

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, AMENDING CHAPTER 235 SECTIONS 235.010 DEFINITIONS, 235.020 RULES AND REGULATIONS, 235.030 VIOLATIONS, 235.040 INSPECTIONS, 235.050 BONDS, 235.060 LIABILITY INSURANCE, 235.070 PROHIBITED PRACTICES, 235.080 REQUIRED, 235.090 APPLICATIONS, 235.100 ISSUANCE, 235.110 RENEWAL, 235.130 RESIDENTIAL CONTAINERS, 235.140 COMMERCIAL CONTAINERS, 235.150 TREE LIMBS, 235.160 YARD WASTES, 235.170 LOCATION CONTAINERS, 235.210 WHAT WILL BE COLLECTED-ITEMS COLLECTED BECOME PROPERTY OF COLLECTION AGENCY, 235.220 PLACEMENT FOR COLLECTION, 235.230 BULKY RUBBISH, 235.240 ENTRY ONTO PRIVATE PROPERTY.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF OSAGE BEACH, AS FOLLOWS:

Section 1. That Chapter 235 Solid Waste of the Osage Beach Code of Ordinances is hereby enacted with amendments as set forth below with new material set out in red as follows and struck thru deleted material:

Section 235.010 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:

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 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 collection vehicles by solid waste collectors, with the equipment available therefor.

COLLECTION

The removal and transportation of solid waste from its place of storage to its place of processing or disposal.

COMMERCIAL SOLID WASTE

Solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment, and multiple housing facilities with more than twenty (20) dwelling units.

CONTRACTOR

A person **or company** with whom contracts are executed in accordance with the provisions of this Chapter by the City for the collection of solid waste.

DEMOLITION AND CONSTRUCTION WASTE

Waste materials from the construction or destruction of residential, industrial, or commercial structures.

DIRECTOR

The City Administrator or his/her designee.

DISPOSABLE SOLID WASTE CONTAINER

A disposable plastic or paper sack specifically designed for storage of solid waste.

DWELLING UNIT

Any room or group of rooms located within a structure, and forming a single-family 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 ~~statute and/or by the commission~~ **Missouri Department of Natural Resources** 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.

MULTIPLE HOUSING FACILITY

A structure containing more than one (1) dwelling unit under one (1) roof.

OCCUPANT

Any person whom, 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.

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.

RESIDENTIAL SOLID WASTE

Solid waste resulting from the maintenance and operation of dwelling units, excluding multiple housing facilities with more than twenty (20) dwelling units.

SOLID WASTE

Any 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 waste.

SOLID WASTE CONTAINER

A receptacle used by any person to store solid waste during the interval between solid waste collection.

SOLID WASTE DISPOSAL

The process of discarding or getting rid of unwanted material, in particular the final disposition of solid wastes by man.

SOLID WASTE MANAGEMENT

The entire solid waste system of storage, collecting, transportation, processing, and disposal of solid waste.

STORAGE

The 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 235.020 Rules and Regulations:

- A. The Director shall 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 of solid waste.~~
 8. Collection points of solid waste containers.
 9. Collection 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, sludges, 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 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.~~
- C. ~~A copy of any and all rules and regulations made and promulgated under the provisions of this Section shall be filed in the office of the City Clerk.~~

Section 3: 235.030 Violations.

- A. Whenever an inspection reveals violation of this Chapter, the rules and regulations authorized herein for storage, collection, transportation, processing or disposal of solid waste or the laws of the State, the Director shall issue notice for each such violation stating therein the violation or violations found, the time and date and the corrective measure to be taken, together with the time in which such corrections shall be made.
- B. In all cases, when the corrective measures have not been taken within the time specified, the Director shall suspend or revoke the **business** license issued by the city under this Chapter involved in the violation, however, in those cases where an extension of time will permit correction and there is no public health hazard created by the delay, one (1) extension of time not to exceed the original time period may be given.
- C. Any person who feels aggrieved by any notice of violation or order issued pursuant thereto of the Director may within ten (10) days of the act for which redress is sought, appeal directly to the Circuit Court of the County in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal.

Section 235.040 Inspections.

~~In order~~ To insure **ensure** compliance with the laws of this State, this Chapter and the rules and regulations authorized herein, the Director is authorized to inspect all phases of solid waste management

within the City. No inspection shall be made in any residential unit unless authorized by the occupant or by due process of law.

