

Chapter 230

SOLID WASTE

Section 230.010. Definitions.

[Ord. No. 108 §1, 6-11-1969]

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

BULKY RUBBISH — Non-putrescible 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.

CITY — The City of Houston Lake, Missouri.

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

COMMERCIAL SOLID WASTE — All solid waste generated from a source other than a dwelling unit.

CONTRACTOR — Such person, firm or corporation as may be contracted with to provide solid waste transportation and disposal for the City.

CURBSIDE — A location adjacent to and not more than five (5) feet from any street.

DISPOSABLE SOLID WASTE CONTAINER — Disposable plastic or paper sacks with a capacity of twenty (20) to thirty-nine (39) gallons or, if specifically designated for storage of solid waste, a maximum of fifty-five (55) gallons.

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. Units of multiple-housing facilities may be billed as dwelling units upon request by the owner of said dwelling units.

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 Hazardous Waste Management 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.

HEALTH OFFICER — The legally designated health authority of the City or his/her authorized representative.

MAJOR APPLIANCES — Clothes washers and dryers, water heaters, trash compactors, dishwashers, conventional ovens, ranges, stoves, wood stoves, air-conditioners, refrigerators and freezers.

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 natural individual, firm, partnership, trust, association or corporation. As applied to partnerships or associations, the word includes the partners or members thereof; and as applied to corporations, it includes the officers, agents or employees thereof who are responsible for the act referred to.

PREMISES — Business houses, boarding houses, rooming houses, offices, theaters, hotels, tourist camps, apartments, restaurants, cafes, bars, eating houses, hospitals, schools, private residences, vacant lots or other places within the City.

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

PROHIBITED ITEMS — Items which are eliminated by State law from being disposed of in a solid waste disposal area including, but not limited to, major appliances, waste oil, lead acid batteries, waste tires and the like as the same may be now or hereafter defined by State law.

REFUSE — All solid waste, including garbage and rubbish.

RESIDENTIAL SOLID WASTE — Solid waste resulting from the maintenance and operation of dwelling units.

RUBBISH — Tin cans, bottles, papers, tree limbs (which shall be cut in two (2) lengths not exceeding three (3) feet or fifty (50) pounds), grass and weed cuttings, paper boxes, small light wood or crafting materials, or similar items from any premises within the City.

RUBBLE — Brushwood, cardboard boxes, heavy yard trimmings which cannot be conveniently cut into three (3) foot lengths, discarded fence posts, old lumber and other earthen, wooden or metal refuse- like materials longer, larger or heavier than rubbish.

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 does not include "*yard waste*" as defined herein.

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

Section 230.020. Solid Waste Storage.

[Ord. No. 108 §2, 6-11-1969]

- A. The occupant of every dwelling unit and of every 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, except bulky rubbish and demolition and construction waste, to serve each such dwelling unit and/or establishment and to maintain such solid waste containers at all times in good repair.
- B. The occupant of every dwelling unit and of every institutional, commercial, business, industrial or agricultural establishment shall place all solid waste to be collected in proper solid waste containers and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times. Accumulation of waste in suitable containers shall not be stored upon any site in the City for a period longer than seven (7) days.
- C. Residential solid waste shall be stored in containers of not more than thirty-nine (39) gallons nor less than twenty (20) gallons in nominal capacity, except that residential solid waste may be stored in trash bags of adequate strength in a size not to exceed fifty-five (55) gallons. All containers, including bags, shall be leakproof and waterproof, fly-tight and properly covered, tied or enclosed, except when depositing waste therein or removing the contents thereof. Containers other than bags shall have handles, bails or other suitable lifting devices or features. Containers other than bags shall be of a type originally manufactured for residential solid waste with tapered sides for easy emptying. They shall be of lightweight and sturdy construction. The weight of any individual container, including bags and its contents, shall not exceed seventy-five (75) pounds. Galvanized metal containers or rubber, fiberglass or plastic containers which do not become brittle in cold weather may be used in addition to bags. Disposable solid waste containers with suitable frames or containers as approved by the City may also be used for storage of residential solid waste. Galvanized metal containers or rubber, fiberglass or plastic containers with suitable frames or containers as approved by the City may also be used for storage of residential solid waste.
- D. Commercial solid waste shall be stored in solid waste containers as approved by the Board. The containers shall be waterproof, leakproof 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 230.060.
- E. Solid waste containers which are not approved will be collected together with their

contents and disposed of.

Section 230.025. Open Burning Restrictions.

