

Chapter 18

REFUSE, GARBAGE AND WEEDS

ARTICLE I In General

§ 18-1. Removal of Weeds Creating Nuisance. [Ord. No. 862, §1.; Ord. No. 2058 §§1 — 3, 8-19-2008]

- (a) *Weeds on certain property declared a nuisance.* All noxious weeds or vegetation, including but not limited to Russian, Canadian, or common thistle, wild lettuce, wild mustard, wild parsley, ragweed, milkweed, ironweed, poisonous plants or shrubs which have attained a height of twelve inches or more, growing or existing upon any lot or lands within the City, with the exception of lands used for farming or gardening purposes at the time of such growth, are hereby declared a public nuisance and prohibited.
- (b) *Weeds — destruction thereof.* Every owner, occupant or person in control of any property described in subsection (a), shall cause that property to be kept free from such noxious weeds or vegetation by destroying them by spraying with a chemical compound, approved by the Building Commissioner or his duly authorized agent, or by cutting or digging under, or any other method approved by the Building Commissioner or his duly authorized agent.
- (c) *Weeds — disposal thereof.* All debris of any and all kinds and varieties, including but not limited to weed cuttings, shall be removed from the property within a reasonable period of time after being cut.
- (d) *Enforcement, by whom.* It should be the duty of the Building Commissioner or his duly authorized agent to enforce the provisions of this section.
- (e) *Notice of violation.* When the Building Commissioner or his duly authorized agent ascertains that noxious weeds and vegetation as set forth herein are growing on any property as described herein, he may cause a notice to be directed to the owner, occupant or other person in control of such lot or land where noxious weeds or other vegetation are growing thereon that the noxious weeds or vegetation must be destroyed by any of the methods set forth herein and that such destruction must begin and be completed within seven (7) calendar days from notification of said violation as provided in this Section, except in the case of conditions set forth in Subsection (k) of this Section. The notice to the owner, occupant or other person in control of such lot or land shall be served in any one (1) of the following ways:
 - (1) By causing said notice to be delivered to such owner, agent, occupant or other person in control.

- (2) By posting a copy of such notice upon the property in question, said notice to be deemed served at the end of twenty-four (24) hours after the posting thereof.
 - (3) By mail of such notice or copy thereof by priority mail enclosed in a sealed envelope postage prepaid, directed to such owner or other person in control of said property, either at his/her place of business or residence or elsewhere, said notice to be deemed served twenty-four (24) hours after the mailing of said notice in case it is directed to the business or resident address of the owner or other person in control of said property, provided that if the said owner and owners or other person in control of said property be non-residents of St. Louis County and have no business addresses or offices in St. Louis County, and then the said notice shall be deemed served at the end of such period of the mailing thereof as in the ordinary course of the transmission of the mail by the United States Postal Service would be required, for the receipt of said notice by the owner and owners or other person in control of said land at their place of residence or business.
- (f) *Weeds — destruction by City or authorized agent.* If the owner, agent, occupant or other person in control of any lot or land mentioned herein fails to comply with such notice, the Building Commissioner or his duly authorized agent shall cause such noxious weeds to be destroyed by one (1) of the methods set forth herein. The Building Commissioner or his duly authorized agent shall have the right to enter upon the property on which noxious weeds are growing for the purpose of enforcing this section, and may use any suitable means or assistance for the purpose of destroying such weeds as described herein including the letting of contracts for the aforesaid work to be done by private persons, firms or corporations.
- (g) *Penalties.* Any owner, agent, occupant, or person in control of any property described in section 619.010 who shall violate or fail to comply with any provisions of this section, including failure to comply with the notice as described herein shall upon conviction be fined not more than two hundred dollars (\$200.00), or be imprisoned for a term not to exceed thirty (30) days, or by the fine and imprisonment. Each day of such violation shall constitute a separate offense as to each separate lot or tract of ground owned or controlled by such owner, agent, occupant or person.
- (h) *Destruction by City, Building Commissioner to certify to the City Treasurer.* Upon the completion of the destruction of such noxious weeds or vegetation by the Building Commissioner, or by a person, firm or corporation authorized by contract, the Building Commissioner or his duly authorized agent shall cause the total cost of such repair to be determined and certify the same to the City Treasurer.
- (i) *Destruction by City, assessment as special tax.* Upon approval of such report by the City Treasurer, the report with the approval of the Treasurer endorsed thereon, shall be assessed as a special assessed tax against each lot or parcel of ground chargeable therewith, in the name or names of the owner or owners thereof.

