

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

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

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

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

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

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

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

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

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

Sec. 22-374. Facility use.

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

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

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

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

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

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

Sec. 22-375. Non-acceptable waste.

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

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

Sec. 22-376. 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:

- (1) Glass containers. All colors; shall be rinsed to avoid health and nuisance problems. Metal and plastic lids, rings and caps shall be removed.
- (2) Metal. Includes aluminum and tin cans and lids. Cans shall be rinsed to avoid health and nuisance problems. Cans should be flattened whenever possible.
- (3) 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.
- (4) Newsprint. Clean, unsoiled newsprint-type paper containing no glossy magazine-type paper. No magazines shall be accepted.
- (5) No banned material will be accepted.
- (6) 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. **Yard waste shall only be accepted from users of the city's solid waste collection system.**

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

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

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

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

ADOPTED BY THE COUNCIL THIS _____ DAY OF _____ 2026.

ATTEST:

PRESIDING OFFICER

CITY CLERK

APPROVED BY THE MAYOR THIS _____ DAY OF _____ 2026.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

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.