



RE: RECYCLE CENTER FACILITY USE AMENDMENT

Background:

It has recently been discovered that the ordinance establishing use requirements for the recycling center does not support the policy in which the facility has operated under for many years. The recycle center was originally approved by voters in April of 1995; the approval included a \$1.50 monthly charge to help fund operations. Facility use was limited to residents of the city that paid the monthly recycling charge. At an unknown point in time, a city policy was adopted that allowed residents outside the city limits to purchase a yearly permit to allow for use of the recycling center. This permit was limited to residents, no commercial businesses could obtain a permit. Permit holders can utilize the facility for recycling purposes only, yard waste drop off and compost is limited to Nixa residents only.

Analysis:

The attached ordinance provides the necessary amendments to provide language to allow non-residents to purchase a permit to utilize the recycle center. The ordinance establishes regulations providing the means for non-residents to purchase a permit to utilize the recycling center under the following conditions. No commercial business can purchase a permit, permits are limited to residents outside city limits but living within the 65714-zip code, and permit holders are excluded from utilizing the yard waste area.

The existing yearly permit fee is \$36.00 and is good for one year from the date of purchase. This fee has not been increased since it was established, staff feels that an increase is warranted to help offset operational costs. The amendment also includes a fee increase to \$120.00 per year for council consideration along with the facility use amendment.

Recommendation:

Staff recommends approval of the proposed language as presented.

MEMO PREPARED BY:

Travis Cossey | Interim Director Nixa Utilities & Public Works

417-725-2353

1 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA AMENDING SECTION 2-**
2 **151, 22-374, 22-375, & 22-376 FOR THE PURPOSE OF AMENDING FACILITY USE**
3 **REGULATIONS AND FEES FOR THE CITY RECYCLING CENTER.**
4

5 **WHEREAS** the City owns and operates a recycling center originally approved by
6 voters in April 1995; and
7

8 **WHEREAS** City staff has determined that amendments to the City Code are
9 necessary to align facility regulations with current operational policies, specifically
10 regarding access for non-residents residing within the Nixa postal code; and
11

12 **WHEREAS** the City Council desires to update the fee structure for non-resident
13 recycling permits to assist in offsetting the operational costs of the facility; and
14

15 **WHEREAS** the City Council finds it in the best interest of the City to amend the
16 City Code to reflect these operational and fiscal updates.
17

18 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**
19 **NIXA, AS FOLLOWS, THAT:**
20

21 **SECTION 1:** Chapter 2, Article, IV, Section 2-151 of the Nixa City Code is hereby
22 modified and amended as set forth in "Council Bill Exhibit A," which is attached hereto
23 and incorporated herein by this reference.
24

25 **SECTION 2:** Chapter 22, Article V, Division 2, Section 22-374 of the Nixa City
26 Code is hereby amended by repealing Section 22-374 in its entirety and adopting in lieu
27 thereof a new Section 22-374, which said section shall read as follows (Explanation:
28 Language in bold-face type (e.g., **thus**) is language to be added. Language in bold-faced
29 brackets (e.g., [**thus**]) is not enacted and is intended to be omitted or deleted.):
30

31 Sec. 22-374. Facility use.
32

33 **(a)** ~~[Any member of the general public]~~ **Persons residing within a Nixa postal code**
34 may utilize the ~~[recycle/compost]~~ **recycling** collection facility during the normal
35 business hours of the facility.
36

37 **(b)** Users shall personally deliver and deposit only accepted recycling material and, free
38 of garbage, animal and hazardous wastes, during normal hours of operation.
39

40 **(c)** Recycling material must be deposited in designated bins.
41

42 **(d)** Users of the city's solid waste collection system may utilize the facility without the need
43 for a permit, pursuant to the approval of Ordinance 898 (Approved by the qualified
44 voters at the April 4, 1995, election).
45

46 (e) Those who are not users of the city's solid waste collection system **but who reside**
 47 **within a Nixa postal code** may utilize the facility after obtaining a permit from the city
 48 and paying the permit fee established in section 2-151 of this Code. **No permit shall**
 49 **be issued to any person or entity residing outside of a Nixa postal code.**

50
 51 **SECTION 3:** Chapter 22, Article V, Division 2, Section 22-375 of the Nixa City
 52 Code is hereby amended by repealing Section 22-375 in its entirety and adopting in lieu
 53 thereof a new Section 22-375, which said section shall read as follows (Explanation:
 54 Language in bold-face type (e.g., **thus**) is language to be added. Language in bold-faced
 55 brackets (e.g., [~~thus~~]) is not enacted and is intended to be omitted or deleted.):

56
 57 Sec. 22-375. Non-acceptable waste.