- (j) *Collector — Attorney to collect by suit.* All such special tax bills issued for cutting and removing such noxious weeds or vegetation shall be collectable by suit brought by the City Attorney in the name of the City. Such special tax bills and any action thereon, shall be prima facie evidence of the regularity of the proceedings for such special assessment, the validity of the bill, the doing of the work, and of the furnishing of the materials charged for, and of the liability of the property to the charge stated in the bill, including the costs of bringing the action as part of the cost in cutting and removing such noxious weeds or vegetation. Each said special tax bill shall include a charge of ten dollars (\$10.00) for inspecting the same and giving notice, and a further charge of five dollars (\$5.00) for issuing and recording the tax bill. Such tax bill if not paid within thirty (30) days after issuance shall bear interest at the rate of eight percent (8%) per annum.
- (k) If a notice of violation under this Section has been directed to the owner, occupant, agent or person in control of a property in a single calendar year, no subsequent notices are required to be given and all penalties may be immediately imposed and all City remedies may immediately be taken.

§ 18-2. Procedures for Handling High Weeds, Grass and Vegetable Growth. [Ord. No. 993 §§1 — 4, 7-2-1991; Ord. No. 1172 §1, 6-6-1995; Ord. No. 1471 §1, 8-1-2000; Ord. No. 2058 §§4 — 7, 8-19-2008]

- (a) *High weeds, high grass, and rank vegetable growth prohibited.* No person, whether owner, lessee, or occupant, having control or use of any property or any part of any property, shall cause or permit on any such property the growth of weeds, grass, or vegetable growths to attain a height in excess of twelve (12) inches, with the exception of lands used for farming or gardening purposes at the time of such growth.
- (a) Whenever private property abuts a public right-of-way or easement and there exists in such right-of-way or easement a tree lawn or grassy area between the private property line and the edge of the street pavement, then such tree, lawn or grassy area shall be considered, for purposes of this Section, to be a part of the private lot which abuts the right-of-way or easement, and it shall be the duty of those responsible under this Section for the maintenance of the private lot to equally maintain the tree, lawn or grassy area within the abutting right-of-way or easement.
- (b) *Notice to owner, lessee or occupant to trim or remove.* Wherever weeds, grass or vegetable growths in violation of this Section are found to exist on any property, the Chief of Police or his designated representative shall notify, in writing, the owner, lessee or occupant of such property to abate the violation within seven (7) days, except in the case of conditions set forth in Subsection (e) of this Section. If, after seven (7) days from the date of such notice, the weeds, grass or vegetable growths remain in excess of twelve (12) inches in height, then the Police Chief or his designated representative shall issue a summons declaring the weeds, grass or vegetable growth to be a public nuisance and Code violation.
- (b) In the event that it is determined by the Chief of Police or his designated representative that such property is held in joint ownership, notice to any one (1) of

the known owners of such property shall be deemed sufficient compliance with the provisions of this Section. In the event that it is determined by the Chief of Police or his designated representative that such property has been vacated or deserted, the mailing of notices to the last known address of the owner of such property shall be deemed sufficient compliance with the provisions of this Section. In the event that the owner of such property or the last known address of the owner of such property cannot be determined by the Chief of Police or his designated representative, the posting of notices on such property within view of the public shall be deemed sufficient compliance with the provisions of this Section.