[Ord. No. 176 §1, 5-9-1988; Ord. No. 336, 7-9-2012]

- A. No person shall conduct or cause or permit the conduct of open burning, except open burning for recreation purposes shall be allowed upon application and issuance of a permit by the Board of Aldermen of the City of Houston Lake. Permits will be issued at no cost to the individual. Permits are valid for the calendar year in which the permit is approved, not to exceed December thirty-first (31st) of the calendar year in which the permit is approved, and are subject to the restrictions set forth in this Section 230.025(B).
- B. Permits will be considered for open burning for recreational purposes only with the following restrictions:
 - 1. Applicants must be at least twenty-one (21) years of age and an owner of the property in which the fire will be located.
 - 2. Burning shall be in a chiminea, commercially purchased fire pit, or barbecue grill. Home built fire pits must be approved by the Board of Aldermen.
 - 3. The location for burning shall not be less than fifteen (15) feet from any structure or combustible material.
 - 4. Fires shall not exceed three (3) feet in length by three (3) feet in width by three (3) feet in height and shall only be between the hours of 6:00 A.M. and 12:00 P.M. Midnight.
 - 5. Burning shall be of untreated wood only.
 - 6. Burning of solid waste such as household trash is prohibited.
 - 7. Burning of yard waste, tires, rubber products, hazardous materials, styrofoam, plastics, petroleum-based products, demolition waste, treated wood, and asbestos-containing material is prohibited.
 - 8. Burning of waste generated by a business, trade, industry, salvage or demolition operation is prohibited.
 - 9. Burning in the street is prohibited. No open burning shall be allowed in the paved portion of any public street.
 - 10. Burning that is offensive or objectionable because of smoke or odor emissions shall be prohibited.
 - 11. The permit holder shall remain in constant attendance of the fire until the fire is extinguished. A minimum of one (1) portable fire extinguisher with a minimum 4A rating or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.
 - 12. The Mayor and Fire Chief or his designee is authorized to designate individual days as "no burn" days for recreational open burning within the City. On days designated

as "no burn" days, all open burning is prohibited. The designation of "no burn" days shall be subject to the discretion of the Mayor and Fire Chief or his designee. Designation of "no burn" days shall be posted at Houston Lake City Hall before 9:00 A.M. of the day that is to be designated as a "no burn" day. It shall be the duty of the permit holder to determine whether a particular day is designated as a "no burn" day.

13. The permit must be kept on-site and be presented to the Fire Department official or City Official upon request.
- C. Open burning for recreational purposes is prohibited on designated "no burn" days. Open burning is also prohibited when the following conditions exist:
1. Atmospheric conditions that prevent smoke from rising freely.
 2. When excessively dry conditions exist.
 3. Sustained winds greater than fifteen (15) miles per hour.
 4. Frequent wind gusts greater than twenty-five (25) miles per hour.
- D. Permits may be revoked by the Board of Aldermen should the Board of Aldermen determine that the permit holder has violated any of the conditions set forth above in Section 230.025(B).
- E. The Fire Department official or City Official is authorized to order the extinguishment by the permit holder, another person responsible, or the Fire Department of burning that creates or adds to a hazardous or objectionable situation, or of burning that is in violation of this Section.
- F. *"Open burning"*, as used in this Section, means the burning of any materials in which air contaminants are emitted directly into the air without first passing through a stack or chimney.
- G. *"Untreated wood"*, as used in this Section, means lumber and other wooden materials that have not been chemically treated for resistance to moisture, fire, fungi, insects and other pests or has not otherwise been treated or manufactured with chemicals, or that does not contain adhesives or resins. Untreated wood does not include plywood, particle board, chipboard or wood with other than minimal amounts of paint, coating or finish.
- H. *"Yard waste"*, as used in this Section, means leaves, brush and vegetation, to include, but not be limited to, grass clippings, vines, and ivy, that originated on the property in which it will be burnt on. Yard waste does not include tree limbs that originated on the property in which it will be burnt on.

Section 230.030. 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 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 in a manner approved by City. If and when the City does provide commercial collection service, the provisions herein concerning such service shall apply.
- B. All solid waste from premises to which collection services are provided under contract with the City shall become the property of the collection agency upon being loaded into the transportation equipment.
 - C. Solid waste containers as required by this Chapter for the storage of residential solid waste shall be placed at curbside for collection but shall not be so placed until after 6:00 P.M. on the day next preceding the regularly scheduled collection day. Containers shall be removed from curbside no later than 8:00 P.M. on the day of collection. No alley service shall be allowed under the terms of this Chapter, except as approved by the Board of Aldermen.
 - D. Individuals desiring the collection of bulky rubbish shall deal directly with those licensed by the City for the collection of the same.
 - 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 therefrom as required by this Chapter. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste.
 - F. It shall be the responsibility of the occupants of each dwelling unit to prepare, package and deliver solid waste to curbside for collection as prescribed in this Chapter and as it may be amended from time to time.
 - G. It shall be the responsibility of each commercial, industrial, institutional or other non-residential generator of solid waste to prepare, package and store solid waste so generated as prescribed by this Chapter and as it may be amended from time to time.
 - H. It shall be the responsibility of every solid waste collector to abide by this Chapter and receive and transport solid waste in a manner consistent with the provisions of this Chapter.
 - I. 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 Board upon a determination that such lesser intervals are necessary for the preservation of the health and/or safety of the public.
 - J. Residential solid waste containers shall be stored upon the residential premises. Except as provided in Subsection (C) hereof, all solid waste containers stored out-of-doors shall be stored behind any building located on the tract of land. Commercial solid waste containers shall remain in the location from which they are to be serviced except while being serviced.