58
 59 Acceptable recyclables shall not include commercial, industrial or agricultural solid
 60 waste. **No person, firm, or corporation shall utilize the facility for any commercial**
 61 **purpose or for the disposal of waste generated by commercial activity.**

62
 63 **SECTION 4:** Chapter 22, Article V, Division 2, Section 22-376 of the Nixa City
 64 Code is hereby amended by repealing Section 22-376 in its entirety and adopting in lieu
 65 thereof a new Section 22-376, which said section shall read as follows (Explanation:
 66 Language in bold-face type (e.g., **thus**) is language to be added. Language in bold-faced
 67 brackets (e.g., [~~thus~~]) is not enacted and is intended to be omitted or deleted.):

68
 69 Sec. 22-376. Acceptable recycle materials and preparation.

70
 71 Residents shall be responsible for the cleanliness preparation and proper disposal
 72 of each recyclable. Acceptable materials and proper material preparation shall be as
 73 follows:

- 74
 75 (1) Glass containers. All colors; shall be rinsed to avoid health and nuisance problems.
 76 Metal and plastic lids, rings and caps shall be removed.
- 77
 78 (2) Metal. Includes aluminum and tin cans and lids. Cans shall be rinsed to avoid
 79 health and nuisance problems. Cans should be flattened whenever possible.
- 80
 81 (3) Plastics. Plastic containers shall include soda bottles, milk jugs, and like items.
 82 Containers shall be rinsed to avoid health and nuisance problems. Containers shall
 83 be flattened and lids and neck rings removed.
- 84
 85 (4) Newsprint. Clean, unsoiled newsprint-type paper containing no glossy magazine-
 86 type paper. No magazines shall be accepted.
- 87
 88 (5) No banned material will be accepted.
- 89
 90 (6) Yard waste. Leaves and grass products will be placed in appropriate containers
 91 free of trash, garbage and boxes/bags or any other material which was used to

92 transport the waste. **Yard waste shall only be accepted from users of the city's**
93 **solid waste collection system.**

94
95 **SECTION 5:** The City Clerk, when codifying the provisions of this Ordinance, is
96 authorized to provide for different section numbers, subsection numbers, and different
97 internal citation references than those provided herein when such section numbers,
98 subsection numbers, or internal citation references are in error or are contrary to the intent
99 of this Ordinance.

100
101 **SECTION 6:** Savings Clause. Nothing in this Ordinance shall be construed to
102 affect any suit or proceeding now pending in any court or any rights acquired, or liability
103 incurred nor any cause or causes of action occurred or existing, under any act or
104 ordinance repealed hereby.

105
106 **SECTION 7:** Severability Clause. If any section, subsection, sentence, clause, or
107 phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect
108 the validity of the remaining portions of this Ordinance. The Council hereby declares that
109 it would have adopted the Ordinance and each section, subsection, sentence, clause, or
110 phrase thereof, irrespective of the fact that any one or more sections, subsections,
111 sentences, clauses, or phrases be declared invalid.

112
113 **SECTION 8:** This Ordinance shall be in full force and effect from and after its final
114 passage by the City Council and after its approval by the Mayor, subject to the provisions
115 of section 3.11(g) of the City Charter.

116
117
118 **ADOPTED BY THE COUNCIL THIS 10th DAY OF MARCH 2026.**

119 ATTEST:

120
121
122 _____
123 PRESIDING OFFICER

120
121
122 _____
123 CITY CLERK

124
125
126 **APPROVED BY THE MAYOR THIS _____ DAY OF _____ 2026.**

127 ATTEST:

128
129
130 _____
131 MAYOR

128
129
130 _____
131 CITY CLERK

132
133
134 APPROVED AS TO FORM:

135
136 _____
137 CITY ATTORNEY

COUNCIL BILL EXHIBIT A

(1) Section 2-151(b)(1) shall be modified as set forth below:

a. The existing language, provided below:

Fee Name	Fee Amount	Fee Description/Code Section
Recycling Permit	\$36.00	Annual Permit for those who are not user of the City's solid waste management system

b. Is hereby modified as set forth below:

Fee Name	Fee Amount	Fee Description/Code Section
Recycling Permit	\$120.00	Annual Permit for those who are not users of the City's solid waste management system

(2) Aside from the modifications described in this Council Bill Exhibit A, all other portions of Section 2-151 shall remain unmodified.