(c) *Removal by City upon owner, lessee or occupant's failure to comply with notice; collection of fines and costs of removal.* If the weeds, grass or vegetable growths are not cut down and removed from such property on or before the seventh (7th) day after the date of the warning notice provided for in Subsection (b), the Chief of Police shall have the same cut down and removed from such property and shall certify the date and cost of such cutting and removing to the Municipal Court Clerk. Penalties for violations of this Section shall be:

- (1) First violation on parcel or lot, minimum fine — seventy-five dollars (\$75.00) plus removal costs;
- (2) Second violation on same parcel or lot within one (1) year from date of first violation, minimum fine — one hundred fifty dollars (\$150.00) plus removal costs;
- (3) Third violation on same parcel or lot within one (1) year from date of first violation, minimum fine — three hundred dollars (\$300.00) plus removal costs. Such fines and costs of removal shall be paid to the Eureka Municipal Division of the St. Louis County Circuit Court.

In the event that such fines and removal costs are not paid to the Eureka Municipal Court, by November thirtieth (30th) each year, the City Clerk shall cause a lien to be issued against the property on which the weeds, grass or vegetable growth were cut. Such lien shall be collected by the City Clerk, and from the date of its issuance, shall be a first lien on such property until paid and shall be prima facie evidence of the recitals therein and of its validity. No mere clerical error or informality in the same or in the proceedings leading up to the issuance of such notice or lien shall be a defense thereto. The lien shall be enforced in the manner provided by law.

All fines and removal costs, until such time that they are paid and the lien removed, shall bear interest at the rate of nine percent (9%) per annum.

(d) *Failure to comply with notices; misdemeanor.* If the weeds, grass or vegetable growths are not cut down and removed from such property on or before the seventh (7th) day after the serving of the notice provided for in Subsection (b), the owner, lessee or occupant of such property shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to penalties as provided for in Subsection (c) of this Section.

- (e) If a notice of violation under this Section has been directed to the owner, occupant, agent or person in control of a property in a single calendar year, no subsequent notices are required to be given and all penalties may be immediately imposed and all City remedies may immediately be taken.

ARTICLE II
Solid Waste Storage, Collection and Disposal

§ 18-3. Definitions. [Ord. No. 1009 §1, 12-3-1991]

Whenever used in this Chapter, the following words, terms and phrases and their derivations shall be deemed to have the meaning indicated below:

APPROVED INCINERATORS — An incinerator which complies with all current regulations of the responsible local and state air pollution control agencies.

BULK WASTE — Non-putrescible solid waste consisting of combustible and/or non-combustible waste materials from dwelling units, which materials 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. Also includes "tree limbs" as defined in this Section.

CENTRAL COLLECTION SITE — A place designated by the City where residents may drop off recyclables for recycling.

CITY — The City of Eureka, Missouri.

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

COMMERCIAL SOLID WASTE — All solid waste except those items defined in the definitions of "bulk waste, infectious waste, solid waste, and special wastes" of this section.

COMPOSTABLES — Yard waste such as grass clippings, leaves, vines, hedge and shrub (including rose bushes) trimmings, tree trimmings, and tree limbs less than six (6) inches in diameter and no longer than four (4) feet in length, and/or other such organic materials from the yard.

CONTRACTOR — The solid waste hauler selected by the City to collect recyclables for recycling.

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

DIRECTOR — The City Administrator of the City of Eureka shall be the Director of the Solid Waste Management Program of the City, or his designee.

DISPOSABLE SOLID WASTE CONTAINER — Disposable plastic or paper sacks with a capacity of twenty (20) to thirty-five (35) gallons specifically designed for storage of solid waste.

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.

GARBAGE — Putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving, or consumption of food, cold ashes from fire places, paper of all kinds, cartons, containers, books, straw, small metallic items, crockery, and dishes.

INFECTIOUS WASTE — Includes isolation wastes, cultures and stocks of etiologic agents, blood and blood products, pathological wastes, other wastes from surgery and autopsy, contaminated laboratory waste, sharps, dialysis unit wastes, discarded biologicals known or suspected to be infectious.

