

## **CHAPTER 9**

### **SOLID WASTE AND WEEDS**

#### **ARTICLE I.** **SOLID WASTE**

##### **Section 9-1. Definitions.**

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

**APPROVED INCINERATOR**-an incinerator, which complies with all current regulations of the Missouri Air Conservation Commission.

**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 safely and conveniently loaded in solid waste collection vehicles by solid waste collectors, with the equipment available therefore.

**CITY**-the City of Nixa, Missouri.

**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.

**DIRECTOR**-the City Administrator who administers the Solid Waste Management Program of the City, or his authorized representative.

**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**-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 one dwelling unit under one 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.

REFUSE-solid waste.

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, animal 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.

YARD WASTES-grass clippings, leaves, tree trimmings.

**Section 9-2. Solid Waste Storage.**

- a. The occupant of every dwelling unit shall use a solid waste container provide by the City's approved waste disposal contractor; and all 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.

- b. 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.
- c. Residential solid waste shall be stored in containers provided by the City's approved solid waste disposal contractor. Containers shall be leak-proof, 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
- d. Commercial solid waste shall be stored in solid waste containers as approved by the Director. The containers shall be waterproof, leak-proof 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 9-6. Rules and Regulations.
- e. Tree limbs less than four inches (4") in diameter and brush shall be securely tied in bundles not larger than forty-eight inches (48") long and eighteen inches (18") in diameter and shall be disposed of at the City Recycling Facility. Following natural disasters (Tornado, Ice, Snow or the like) tree limbs can be placed at the curb for City removal.
- f. Solid waste containers not in compliance with this ordinance are prohibited.

**Section 9-3. Collection of Solid Waste.**

- a. The City shall provide for the collection of solid waste as follows:
  - 1. Collection of residential solid waste:  
The City shall provide for the collection of all residential 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.
  - 2. Other collections  
  
The City may, at its discretion, provide commercial solid waste collection services upon specific application of the owners or persons in charge thereof. However, in the event that such application is not made or

approved, it shall be the duty of such establishment to provide for collection of all solid waste produced upon any such premises.

- b. All solid waste collected shall, upon being loaded into collection equipment, become the property of the collection agency.
- c. Solid waste containers as required by this ordinance for the storage of ~~other~~ residential solid waste shall be placed at the curb for collection. Solid waste containers permitted by this ordinance, SHALL NOT be placed at the curb or alley for collection until 7:00 p.m. the day before the regularly scheduled collection day.
- d. Bulky rubbish shall be collected by the City's approved contractor in accordance with the contractor's procedure(s).
- e. 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 there from 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.
- f. 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 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.

- g. 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.
- h. 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 there from. 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 alternate, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers.

- i. 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.
- j. Transportation and disposal of demolition and construction wastes shall be in accordance with Section 9-4, Disposal of Solid Waste, and Section 9-5, Permits.
- k. All refuse containers shall be removed from the curbside by midnight on the day of service.
- l. All refuse must be placed in either an approved container or plastic bag when occupant is sixty-two (62) years or older using contractor provided plastic bags(s).
- m. The resident is responsible for ensuring that trash is not windblown or spread along the ROW. The spreading of refuse will be considered a nuisance violation and be treated accordingly. The resident will be responsible for preventing animals from spreading trash.
- n. All refuse containers shall not be placed curbside before 7:00 p.m. before the day of service.
- o. Trash haulers will not be permitted to begin their rounds before 7:00 a.m.

**Section 9-4. Disposal of Solid Waste.**

- a. Solid wastes shall be disposed of at a processing facility or disposal area approved by the City and complying with all requirements of the 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 9-5. Rules and Regulations.**

The Director shall make, amend, revoke, and enforce reasonable and necessary 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 of the covers thereof, and of equipment thereto pertaining, 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 of solid waste.
- h. Collection points of solid waste containers.
- i. Collection and disposal of solid waste.
- j. Processing facilities and fees for the use thereof.
- k. Disposal facilities and fees for the use thereof.
- l. Records of quantity and type of wastes received and processed and/or disposal facilities.
- m. Handling of special wastes such as toxic wastes, sludge, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.

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.

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.

**Section 9-6. Prohibited Practices.**

It shall be unlawful for any person to:

- a. 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;
- b. Interfere in any manner with solid waste collection 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;

- c. Burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency;
- d. Dispose of solid waste at any facility or location which is not approved by the City and the Missouri Department of Natural Resources;
- e. Engage in the business of collection, 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.

**Section 9-7. Service Charges.**

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 provisions of this ordinance. The monthly service charge for collection of residential solid waste shall be in an amount to be set from time to time by the Board of Aldermen. The service charge for each commercial establishment will be determined by the Director on the basis of quantity and characteristics of material, point of pickup, and time required to collect the solid waste if service is performed by the City.

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

The system of services established by the provisions of this ordinance hereof is designed as an integral part of the City's program of health and sanitation, to be operated as 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.

The service charge herein provided for is hereby imposed upon the occupant of each dwelling unit receiving such service under the provisions of this ordinance and billing therefore shall be made to the person contracting for City electric, water, and/or sewerage service. In the absence of information that such person is neither the owner nor the tenant of such dwelling unit, billing therefore shall be made to the owner. Service charges shall be payable to the department empowered to collect service charges imposed by the City.