- K. All solid waste collectors operating under contract with the City or otherwise collecting solid waste within the City limits shall be responsible for the collected solid waste from the point of collection to the point of disposal, provided the solid waste was stored in compliance with the applicable Sections 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.
- L. It shall be unlawful for any person, firm or corporation collecting and disposing of rubbish, garbage or waste material from premises in the residential districts or premises in any commercial district which abuts or adjoins a residential district in the City to make such collection or dispose of rubbish, garbage or waste materials between the hours of 9:00 P.M. and 7:00 A.M.

Section 230.040. Transportation of Solid Waste.

- A. All transportation 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 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 alternative, the entire bodies thereof shall be enclosed with only loading hoppers exposed. Provided however, other vehicles may be used to transport bulky rubbish which because of its size or weight is not susceptible to being loaded or unloaded in vehicles described above, but in no event shall such vehicles be operated without adequate cover or binding to prevent spillage or waste therefrom and in accordance with the rules and regulations made by the Board.
- B. 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.
- C. Transportation and disposal of demolition and construction wastes shall be in accordance with this Section and Section 230.050.

Section 230.050. Disposal of Solid Waste.

- A. Solid wastes shall be deposited at a processing facility or disposal area approved by the City and complying with all requirements of the Missouri Solid Waste Management Law, Sections 260.200 to 260.255, RSMo., and the rules and regulations adopted thereunder. The City may designate the processing or disposal facility to be utilized by persons holding permits under this Chapter.
- B. The Board may classify certain wastes as hazardous wastes which will require special handling and shall be disposed of only in a manner acceptable to the Board which will meet all local, State and Federal regulations.

Section 230.060. Rules and Regulations.

- A. The Board may 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 or 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, subject to the approval of the Board.
- 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 230.070. Prohibited Practices.

[Ord. No. 108 §§7 — 10, 13, 6-11-1969; Ord. No. 128 §6(4), 5-23-1974]

- A. It shall be unlawful for any person to:
1. Deposit 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 hereinafter provided for solid waste collection and

disposal.

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, those of a solid waste collection agency operating under contract with the City, or any duly licensed collector.
3. Dispose of solid waste at any facility or location which is not approved by the City and the Missouri Division of Health.
4. 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.
5. To cast, throw, sweep or deposit in any manner upon any public way or lake or body of water, drain, creek, sewer or receiving basin within the corporate limits of the City any rubbish, waste, article, garbage or trash.
6. The meddling with refuse containers or in any way pilfering, scavenging, scattering contents or junking in any alley or street within the City is prohibited.
7. It shall be the duty of every person to place the daily accumulations of refuse in the container required in Section 230.020 if storage be outside of any building, and it shall be the duty of every person placing garbage in any such containers to eliminate as far as possible all water and liquid from such garbage before placing in such container.
8. Accumulations of rubbish such as hedge trimmings under three (3) feet in length, paper boxes and small light scrap required under this Chapter shall be gathered together, baled and tied in compact bundles and placed at curb or alley, whichever is pickup point, on scheduled collection days.
9. The burning of rubble within the City and the dumping of such refuse and rubble at any place within the City, except at such places as may be designated or directed by the City of Houston Lake or by the Health Officer, is prohibited.
10. The collection of any kind of junk within the City is prohibited except as provided for in this Chapter.

Section 230.080. Bonds.

The Board may require performance or payment bonds of any solid waste collection agency prior to issuing permits to so operate.

Section 230.090. Code Enforcement Officer or Other City Official to Insure Compliance — Inspection Permitted.

[Ord. No. 108 §12, 6-11-1969; Ord. No. 128 §5, 5-23-1974]

- A. It shall be the duty of the Code Enforcement Officer of the City or his/her authorized agent and he/she is directed to make all necessary inspections and investigations of any and all premises to see that the terms of this Chapter are complied with.
- B. *Inspection Permitted.* The Code Enforcement Officer or his/her authorized agent may enter upon all realty within the City to determine if violation of this Chapter exists, provided however, the inside of any residential unit shall not be inspected unless authorized by the occupant or by due process of law.