MAJOR APPLIANCES — Washers and dryers, water heaters, trash compactors, dishwashers, microwave ovens, conventional ovens, ranges, stoves, wood stoves, air conditioners, refrigerators, freezers, dehumidifiers, humidifiers, etc.

MULTIPLE-HOUSING FACILITY — A housing facility containing more than one (1) dwelling unit under one (1) roof.

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.

PREMISES — All one-family to four-family dwellings located in the City.

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 applied to corporations, it includes the officers, agents, or employees thereof who are responsible for the act referred to.

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

RECYCLABLES — Newsprint; brown, clear and green glass containers; aluminum cans; tin cans; plastic milk jugs and plastic soda bottles, all rinsed and reasonable free of food, dirt and other contaminants. Also included as recyclable is any other material that the City contractor may hereafter mutually agree to collect as a recyclable. For the purposes of this Article, recyclables shall not include other solid waste, bulk rubbish or special waste as defined in this Chapter.

RECYCLABLES CONTAINER — A container furnished by the contractor for storage of recyclables.

RECYCLING — The process of remanufacturing recyclables into other products or refurbishing them for reuse.

REFUSE — Solid waste.

RESIDENT — Every person who is an owner or occupant of a dwelling unit within the City.

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

SOLID WASTE — 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 or agricultural waste, but not including major appliances, recyclables and compostables.

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.

SPECIAL WASTES — Items which, by their very nature, can cause health problems or injury to individuals, including but not limited to solvents, insecticides, cleaning agents, heavy metals, prescription drugs, explosives, incendiaries, motor oils, refrigerants, infectious waste, and any materials prohibited by the Eureka Fire Protection District's Fire Codes.

STORAGE — Keeping, maintaining or storing solid waste from the 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.

TREE LIMBS — Limbs which are greater than six (6) inches in diameter and greater than four (4) feet in length.

§ 18-4. Solid Waste Storage. [Ord. No. 1009 §1, 12-3-1991]

- (a) The occupant of every building containing only a single dwelling unit or only a single institutional, commercial, business, industrial, agricultural, professional, or non-profit occupant, and the owner of every building containing more than one (1) dwelling unit or profit occupant, and the owner of every building containing more than one (1) dwelling unit or more than one (1) institutional, commercial business, industrial, agricultural, professional or non-profit occupant, or any combination thereof, producing solid waste within the corporate limits of the City, shall provide or cause to be provided sufficient and adequate solid waste containers for the storage of all solid waste, except bulk rubbish and demolition and construction waste, to serve each such dwelling unit, establishment, or building, and shall maintain or cause to be maintained such solid waste containers in good repair at all times.
- (b) The occupant of every building containing only a single institutional, commercial business, industrial, agricultural, professional or non-profit occupant, and the owner of every building containing more than one (1) dwelling unit or more than one (1) institutional, commercial business, industrial, agricultural, professional or non-profit occupant, or any combination thereof, shall place or cause to be placed in

proper solid waste containers, except as otherwise provided herein, all solid waste to be collected, and shall maintain or cause to be maintained such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times.

- (c) Residential solid waste shall be stored in containers of not more than thirty-five (35) gallons nor less than twenty (20) gallons in nominal capacity. Large, portable plastic containers with wheels and having a capacity of not more than ninety (90) gallons are acceptable as well. Containers shall be leakproof, waterproof, and fitted with a fly-tight lid and shall be properly covered at all times, 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 a light weight and sturdy construction. The weight of any individual container or 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. Disposable solid waste containers with suitable frames or containers as approved by the director 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 director. 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 rules and regulations established pursuant to Section 18-9.
- (e) Tree limbs and brush shall be securely tied in bundles not larger than forty-eight (48) inches long, or eighteen (18) inches in diameter. The weight of any individual bundle shall not exceed seventy-five (75) pounds.