~~Section 235.050 Bonds.~~

~~No contract shall be executed with a contractor without a performance bond being issued, by a bonding company approved by the Board of Aldermen, in favor of the City in an amount of not less than twenty thousand dollars (\$20,000.00).~~

~~Section 235.060 Liability Insurance.~~

~~No license shall be issued under this Chapter and no contract provided in Section 235.190 shall be executed until and unless the applicant therefor or the contractor, in addition to all other requirements set forth, shall file and maintain with the Director evidence of a satisfactory public liability insurance policy, covering all operations of such applicant pertaining to such business and all vehicles to be operated in the conduct thereof, in the amount of not less than one hundred thousand dollars (\$100,000.00) for each person injured or killed, and in the amount of not less than three hundred thousand dollars (\$300,000.00) in the event of injury or death of two (2) or more persons in any single accident, and in the amount of not less than twenty five thousand dollars (\$25,000.00) for damage to property. Such policy may not be written to allow any of the liability for damage to property to be deductible. Should any such policy be cancelled, the Director shall be notified of such cancellation by the insurance carrier in writing not less than ten (10) days prior to the effective date of such cancellation, and provisions to that effect shall be incorporated in such policy, which shall also place upon the company writing such policy the duty to give such notice.~~

~~Section 235.070 Prohibited Practices.~~

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 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;~~
3. Dispose of solid waste at any facility or location that is not approved by the city and the State Division of Health; or
4. Engage in the business of collecting, transporting, processing, or disposing of waste within the corporate limits of the city without a **business** license from the city, or operate under an expired license, or operate after a license has been suspended or revoked.

~~Section 235.080 Required.~~

~~No person, other than those persons or entities contracted with in accordance with Section 235.190, shall engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the City, without first obtaining an annual license therefor from the City; provided however, that this Subsection shall not be deemed to apply to employees of the holder of any such permit or the employees of any person or entity contracted with in accordance with Section 235.190. Licenses are not required for the removal, hauling or disposal of earth and rock material from grading or excavation activities, which activities are regulated by Chapter 510, Article II, Section 510.040 et seq.~~

~~Section 235.090 Application.~~

A. ~~Each applicant for a license required by this Article shall state in his/her application therefor:~~

1. ~~The nature of the permit desired, as to collect, transport, process, or dispose of solid waste or any combination thereof;~~
2. ~~The characteristics of solid waste to be collected, transported, processed, and/or disposed;~~
3. ~~The number of solid waste vehicles to be operated thereunder;~~
4. ~~The precise location or locations of solid waste processing or disposal facilities to be used;~~
5. ~~The boundaries of the collection area; and~~
6. ~~Such other information as may be required by the Director.~~

Section 235.100 Issuance.

- A. ~~If an application shows that the applicant will collect, transport, process or dispose of solid waste without hazard to the public health or damage to the environment and in conformity with the laws of the State and this Chapter, the Director shall issue the license required by this Chapter. The license shall be issued for a period of one (1) year, and each applicant shall pay therefor a license fee for same. If in the opinion of the Director modifications can be made to the application regarding service, equipment, or mode of operation, so as to bring the application within the intent of this Chapter, the Director shall notify the applicant in writing setting forth the modification to be made and the time in which it shall be done.~~
- B. ~~If the applicant does not make the modifications pursuant to the notice in Subsection (A) within the time limit specified therein, or if the application does not clearly show that the collection, transportation, processing or disposal of solid wastes will create no public health hazard or be without harmful effects on the environment, the application shall be denied and the applicant notified by the Director, in writing, stating the reason for such denial. Nothing in this Section shall prejudice the right of the applicant to reapply after the rejection of his/her application provided that all aspects of the reapplication comply with the provisions of this Chapter.~~

Section 235.110 Renewal.

~~The annual license required by this Article may be renewed simply upon payment of the required fee if the business has not been modified. If modifications have been made, the applicant shall reapply for a license as set forth in this Article. No license required by this Article shall be transferable from person to person.~~

Section 235.130 Residential Containers.

~~Residential solid waste shall be stored in containers of not more than ninety six (96) gallons or less than twenty (20) gallons in nominal capacity. Containers shall be leakproof, waterproof, and fitted with a fly-tight lid and shall be properly always covered except when depositing waste therein or removing the contents thereof. The containers shall have handles, bails or other suitable lifting devices or features. Containers 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 and contents shall not exceed seventy five (75) pounds. Galvanized metal containers, rubber or fiberglass containers, and plastic containers, which do not become brittle in cold weather may be used. Disposable solid waste containers with suitable frames or containers as approved by the Director may also be used for storage of residential solid waste.~~

Section 235.140 Commercial Containers.

