this Chapter for a period of more than sixty (60) consecutive days, the City may enforce collection of such charges by bringing proper legal action against the occupant of the premises which has received such services 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. The fact that legal title to property is in any person constitutes prima facie proof that such person is responsible for the payment of charges provided for in this Chapter. The fact that charges incurred were for services provided to a tenant, agent, or other person using the titleholder's property shall not be grounds for staying the termination of City services provided for in this Section.
- E. *Separate Residences Construed.* Each unit of a multiple housing facility or trailer park shall be construed to be a separate residence.
- F. *Termination For Vacancy.* The service and service charge shall be terminated upon presentation of satisfactory proof to the City Collector that a dwelling unit or establishment is unoccupied, and shall be commenced upon renewed occupancy thereof.
- G. *Enforcement.* The system of services established by the provisions of this Chapter 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

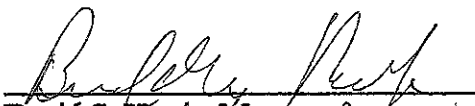
City may enforce collection of such charges by bringing proper legal action against the occupant of any premises which has received such services, to recover any sums due for such services, plus a reasonable attorney's fee to be fixed by the court.

H. *Payment—General Responsibility.* The service charge provided for in this Section is hereby imposed upon the occupant of each dwelling unit receiving such service under the provision of this Chapter. Billing therefor shall be made to the person contracting for City water and/or sewerage service or for other water service or otherwise providing water service to each such dwelling unit, in the absence of information that such person is neither the owner nor the tenant of such dwelling unit. If such person is neither the owner nor the tenant, billing shall be made to the owner. Service charges shall be made payable to the department empowered to collect service charges imposed by the City.

I. *Payment—Frequency—Service Fee.* The service charge shall be collected monthly by the City Collector along with the combined water and sewage charge, and the City shall retain a service fee for collection, to be placed in general revenue.

SECTION 7. DISPOSAL. Solid wastes shall be disposed of at a processing facility or disposal area approved by the City and complying with all requirements of the State Department of Natural Resources.

SECTION 8. This ordinance shall be in full force and effect from and after the date of its passage and approval. Read two times, passed and approved on the 5<sup>th</sup> day of September, 2000.

  
David S. Harris, Mayor - Absent  
Buddy Park - Mayor Pro-tem

ATTEST:

  
Pam Pogue, City Clerk