§ 18-5. Collection of Solid Waste. [Ord. No. 1009 §1, 12-3-1991; Ord. No. 1782 §1, 8-17-2004; Ord. No. 1986 §1, 8-7-2007; Ord. No. 2126 §1, 6-15-2010]

- (a) The City shall provide for the collection from all dwelling units, excluding multiple-housing facilities with more than four (4) units, of all solid wastes 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.
- (b) All solid waste collected shall, upon being loaded into transportation equipment, become the property of the collector.
- (c) Solid waste containers as required by this Chapter for the storage of residential solid waste shall be placed at the curb for collection but shall not be so placed until after 6:00 P.M. on the day prior to the regularly scheduled collection day. Containers shall be removed from the curb no later than 8:00 P.M. on the day of collection.

- (d) Bulk waste shall be collected in conjunction with residential solid waste or by request of the occupant to the collector. The director may establish procedures for collecting bulk waste.
- (e) Solid waste collectors, employed by 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) The following collection frequencies shall apply to collections of solid waste within the City:
 - (1) All residential solid waste and bulk waste, shall be collected at least once weekly.
 - (2) All commercial solid waste shall be collected at least once weekly, and shall be collected at such lesser intervals as may be fixed by the director upon a determination that such lesser intervals are necessary for the preservation of the health and/or safety of the public.
- (g) Residential solid waste containers shall be stored upon the residential premises. The storage site shall be well-drained and fully accessible to collection equipment, public health personnel and fire inspection personnel.
- (h) Solid waste collectors, employed by a solid waste collection agency operating under contract with the City, shall be responsible for the collection of solid waste from the point of collection to the transportation vehicle provided the solid waste was stored in compliance with Section 18-4 (c), (d), and (e) of this Article. 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.
- (i) Except as provided in subsection (c) hereof, the city encourages residents to store solid waste containers indoors, if possible. If solid waste containers are stored outdoors, unless such are stored under a carport, they must be stored in the rear or side yard and placed and/or screened in such a manner so as to not be visible from the street the front of the principal structure faces.
- (j) 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 7:00 P.M. and 6:30 A.M.. Failure to comply with the provisions herein stated shall constitute a misdemeanor and subject the offender to the penalties prescribed for violation of this Code.

§ 18-6. Transportation of Solid Waste. [Ord. No. 1009 §1, 12-3-1991]

- (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 water-tight 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 alternate, the entire bodies thereof shall be enclosed with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers.

- (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 Section 18-7 and 18-8.

§ 18-7. Disposal of Solid Waste. [Ord. No. 1009 §1, 12-3-1991]

Solid waste 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 and 260.245, RSMo., and the rules and regulations adopted hereunder. The City may designate the processing or disposal facility to be utilized by persons operating under Section 18-8 of this Article.

§ 18-8. Permits. [Ord. No. 1009 §1, 12-3-1991]

- (a) No person shall engage in the business of collecting, transporting, processing or disposing of items covered by this Article within the corporate limits of the City without first obtaining an annual permit therefor from the City.
- (b) All permit applicants agree to secure and keep in force with an insurance company licensed in the State of Missouri; to wit:
 - (1) Worker's Compensation Insurance as prescribed by the Statutes of the State of Missouri; and
 - (2) A policy of liability insurance on each vehicle used in the refuse disposal operations covered by the contract, indemnifying both the contractor and the City against damage suits, in an amount not less than \$1,000,000.00/\$2,000,000.00. The City of Eureka shall be named insured upon said policy of insurance and a certificate of insurance naming the City as an insured shall be provided to the City at the time of the execution of this contract. In the event any insurance policy herein required is canceled, the company shall notify the City thirty (30) days prior to such cancellation.
- (c) All permit applicants agree that all drivers of its motor vehicles within the City of Eureka shall be properly licensed by the State of Missouri.
- (d) All permit applicants assume full responsibility for and shall defend, indemnify and save harmless the City of Eureka from and against any and all liability, suits,

claims, damages, costs (including attorney's fees), losses, outlays, and expenses in any manner caused by, arising out of or connected with the failure or refusal of contractor to comply with, observe or perform any of the provisions of this contract, notwithstanding any possible negligence (whether sole, concurrent or otherwise) on the part of the City of Eureka, its agents or employees.