~~Commercial solid waste shall be stored in solid waste containers as approved by the Director. The containers shall be waterproof, leakproof and shall be always covered except when depositing waste therein or removing the contents. thereof and shall meet all requirements of City regulations.~~

Section 235.150 Tree Limbs.

~~Tree limbs less than four (4) inches in diameter and brush shall be securely tied in bundles not larger than forty eight (48) inches long and eighteen (18) inches in diameter when not placed in storage containers. The weight of any individual bundle shall not exceed seventy five (75) pounds.~~

Section 235.160 Yard Wastes.

Yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public rights-of-way. ~~The weight of any individual container and contents shall not exceed seventy five (75) pounds.~~

Section 235.170 Location of Containers.

Residential solid waste containers and **Commercial solid water containers** shall be stored upon the ~~residential premises~~ **private property**. Commercial solid waste containers shall be stored upon private property unless the owner shall have been granted written permission from the ~~City~~ **Director** to use public property **or owner of the private property** for such purposes. The storage site shall be well drained, fully accessible to collection equipment, public health personnel and fire inspection personnel.

Section 235.190 Generally.

- A. The City shall not provide for the collection of ~~all~~ residential solid waste in the City.
- B. The City shall not provide commercial solid waste collection services. It shall be the duty of such establishment to provide for collection of all solid waste produced upon any such premises.

Section 235.210 What Will Be Collected — Items Collected Become Property of Collection Agency.

All solid waste from premises to which collection services are provided ~~by the City or through a City contract~~ shall be collected, except bulky rubbish as defined herein. ~~provided however, that bulky rubbish will be collected if tied securely in bundles not exceeding reasonable limitations of weight and bulk to be fixed by regulations to be made and promulgated by the Director as hereinafter provided. All solid waste collected shall, upon being loaded into collection equipment, become the property of the collection agency.~~

Section 235.220 Placement For Collection.

~~Tree limbs and yards wastes, as described in Sections 235.150 and 235.160 respectively, shall be placed at the curb or front property line fronting on a street for collection. Solid waste containers as required by this Chapter for the storage of other residential solid waste shall be placed at the curb or front property line fronting on a street for collection. Any solid waste containers, tree limbs, yard wastes, or other solid waste allowed by this Chapter to be placed at the curb or front property line fronting a street for collection shall not be so placed until the regularly scheduled collection day.~~

Section 235.230 Bulky Rubbish.

~~Bulky rubbish shall be collected by request to the Director. The Director shall establish the procedure and fees for collecting bulky rubbish.~~

Section 235.240 Entry Onto Private Property.

~~Solid waste collectors who are employed by the City or a solid waste collection agency operating under contract with the City are hereby authorized to lawfully 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. Commercial solid waste may be removed from within commercial establishments upon written request of the owner and approval by the Director.~~

Section 2. Severability

The chapter, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or

otherwise invalid by the valid judgment or decree of any Court of any competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 3. Repeal of ordinances not to affect liabilities, etc.

Whenever any part of this ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, that part of the ordinance thus repealed or modified, shall continue in force until the subsequent ordinance repealing or modifying the ordinance shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine, or penalty instituted, created, given, secured or accrued under this ordinance previous to its repeal shall not be affected, released or discharged but may be prosecuted, enjoined and recovered as fully as if this ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.

Section 4. The Mayor of the City of Osage Beach is hereby authorized to take all actions which may be necessary to fully enact this Ordinance.

READ FIRST TIME: March 17, 2023

READ SECOND TIME: April 6, 2023

I hereby certify that the above Ordinance No. 23.16 was duly passed on April 6, 2023, by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes: 6

Nays: 0

Abstain: 0

Absent: 0

This Ordinance is hereby transmitted to the Mayor for his signature.

April 6, 2023
Date

Tara Berreth
Tara Berreth City Clerk

Approved as to form:
Cole Bradbury
Cole Bradbury, City Attorney

I hereby approve Ordinance No. 23.16

April 6, 2023
Date

Michael Harmison
Michael Harmison, Mayor

ATTEST:

Tara Berreth
Tara Berreth, City Clerk