**Section 9-8. 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 hereof.

**Section 9-9. Bonds.**

The holder of a permit to collect solid waste and/or to operate processing or disposal facilities shall furnish a performance bond in the sum of five hundred dollars (\$500.00) with a good and sufficient surety acceptable to the City. The Board of Aldermen may from time to time require such additional bonds as, in their discretion, they determine necessary to insure compliance with the terms of these ordinances and the laws of the State of Missouri and to protect the interest of the City and its residents.

**Section 9-10. Savings Clause.**

Nothing in this ordinance shall be deemed to affect, modify, amend or repeal any provision of any ordinance administered by the Health Department, or other department, board, commission, or agency.

**Section 9-11. 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. (#1621 11/09)

**Sections 9-12 through 9-25 reserved.**

**ARTICLE II.  
WEEDS**

**Section 9-26. Maximum Height Allowed.**

No property owner shall be permitted to allow weeds, grass, brush, briars, and other rank vegetation to grow in excess of twelve (12) inches in height, exclusive of ornamental shrubs or flowers, vegetable crops, fruit trees, berry bushes, cover crops and domestic grains or other cultivated crops. A violation unabated for a period greater than five (5) days will warrant the issuance of a summons to the property owner. The property owner shall be responsible for all abatement costs. Owners of undeveloped land shall

maintain their property so that weeds shall not exceed a height of eighteen (18) inches. (#1179 3/02)

**Section 9-27. Notification of Property Owner.**

In the event any property owner shall allow his property to grow up in the manner described in Section 9-26, it shall be the duty of the code enforcement personnel to notify said property owner of this ordinance in accordance with Chapter 13, Section 13-3. (#1179 3/02).

**Section 9-28. Removal or Abatement.**

Failure to correct the conditions described in Section 9-26 shall result in abatement or removal by the City in accordance with Chapter 13, Section 13-6. (#1179 3/02).

**Sections 9-29 through 9-40 reserved.**

**ARTICLE III.**  
**RECYCLING**

**Section 9-41. Facility Use.**

The recycle/compost collection facility is for use by the City of Nixa's utility paying customers (referred to herein as "residents"). Residents shall personally deliver and deposit only accepted recycling material and yard waste, free of garbage, animal and hazardous wastes, during normal hours of operation. Recycling material and yard waste must be deposited in designated bins.

**Section 9-42. Non-acceptable Waste.**

Acceptable recyclables shall not include commercial, industrial or agricultural solid waste.

**Section 9-43. Acceptable Recycle Materials and Preparation.**

Residents shall be responsible for the cleanliness preparation and proper disposal of each recyclable. Acceptable materials and proper material preparation shall be as follows:

- a. Glass containers: All colors; shall be rinsed to avoid health and nuisance problems. Metal and plastic lids, rings and caps shall be removed.
- b. Metal: Includes aluminum and in cans and lids. Cans shall be rinsed to avoid health and nuisance problems. Cans should be flattened whenever possible.
- c. Plastics: Plastic containers shall include soda bottles, milk jugs, and like items. Containers shall be rinsed to avoid health and nuisance problems. Containers shall be flattened and lids and neck rings removed.
- d. Newsprint: Clean, unsoiled newsprint-type paper containing no glossy magazine-type paper. No magazines shall be accepted.
- e. No banned material will be accepted.
- f. Yard waste: Leaves and grass products will be placed in appropriate containers free of trash, garbage and boxes/bags or any other material which was used to transport the waste.

**Section 9-44. Removal of Recycle Materials and Containers.**

It shall be unlawful for persons, firms, or corporations not licensed or contracted by the City to remove recycling containers and/or its contents.

**Section 9-45. Residential Composting.**

Residential composting is any process that uses an above ground microbial process to convert yard waste to an organic soil amendment or mulch by decomposition of material through an aerobic process providing adequate oxygen and moisture. It shall be unlawful to accumulate or permit to accumulate any yard waste on any property in the City which will constitute a nuisance as described on Chapter 13, Article 1. of the code of ordinances.

All residential composting facilities shall be constructed and maintained using accepted composting methods to comply with the following requirements:

- a. All composting shall be maintained so as to prevent the harborage of rodents and pests.
- b. All compost piles shall be enclosed in a free-standing compost bin that has at least three vertical sides. No compost pile may exceed 25 square feet in area or exceed 4 feet in height, no lot may contain more than one compost site.
- c. Compost bins shall be located in a rear yard, at least 15 feet from any dwelling

- on adjacent property and at least 5 feet from the property line.
- d. All composting shall be maintained so as to inhibit the generation of odors.
  - e. Only yard waste, straw, fruit and vegetable scrap, egg shells or coffee grounds generated from within the boundaries of the parcel in which the compost area is located, may be used.
  - f. The following materials are prohibited from use in residential compost container: meat, bones, whole eggs, dairy products, unshredded branches or logs, weeds heavily loaded with seeds, plastics, synthetic fibers, human or pet waste, diseased plants and any other garbage or refuse, except for those permitted in Section 9-45, (e).
  - g. No compost pile shall be located in a drainage easement or where it will impede the natural free flow of stormwater drainage.

Residential composting facilities established in accordance with this code are for private use only. There shall be no commercial use of the product of such composting.  
(#1610 9/09)

**Sections 9-46 through 9-50 reserved.**