- (e) Each permit applicant for any such permit shall state in his application therefor:
 - (1) The nature of the permit desired, such as to collect, transport, process or dispose of solid waste or any combination thereof;
 - (2) The characteristics of items to be collected, transported, processed, or disposed;
 - (3) The number of solid waste transportation vehicles to be operated hereunder;
 - (4) The precise location or locations of solid waste processing or disposal facilities to be used;
 - (5) Boundaries of the collection area; and
 - (6) Such other information as required by the director.
- (f) If the application shows that the applicant will collect, transport, process or dispose of solid wastes without hazard to the public health or damage to the environment and in conformity with the laws of the State of Missouri and this Article, the director shall issue the permit authorized by this Article. The permit shall be issued on a calendar year basis, and each applicant shall pay therefor a fee of twenty-five dollars (\$25.00) per vehicle per year for each transportation vehicle to be used. 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 Article, the director shall notify the applicant, in writing, setting forth the modification to be made and the time in which it shall be done.
- (g) If the applicant does not make the modifications pursuant to the notice in (f) 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 application, provided that all aspects of the reapplication comply with the provisions of this ordinance.
- (h) All permits shall expire on December thirty-first (31st) of the year issued. Any permit issued pursuant to this Section may be renewed for a one (1) year period by a majority vote of the Board of Aldermen at the last meeting prior to expiration of any permit, provided applicant has met all requirements of this Chapter.
- (i) In order to insure compliance with the laws of this State, this Article and the rules and regulations authorized herein, the director is authorized to inspect all phases of solid waste management within the City of Eureka. No inspection shall be made in

any dwelling unit unless authorized by the occupant or by due process of the law. In all instances where such inspections reveal violation of this Article, the rules and regulations authorized herein for the storage, collection, transportation, processing or disposal of solid waste or the laws of the State of Missouri, 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, not to exceed twenty (20) days from the notification date.

- (j) In all cases when the corrective measures have not been taken within the time specified, the director shall suspend or revoke the permit or permits 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.
- (k) 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 Municipal Judge of the City of Eureka, in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal.

§ 18-9. Rules and Regulations. [Ord. No. 1009 §1, 12-3-1991]

- (a) The director 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 of 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.
- (b) 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.

§ 18-10. Prohibited Practices. [Ord. No. 1009 §1, 12-3-1991]

It shall be unlawful for any person to:

- (1) Deposit solid waste in any container other than his own with the intent of avoiding payment of any service charge provided for solid waste collection and disposal or avoiding compliance with any of the provisions of Chapter 18; [Ord. No. 2290 §1, 2-18-2014]
- (2) Interfere in any manner with 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 or those of a Solid Waste Collection Agency operating under contract with the City;
- (3) Burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency;
- (4) Dispose of solid waste at a facility or location which is not approved by the City and the Missouri Division of Health;
- (5) 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;
- (6) Allow, keep or maintain any accumulation of solid waste upon any lot, ground or premises in the City;
- (7) Accumulate solid waste of any type for a period in excess of fourteen (14) days.

**ARTICLE III
Recycling Solid Waste**

§ 18-11. Purpose. [Ord. No. 1009 §2, 12-3-1991]

The purpose of this Article is to encourage voluntary separation of recyclable items to aid and promote collection thereof and disposal by means other than deposit in a sanitary landfill or by burning.

§ 18-12. Separation and Storage of Recyclables. [Ord. No. 1009 §2, 12-3-1991]

- (a) Every resident of every premises is encouraged to separate the recyclables from their respective premises from all other refuse, garbage, rubbish, waste matter, and compostables and shall store the recyclables in a recyclables container furnished by the contractor. Except for additional containers purchased by residents, recyclables containers shall be the property of the contractor and shall remain on the premises when residents relocate. Residents who need additional recyclable containers may purchase the same from the contractor.
- (b) All recyclables may be placed together in the recyclables container. If necessary to save space in the recyclables container, newsprint may be bundled separately and placed next to the recyclables container at curbside.

