

Bill No. 2018-02-001 as amended

Sponsor:

ORDINANCE NO. 2018-02-001

AN ORDINANCE OF THE CITY OF ELSBERRY, MISSOURI, TO REGULATE SOLID WASTE COLLECTION AND DISPOSAL BY REPLACING ELSBERRY MUNICIPAL CODE §§60.040, 60.140, AND 60.180 WITH NEW §§60.040, 60.140 AND 60.180; AND ADDING NEW §§ 60.045, 60.145, 60.205, AND 60.310 TO THE ELSBERRY MUNICIPAL CODE.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ELSBERRY, MISSOURI AS FOLLOWS:

SECTION 1. The Elsberry City Code is amended by replacing §60.040 with a new §60.040 in its place as follows:

“§60.040. PLACEMENT OF CONTAINERS FOR COLLECTION.

1. On the designated collection day for the residential dwelling, the owner or occupant shall place the solid waste container supplied by the solid waste collector at the curb of the street in front of the residence, (4) feet from any obstacle including but not limited to, any mailbox, pole, landscaping or parked vehicle. unless otherwise directed by the City. The solid waste container shall not be placed in the street.
2. No container or containers shall be placed at the curb collection point prior to 3:00 P.M. the day before collection and must be removed from curb collection point no later than 11:59 midnight on the day of collection.
3. The owner or user of containers and the solid waste collector shall be careful to avoid spillage of contents and, if it occurs, they shall clean it up promptly and restore the premises to a clean and sanitary condition.

(Ord. 8-1-1989; 12-03-2007)”

SECTION 2. The Elsberry City Code is amended by adding a new §60.045 as follows:

“§60.045. COLLECTION FOR PHYSICALLY DISABLED OR HANDICAPPED RESIDENTS.

Any occupant of residential property who, due to a physical disability or handicap, is unable to transport a standard City solid waste container to the curblin may request a special City solid waste container and/or non-curbside collection at the same service charge as curbside collection. A request for this service must be submitted in writing to the City Collector. This request must include certification of the applicant's physical disability or handicap.”

SECTION 3. The Elsberry City Code is amended by replacing §60.140 with a new §60.140 in its place as follows:

“§60.140. STORE CONTAINERS ON PRIVATE PROPERTY.

1. Solid waste, which under the terms of this Chapter are eligible in type and the amount for collection by the City solid waste collector, shall not be stored on the inside or outside premises for a period longer than the time interval between two collection cycles prescribed by the City. Solid waste which on account of type or amount require the services of a private solid waste collector shall not be stored on the inside or outside of premises for more than ninety-six (96) hours pending collection.
2. Residential solid waste containers shall be stored upon the residential premises.
3. 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. All Commercial solid waste storage sites shall be well drained; fully accessible to collection equipment, public health personnel and fire inspection personnel.
4. Solid waste containers shall be kept at all times at a point on the premises which is not visible from the street in the front of the building or within fifteen feet of the main building structure, except at times of collection.
5. The level of the contents of standard containers shall be kept at least four (4) inches from the top. Solid waste shall be secured in order to keep it from blowing out of the solid waste container.

SECTION 4. The Elsberry City Code is amended by adding a new §60.145 as follows:

“§60.145. UNLAWFUL TO DEPOSIT CERTAIN SOLID WASTES FOR CITY COLLECTION.

It shall be unlawful for any person to deposit in a City solid waste container or otherwise deposit for regular collection, special collection or contract collection the following:

1. Hazardous wastes or any other material the collection or disposal of which is prohibited by the State or Federal government as a hazardous substance.
2. Any material or object which the Mayor by regulation has determined to pose an undue threat of harm to the citizens or employees of the City or to any public property or equipment.
3. Any material which is prohibited by State or Federal law from being disposed of in a solid waste disposal area;
4. Hot ashes, dead animals, solvents, flammable liquids, and dirt.
5. Major appliances, waste oil, lead-acid batteries, and tires or waste tires.”

SECTION 5. The Elsberry City Code is amended by replacing §60.180 with a new §60.180 in its place as follows:

“§60.180. DISPOSAL OF HAZARDOUS WASTES.

The mayor and board of aldermen may classify certain wastes as hazardous wastes which will require special handling and shall be disposed of only in a manner acceptable to the mayor and the board of aldermen and which will meet all local, state and federal regulations.”

SECTION 6. The Elsberry City Code is amended by adding a new §60.205 as follows:

“§60.205. ACCOUNT HOLDER, OWNER, AND OCCUPANT, JOINTLY LIABLE FOR VIOLATIONS.

The person in whose name the customer account is maintained and the occupant of the residential property on which the solid waste is placed or allowed to remain, shall each be prima facie responsible for any violation of this Chapter on or originating from any residential or commercial premises.”

SECTION 7. The Elsberry City Code is amended by adding a new §60.310 as follows:

“§60.310 MANAGEMENT OF CONTAINERS BY SOLID WASTE COLLECTORS.

Solid waste collectors shall perform their duties in a quiet, orderly and sanitary manner. After emptying the containers, the collector shall replace each container’s lid and shall return the covered containers to the designated collection point on the premises. In case of spillage during collection, the solid waste collector shall pick up the spillage and restore the premises to a clean and sanitary condition. In the event the City solid waste collector damages a container or its lid to an extent that it is subject to condemnation by the City, it shall be the responsibility of the City solid waste collector to replace the containers or lid with a new container or lid of the same type, quality and size.”

SECTION 8. SEVERABILITY.

The provisions of this Ordinance shall be severable. In the event that any provision of this Ordinance is found by a court of competent jurisdiction to be unconstitutional, the remaining provisions of this Ordinance are valid unless the Court finds the valid provisions of this ordinance are so essentially and inseparably connected with, and so dependent upon, the void provision that it cannot be presumed that the Board of Aldermen would have enacted the valid provisions without the void ones or unless the Court finds that the valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the legislative intent.

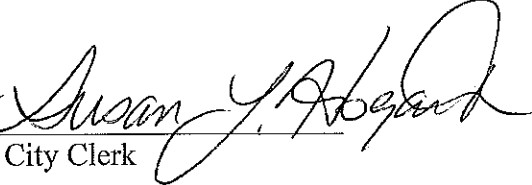
SECTION 9: EFFECTIVE UPON PASSAGE

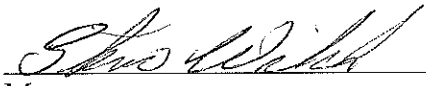
This ordinance shall be in full force and effect from and after the date of its passage.

SECTION 10: INCORPORATION INTO THE MUNICIPAL CODE

The City Clerk shall incorporate the terms of this Ordinance into the official City of Elsberry Municipal Code with all due dispatch.

Read two times and passed this 13 day of March, 2018.

Attest: 
City Clerk


Mayor

Approved as to form:

City Attorney