- (c) Residents, not earlier than 6:00 P.M. of the day prior to the day scheduled for collection of recyclables from their respective dwellings, shall place the recyclables containers at the curbside adjacent to the dwelling or garage accessory thereto and visible from the street in front of the dwelling. After the scheduled collection, the containers for recyclables and any recyclables not collected shall be removed from curbside by the resident by 8:00 p.m. of the day of collection.
- (d) The deposit of unauthorized materials into another person's recyclables container or bin, or removal of another person's recyclables from a recyclables container, or removal of a recyclables container from another person's premises, shall be deemed a violation of this Chapter.
- (e) Except as provided in subsection (c) hereof, all containers for recyclables and compostables stored out of doors shall be stored behind any building located on the tract of land.

§ 18-13. Separation and Storage of Compostables. [Ord. No. 1009 §2, 12-3-1991]

- (a) Every resident of every premises is encouraged to separate compostables from their respective premises from all other refuse, garbage, rubbish, waste matter and recyclables. Compostables to be collected by the City or the collector shall be stored in containers which are either biodegradable paper bags, thirty (30) gallon reusable metal or plastic containers, or ninety (90) gallon heavy plastic portable tote container. Containers for compostables must be tightly sealed to prevent nuisance odors.
- (b) Plastic bag containers shall not be used for compostables collection.
- (c) All compostables may be placed together in the same compostables container as described in Subsection (a) above. However, small limbs (no larger than four (4) feet long and less than six (6) inches in diameter) and branches may also be bundled and placed at curbside on recycling day.
- (d) Compostables shall be placed at the curbside on the same collection day, in the same manner and at the same time as recyclables.

§ 18-14. Collection of Recyclables/Compostables. [Ord. No. 1009, §2]

- (a) Collection of recyclables and compostables from premises shall be by a hauler selected by the City, which hauler shall be duly licensed by the City. Also, such collection shall be done in compliance with all other applicable ordinances of the City, now or hereafter in effect. The recyclables and compostables shall be collected from the premises covered by such contract by the collector under contract with the City and on terms and conditions set out in such contract.
- (b) The collection of recyclables and compostables at curbside by any private hauler not authorized by the City is expressly prohibited.

- (c) The contractor shall collect all recyclables and compostables on the same day once each week in accordance with schedules of and routes for collection as determined by the director.
- (d) Neither the foregoing provisions of this Section nor any other provisions of this Article shall prevent any resident from discarding that resident's recyclables by personally delivering them to a recycling plant, centralized collection site, manufacturer, or other vendor, or donating the same to non-profit civic, charitable, or service organizations.
- (e) The City may designate a central collection site for the discarding of recyclables.

§ 18-15. Disposal of Recyclables/Compostables — Residents. [Ord. No. 1009 §2, 12-3-1991]

- (a) Recyclables shall not, in any event:
 - (1) Be deposited in any landfill.
 - (2) Be burned in any incinerator.
 - (3) Be deposited or distributed in any way or manner which is contrary to the then applicable law, statute, ordinance rule or regulation. Provided, however, that the restrictions in (1) and (2) above shall not apply to any recyclables or compostables which are deposited in any landfill or burned pursuant to specific prior written approval granted by the City.
- (b) Residents shall take such action as is reasonable under the circumstances to determine that recyclables and compostables are not disposed of contrary to the provisions of this Section.

§ 18-16. Ownership of Recyclables/Compostables. [Ord. No. 1009 §2, 12-3-1991]

All recyclable and compostable materials shall be owned by and be the responsibility of the residents of premises until they are collected by the collector at curbside. Upon collection of the recyclable and/or compostable materials at the curbside the collector, the recyclable and/or compostable materials, with the exception of recyclables containers and/or compostable containers which are reusable, become the property and responsibility of the contractor.

§ 18-17. Care of Recyclables Containers. [Ord. No. 1009 §2, 12-3-1991]

Each resident shall be responsible for the cleanliness and proper care of each recyclables container in his/her possession. Abuse of the container will cause the forfeit of a resident's right to a free replacement container when necessary.

§ 18-18. Replacement of Recyclables Containers. [Ord. No. 1009 §2, 12-3-1991]

The contractor's employees shall evaluate the condition of recyclables containers for possible reuse. If reusable, they will be left with the resident for the next week's collection. In the event the recyclables container is determined to be unserviceable, due to

usual wear and tear, for another week, a new recyclables container furnished by the contractor, at no charge, will be left with the resident and the old recyclables container will be collected and recycled. Recyclables containers will be exchanged on a one-for-one basis as determined by condition at collection time. The number of new containers furnished will be reported to the City monthly along with contractor's monthly summary report.

§ 18-19. Contractor's Report. [Ord. No. 1009 §2, 12-3-1991]

- (a) Contractor may retain all proceeds of sale of recyclables and/or compostables to recycling plants, manufacturers or other users.
- (b) The contractor shall submit a monthly summary of the quantity and kinds of solid waste collected from Eureka each month, including the types and quantities of household and bulky wastes, recyclables, compostables, and special waste materials. Monthly summaries shall be submitted prior to payment for the month for which the report is submitted. A weight ticket showing tons of recyclables and compostables collected shall be provided upon request.
- (c) The contractor shall provide access to the City, or any of its duly authorized representatives, to review any books, documents, papers and records of the contractor which are directly pertinent to this Article for the purpose of making an audit, other examination and preparing excerpts and transcriptions.

§ 18-20. Disposal of Recyclables/Compostables — Contractors. [Ord. No. 1009 §2, 12-3-1991]

Contractor shall dispose of recyclables at a local recycling and/or composting facility, if available; otherwise, contractor may sell recyclables and/or compostables to any purchaser of contractor's choosing, unless otherwise directed by the City. Contractor shall be entitled to retain the proceeds of any sale thereof.

§ 18-21. Training and Education. [Ord. No. 1009 §2, 12-3-1991]

In order to effect a smooth transition to the voluntary recycling program, the contractor shall provide any and all training and education reasonable necessary to the residents of the City.

ARTICLE IV
Special Waste

§ 18-22. Prohibition of Private Disposal. [Ord. No. 1009 §3, 12-3-1991]

All special waste as defined in this Chapter, shall be disposed of by residents of the City of Eureka in compliance with the requirements of this Chapter. In no case shall a resident deposit special waste in any refuse container or recyclables container or bin for pick-up by the City's solid waste hauler.

§ 18-23. Appointment for Pick-Up. [Ord. No. 1009 §3, 12-3-1991]

Any residents desiring to dispose of special waste shall contact the contractor for an inspection appointment. An employee of the contractor shall examine the special waste at the scheduled time and determine the most appropriate method of removal, and will either arrange for said removal or refer the resident to the appropriate removal entity. Removal of special wastes shall be at the resident's expense. Special waste consisting of explosive and incendiary material such as ammunition, blasting caps and dynamite shall be removed under the supervision of the Police Department or by an agency designated by the Police Department.

§ 18-24. Continuance of Collection at no Charge. [Ord. No. 1009 §3, 12-3-1991]

Major appliances, shall continue to be collected by the contractor at no additional charge to residents or the City of Eureka. These include, but are not necessarily limited to, washers and dryers, water heaters, trash compactors, dishwashers, microwave ovens, conventional ovens, ranges, stoves, wood stoves, air conditioners, refrigerators, freezers, dehumidifiers, humidifiers, etc. Removal of such items shall be subject to prior notification to the contractor by the resident.

ARTICLE V
General Penalties

§ 18-25. General Penalties. [Ord. No. 1009 §4, 12-3-1991]

All violations of any provisions of Chapter 18 shall be punishable by a fine not to exceed five hundred dollars (\$500.00), or by imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment.