

BOARD BILL NUMBER 227

PRIMARY SPONSOR: Alderwoman Pam Boyd, 27th Ward

DATE INTRODUCED: February 21, 2020

BOARD BILL SUMMARY:

The proposed bill regulates the storage, transportation, and disposal of waste tires. It requires waste tire haulers, waste tire processing facilities, and establishments and business storing more than ten waste tires for periods greater than fifteen days. The bill provides penalties for violations.

Prepared by: Louis Galli

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BOARD BILL NUMBER 227 INTRODUCED BY: ALDERWOMAN PAMELA BOYD/ALDERMAN JEFFREY BOYD/ALDERWOMAN CAROL HOWARD/ALDERMAN LARRY ARNOWITZ/ALDERMAN JOE VACCARO/ ALDERWOMAN SHAMEEM CLARK-HUBBARD/ALDERWOMAN CHRISTINE INGRASSIA

1 An ordinance regulating the storage, transportation and disposal of waste tires; and requiring waste
2 tire haulers to register with the Department of Public Safety, and tire dealers, waste tire processing
3 facilities, and waste tire holding sites obtain permits from the Department of Public Safety; and
4 providing penalties for violations of the provisions thereof; and containing an effective date, and
5 severability clause.

6 **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

7 **SECTION ONE.** Definitions.

8 The following words, terms and phrases, when used in this ordinance, shall have the meanings
9 ascribed to them in this section, except when context clearly indicates a different meaning:

- 10 1. *Auto salvage yard* means a place that stores salvage vehicles for more than fifteen (15)
11 consecutive calendar days or dismantles salvage vehicles for the sale of parts or buys and
12 sells motor vehicle parts and accessories or stores used motor vehicle parts and accessories
13 for more that fifteen (15) consecutive days. For purposes of this ordinance a salvage yard
14 is also a waste tire site
- 15 2. *Chipped or shredded tire* means a tire that has been reduced to parts no larger than that
16 specified in the definition of a cut tire.
- 17 3. *Cut tire* means a waste tire cut in half circumferentially, or cut into at least three parts with
18 no part being larger than approximately one-third the original tire's size, or the sidewalls
19 removed from the treads.

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- 1 4. *Department* means the City of St. Louis Department of Public Safety.
- 2 5. *Designated agent* is an individual designated by a holder of a permit issued by the City of
3 St. Louis pursuant to this ordinance who is in actual management and control of the
4 permitted business.
- 5 6. *Director* is the director of the City of St. Louis Department of Public Safety or their
6 designated representative.
- 7 7. *Department of Natural Resources* or *DNR* means the Missouri Department of Natural
8 Resources.
- 9 8. *Individual* means a natural person.
- 10 9. *Owner operator* mean any person who owns, leases, operates, or controls a waste tire
11 processing facility, tire dealer, salvage yard, auto salvage yard, or is a waste tire hauler.
- 12 10. *Permit holder* means the owner operator for the site for which a permit issued pursuant to
13 this ordinance is sought.
- 14 11. *Person* means an individual, business or charitable organization or association,
15 corporation, partnership, firm, limited liability company, or limited liability partnership.
- 16 12. *Registrant* means the owner operator of a business required to register as a waste tire hauler
17 pursuant to this ordinance.
- 18 13. *Salvage* means old or scrap copper, brass, rope, rags, batteries, paper, rubber debris, iron,
19 steel and other old or scrap ferrous or nonferrous material.
- 20 14. *Salvage vehicle* means a vehicle which is incapable of operation or use upon the highways
21 or which has no use or resale value except as a source of parts or salvage. The absence of
22 any of the following items shall be deemed to render a vehicle inoperable: front or rear

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1 fender, front or rear quarter panel, hood, trunk lid, front grill, front or rear clip, wheel, front
2 or rear axle, engine, transmission, instrument panel, windshield or window, or dashboard.

3 15. *Salvage yard* means an establishment, area or place of business maintained, operated or
4 used for the storing, keeping, buying, or selling of salvage. For purposes of this ordinance
5 a salvage yard is also a waste tire site

6 16. *State* means the State of Missouri.

7 17. *Tire dealer* means any establishment or place of business where new, used, or
8 remanufactured tires are bought or sold.

9 18. *Vector* means any organism, such as an insect, that transmits a pathogen.

10 19. *Waste tire* means a tire that is no longer suitable for its original intended purpose because
11 of wear, damage or defect or has been discarded with the intent of final disposal.

12 20. *Waste tire hauler* means any person that is in the business of hauling or transporting waste
13 tires within the City of St. Louis, or that hauls or transports waste tires within the City of
14 St. Louis as a supporting function of their regular business activities.

15 21. *Waste tire processing facility* means any establishment or place of business where waste
16 tires are processed for disposal, recycling or for other legal purposes.

17 22. *Waste tire site* means any establishment or place of business where more than ten (10)
18 waste tires are maintained or stored for more than fifteen (15) consecutive days.

19 **SECTION TWO.** Administration and Enforcement

20 A. The Director shall be responsible for the implementation, administration and enforcement
21 of the provisions of this ordinance.

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1 B. Wherever conflicting provisions or requirements occur between this ordinance and any
2 other City of St. Louis ordinance, or Missouri State or federal laws and regulations the most
3 restrictive shall govern.

4 C. The Director is authorized to make and promulgate reasonable and necessary rules and
5 regulations to carry out the provisions of this ordinance. A copy of all such rules and regulations
6 shall be filed in the Director's office, and made available to the public at said office and the main
7 offices of all departments and divisions under the Director, and shall published on the Department
8 website.

9 D. At least thirty days (30) days prior to the effective of this ordinance the Director shall have
10 in place, ready for implementation: rules and procedures for applying for and issuing tire dealer
11 permits, waste tire site permits, and registering as a waste tire hauler, and ensure that permit holders
12 and registrants update the information on their application or registration as required in this
13 ordinance; rules and procedures for conducting the inspections required in Section 4, A, 1, of this
14 ordinance; and rules and procedures for submitting complaints of violations of this ordinance,
15 including a standard complaint form, and investigating such complaints.

16 **SECTION THREE.** Prohibited Activities.

17 A. It shall be unlawful for any person to dispose of waste tires in the City of St. Louis except
18 as provided in this ordinance. Waste tires shall be collected only at a waste tire site, waste tire
19 facility, or a temporary site as specifically allowed by Missouri State or federal laws or regulations
20 and approved by the Director.

21 B. It shall be unlawful for any person to maintain a waste tire facility unless the facility has a
22 valid permit issued by the Department of Natural Resources for the proper and temporary storage

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1 of waste tires, or is exempt from the State's permit requirements, and has a valid waste tire site
2 permit issued by the City of St. Louis.

3 C. It shall be unlawful for any person to maintain a waste tire site, or allow a waste tire site to be
4 maintained on property owned or controlled by them without a valid waste tire site permit issued
5 by the City of St. Louis.

6 D. It shall be unlawful for the owner operator of a waste tire site that is not a waste tire facility to
7 store more than more than fifty (50) waste tires for a period longer than thirty (30) consecutive
8 days except as provided in Section 11 of this ordinance.

9 E. It shall be unlawful for any person to maintain an auto salvage yard or salvage yard without a
10 valid waste tire site permit issued by the City.

11 E. It shall be unlawful for an individual to store or maintain waste tires or allow waste tires to
12 accumulate on property that is owned or controlled by them except as provided in Section 11 of
13 this ordinance.

14 F. It shall be unlawful for any person that is in the business of hauling or transporting waste tires
15 in the City of St. Louis, or for any person to haul or transport more than five (5) waste tires as a
16 supporting function of their regular business activities without a waste tire hauler permit.

17 G. It shall be unlawful for any person to maintain a tire dealer unless the owner operator has a
18 valid tire dealer permit issued by City of St. Louis for each location in the City of St. Louis where
19 the person engages in the buying or selling of new, used, or remanufactured tires, and locations in
20 the City of St. Louis where waste tires are stored or maintained by the tire dealer

21 **SECTION FOUR.** Department of Public Safety Duties & Responsibilities

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1 A. The Department shall:

2 1. Locate, investigate and document sites where waste tires are maintained or stored,
3 accumulated or allowed to accumulate, and initiate efforts to bring sites in violation of this
4 ordinance into compliance.

5 2. Assist neighborhood organizations and community groups with applying for grants aimed
6 at dealing with problems created by waste tires, and shall work in coordination with other
7 City of St. Louis departments and divisions, and the Department of Natural Resources to
8 educate the public about proper waste tire disposal and the dangers presented when waste
9 tires are not properly maintained and disposed of, and illegal dumping.

10 3. Work in coordination with other City of St. Louis departments and divisions, and the
11 Department of Natural Resources to educate owners operators of waste tire facilities, waste
12 tire sites, tire dealers and waste tire haulers about this ordinance, the consequences for its
13 violation, proper waste tire disposal and the dangers presented when waste tires are not
14 properly maintained and disposed of, and illegal dumping.

15 4. Inspect each calendar year all waste tire sites, tire dealers, and tire facilities to ensure
16 compliance with this ordinance. At least fourteen (14) calendar days prior to this annual
17 inspection the Department shall send written notice of the coming inspection to the owner
18 operator or designated agent as indicated on the permit. The owner operator or designated
19 agent shall ensure that the tire dealer, waste tire site, or waste tire facility premises and any
20 required documents such as permits and waste tire tracking reports are made available for
21 inspection, and may accompany the Department inspectors during their inspection.

22 5. Inspect complaints of violations of this ordinance.

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1 B. The Director, any City of St. Louis police officer, member of the City of St. Fire
2 Department, and members of the City's Health Department, or other City department or division
3 having responsibility for the preservation of the health and welfare of the residents of the City shall
4 inspect complaints of violations of this ordinance that are reported to them. Copies of all
5 complaints of violations of this ordinance that are received or summary descriptions of complaints
6 not made in writing shall be promptly submitted to the Director.

7 **SECTION FIVE.** Tire Dealers

8 A. Ninety (90) days following the effective date of this ordinance, it shall be unlawful for a
9 tire dealer within the City of St. Louis to conduct business without a valid tire dealer permit issued
10 by the City of St. Louis. A permit shall be required for each location in the City of St. Louis where
11 the tire dealer engages in the buying or selling of new, used, or remanufactured tires, and locations
12 in the City of St. Louis where waste tires are stored or maintained by the tire dealer.

13 B. A tire dealer permit is required in addition to any other permit or license required by the
14 City of St. Louis, State of Missouri or federal government. Permits shall not be issued to tire dealers
15 for locations where the business activities are prohibited under City of St. Louis ordinance,
16 Missouri State or federal law or regulation, or government agency rules.

17 C. When transporting more than five (5) waste tires at any one time within the City of St.
18 Louis tire dealers shall maintain a copy of their current tire dealer permit and waste tire hauler
19 registration inside the vehicle being used to haul or transport the waste tires, as well as copies of
20 any documents or reports required by the Missouri Department of Natural Resources on forms
21 provided by the Missouri Department of Natural Resources, or on a similar form or in a similar
22 format that is preapproved by the Missouri Department of Natural Resources. Tracking reports

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1 required by the Missouri Department of Natural Resources shall be filled out for each load of waste
2 tires delivered to an approved destination and shall include all applicable collection and receiver
3 data. Copies of the forgoing permits, documents, and reports shall be maintained by the tire dealer
4 at their place of business for at least three (3) years from the date of their creation, or longer as
5 may be required by applicable laws, regulations, and government agency rules, and the tire dealer
6 shall make them available for inspection upon request by the Director, any City of St. Louis police
7 officer, member of the City of St. Louis Fire Department, or any member of a City department or
8 division having responsibility for the preservation of the health and welfare of the residents of the
9 City of St. Louis.

10 D. Tire dealers shall have a designated agent that will be the individual authorized to act on
11 behalf of the tire dealer and may receive notifications (including notification of violations) that
12 may be issued by the City of St. Louis.

13 E. Applications for a tire dealer permit or to renew a tire dealer permit shall be made in writing
14 to the Department in accordance with any rules and procedures established by the Director for
15 applying for a tire dealer permit. The following information shall be provided on the tire dealer
16 permit application:

- 17 1. The full legal name and primary address of the owner and operator.
- 18 2. The primary business address, and full legal name and any fictitious names used by any
19 business operating at the locations for which a tire dealer permit is sought.
- 20 3. The address for each of the locations for which tire dealer permit is sought, and a
21 description of the business activity conducted at said locations.

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- 1 4. If the owner operator is a limited liability company, the name of the managing member, if
2 one is designated in the limited liability company documents, shall be provided on the
3 application.
- 4 5. If the owner operator is a partnership, the full name and place of residence/business of each
5 general partner shall be provided on the application;
- 6 6. If a general partner of a partnership is a corporation, then that corporation shall list on the
7 application the full name, position and place of residence of each officer and director of
8 that corporation.
- 9 7. If the owner operator is doing business under a fictitious name, both legal and fictitious
10 names shall be listed on the application.
- 11 8. The hours of operation and days of the week that the business will be open for operation.
- 12 9. The name, telephone number and address of the owner operator's designated agent.
- 13 10. Sales tax number if required by the State of Missouri for the owner operator to do business
14 at the site for which a tire dealer permit is sought.
- 15 11. An official receipt from the City of St. Louis Collector of Revenue evidencing all taxes
16 have been paid or a statement of no taxes due for the for which a tire dealer permit is sought
17 and are owned by the owner operator.
- 18 12. The name, address and telephone number of the owner of the real estate for which a tire
19 dealer permit is sought if not owned by the owner operator.

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1 13. Certificates from the City of St. Louis Building Division and Fire Department stating that
2 the locations for which a tire dealer permit is sought are compliant with the City's building
3 and fire codes.

4 14. Other information that pertains to a tire dealer operating in the City of St. Louis as may be
5 required by the Director.

6 Tire dealer applications shall be dated and signed by the owner operator, designated agent, or other
7 person authorized to sign on behalf of the owner operator applying for the tire dealer permit.

8 Tire dealers shall notify the Department in writing of any changes to information required on the
9 application by submitting an updated application to the Department within thirty (30) days of any
10 such change.

11 F. The effective period for all tire dealer permits will be one (1) year beginning and ending
12 on dates which are to be determined by the Director. The initial application may be for a portion
13 of one year. The Director shall send an application for renewal of the permit to the owner operator
14 or designated agent at least ninety (90) days prior to the date of expiration, however, failure of the
15 Director to send this courtesy notice shall not excuse the tire dealer's failure to renew their permit.
16 The completed renewal application is due thirty (30) days prior to the expiration date of the then
17 current permit. Failure to apply for a renewal of a permit within one-hundred and twenty (120)
18 days of the expiration date shall render the expired permit null and void and a new permit must be
19 applied for.

20 **SECTION SIX. Waste Tire Sites**

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1 A. Ninety (90) days following the effective date of this ordinance, it shall be unlawful for a
2 waste tire site within the City of St. Louis to conduct business without a valid waste tire site permit
3 issued by the City of St. Louis. A permit shall be required for each location in the City of St. Louis
4 where the owner operator maintains a waste tire site. A waste tire site permit shall be required in
5 addition to any other permits that may be required by the City of St. Louis, and any Missouri State
6 or federal agency.

7 B. Applications for a waste tire site permit or to renew a waste tire site permit shall be made
8 in writing to the Department in a format and in accordance with any rules and procedures
9 established by the Director for applying for a waste tire site permit. Owner operators applying for
10 waste tire site permits shall provide the following information on their permit application:

- 11 1. The full legal name and primary address of the owner operator.
- 12 2. The primary business address, and full legal name and any fictitious names used by any
13 business operating at the locations for which a waste tire site permit is sought.
- 14 3. The address for each of the locations for which tire site permit is sought, and a description
15 of the business activity conducted at said locations.
- 16 4. If the owner operator is a limited liability company, the name of the managing member, if
17 one is designated in the limited liability company documents, shall be provided on the
18 application.
- 19 5. If the owner operator is a partnership, the full name and place of residence/business of each
20 general partner shall be provided on the application;

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- 1 6. If a general partner of a partnership is a corporation, then that corporation shall list on the
2 application the full name, position and place of residence of each officer and director of
3 that corporation.
- 4 7. If the owner operator is doing business under a fictitious name, both legal and fictitious
5 names shall be listed on the application.
- 6 8. The hours of operation and days of the week that a business operating on the waste tire site
7 will be open for operation.
- 8 9. The name, telephone number and address of the designated agent for the owner operator.
- 9 10. Sales tax number if required by the State of Missouri for the owner operator to do business
10 at the site for which a tire site permit is sought.
- 11 11. An official receipt from the City of St. Louis Collector of Revenue evidencing all taxes
12 have been paid or a statement of no taxes due for each location for which a waste tire site
13 permit is sought and owned by the owner operator.
- 14 12. The name, address and telephone number of the owner of the real estate for which a waste
15 tire site permit is sought if not owned by the owner operator.
- 16 13. Certificates from the City of St. Louis Building Division and Fire Department stating that
17 the locations for which a waste tire site permit is sought are compliant with the City's
18 building and fire codes.
- 19 14. Other information that pertains to a waste tire site operating in the City of St. Louis as may
20 be required by the Director.

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1 The application shall be dated and signed by the owner operator, designated agent, or other
2 individual with authority to sign on behalf of the owner operator applying for the waste tire site
3 permit. Permit holders shall notify the Department in writing of any changes to information
4 required on the application by submitting an updated application to the Department within thirty
5 (30) days of any such change.

6 C. Owner operators applying for a waste tire site permit must also provide the Department the
7 following information at the time of application:

8 A valid permit from the State to operate a scrap tire site pursuant to RSMo 260.270. A copy
9 of such permit with the following attachments shall be provided to the department at the time
10 of registration:

- 11 1. Detailed site plans and operational plans containing information necessary to demonstrate
12 compliance with the storage requirements of this ordinance.
- 13 2. Plans for final disposition of the waste tires.
- 14 3. A contingency plan designed to minimize the hazards to human health and the
15 environment from fires, runoff of contaminants resulting from fires and from mosquitoes
16 in case of failure of the primary method of vector control. The contingency plan shall
17 include, but not be limited to, the following items, as applicable:
 - 18 4. The actions site personnel must take in response to fires, runoff resulting from fires and
19 mosquito breeding in waste tires.
 - 20 5. An evacuation plan for site personnel, in case of fire.
 - 21 6. Evidence that the fire contingency plan has been provided to the fire department.

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1 7. Evidence of compliance with local and Missouri Department of Natural Resources water
2 pollution control regulations, (as set forth in 10 CSR 20-6.010).

3 D. The effective period for all waste tire site permits will be one (1) year beginning and ending
4 on dates determined by the Director. The initial permit may be for a portion of one year. The
5 Director shall notice of expiration and an application for renewal of the permit to the owner
6 operator or designated agent at least ninety (90) days prior to the date of expiration, however,
7 failure of the Department to send this courtesy notice shall not excuse the permit holder’s failure
8 to renew their permit. The completed renewal application is due thirty (30) days prior to the
9 expiration date of the then current permit. Failure to apply for a renewal of a permit within one-
10 hundred and twenty (120) days of the expiration date shall render the expired permit null and void
11 and a new permit must be applied for.

12 **SECTION SEVEN. Waste Tire Site Tire Storage**

13 A. The following storage requirements shall be met by each location for which a waste tire
14 site permit is sought prior to applying for a permit:

15 1. *Fire protection.*

16 a. Whole waste tire storage shall meet the Standard for Storage of Rubber Tires as
17 adopted by the National Fire Protection Association (NFPA).

18 b. Cut, chipped or shredded waste tire storage shall meet the fire prevention, exposure
19 protection and fire-fighting access guidelines contained in the Standard for Storage
20 of Rubber Tires as adopted by the National Fire Protection Association (NFPA).

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- 1 c. Indoor storage of waste tires shall meet the requirements as adopted by the National
2 Fire Protection Association (NFPA). (Copies of the NFPA standard for indoor and
3 outdoor storage may be obtained by contacting the NFPA, P.O. Box 9101, Quincy,
4 MA 02269, 800-344-3555.)
- 5 d. Outdoor storage shall meet the requirements as adopted by the National Fire
6 Protection Association (NFPA).
- 7 (2) *Runoff protection.* Surface water drainage must be diverted around and away from waste
8 tires.
- 9 (3) *Location.* Waste tire sites shall not be located in a wetland, sinkhole or floodplain (unless
10 protection is provided against at least a 50-year flood by impervious dikes or other
11 appropriate means to prevent the flood waters from contacting the waste tires).
- 12 (4) *Site control.* Waste tire sites shall be fenced or enclosed or otherwise made inaccessible.
13 Signs shall be posted to prohibit unauthorized entry (wording such as "Access Restricted
14 to Authorized Haulers Only" may be used.)
- 15 (5) *Vector control.* Conditions shall be maintained that are unfavorable for the harboring,
16 feeding and breeding of vectors. If the method being used to control vectors is not
17 effective, the owner/operator of the waste tire site must use an alternative method to
18 correct the vector problem. The owner/operator of a waste tire site storing tires during the
19 period April 1 through October 31 shall use one or more of the following methods of
20 vector control:

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- 1 a. Drain tires of water unless certified dry by the waste tire hauler and kept dry within
2 a building, enclosed trailer or under cover impermeable to water. The cover shall be
3 maintained to be impermeable to water.
- 4 1. Tires received November 1 through March 31 that contain water shall be drained
5 of water by April 1.
- 6 2. Tires received April 1 through October 31 that contain water shall be drained of
7 water within 24 hours of receipt.
- 8 b. Alter tires so as not to retain water. Tires received November 1 through March 31
9 shall be altered and drained of water by April 1. Tires received April 1 through
10 October 31 shall be altered and drained of water upon receipt or be certified dry by
11 the waste tire hauler. If certified dry by the waste tire hauler, the tires shall be altered
12 within seven (7) days of receipt;
- 13 c. Treat the tires with a larvicide and/or adulticide appropriate to prevent the
14 development of mosquito larvae and pupae and repeat treatment as often as necessary
15 to prevent such development, taking-into-account the effectiveness and life of the
16 larvicide and/or adulticide utilized.
- 17 1. Larvicides and/or adulticides must be applied in accordance with their label,
18 Chapter 281 of the Revised Statutes of Missouri and Missouri Department of
19 Agriculture regulations.
- 20 2. The dimensions of the tire pile and the method of stacking the tires shall allow
21 for application of the larvicide and/or adulticide to all tires; and

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1 d. Alternate methods of vector control may be approved by the department if
2 documented to control larvae, pupae and adult mosquitoes.

3 **SECTION EIGHT.** Waste Tire Site Closure Plan

4 The owner operator of a waste tire site shall ensure that the area is properly closed upon cessation
5 of operations pursuant to RSMo 260.275.

6 **SECTION NINE.** Abatement of Violations.

7 A. If the owner operator of a waste tire facility, waste tire site, or tire dealer that is in violation
8 of this ordinance fails to correct such violation within thirty (30) calendar days following their
9 receipt of written notice thereof from the Department, the Director, in addition to resorting to any
10 other available legal remedy, may declare the site to be a public nuisance and enter the site where
11 the nuisance condition exists for the purpose of abating the nuisance condition with or without the
12 consent of the owner operator, or occupant of the site and without being deemed to have committed
13 a trespass. This limited right of entry shall extend to any person designated, hired or otherwise
14 engaged by the Director to abate the nuisance conditions.

15 B. Following the abatement of the nuisance condition the Director shall determine the actual
16 costs incurred by the City in abating the nuisance condition, including overhead costs up to
17 \$500.00, and send written notice to the owner operator or designated agent as identified on the
18 permit application, that the abatement cost shall be assessed against the owner operator. If an
19 owner operator so requests in writing within fifteen (15) days of their receipt of invoice notice the
20 director shall hold a public hearing in accordance with Section 13 of this ordinance to determine
21 the reasonableness of the assessment. If a hearing is not requested and the assessment is not paid
22 in full within thirty (30) days of receipt of the invoice then the Director shall certify the charge for

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1 abatement to the City Collector of Revenue as a special assessment represented by a special tax
2 bill against the real property affected.

3 **SECTION TEN.** Waste Tire Haulers.

4 A. Ninety (90) days following the effective date of this ordinance, it shall be unlawful for a
5 waste tire hauler to conduct business in the City of St. Louis without a valid waste tire hauler
6 registration issued by the City of St. Louis. Registration as a waste hauler shall be required in
7 addition to any other permits or registrations that may be required by the City of St. Louis, and
8 any Missouri State or federal agency.

9 B. Waste tire haulers shall:

- 10 1. Register with the Department prior to operating within the City.
- 11 2. Possess a valid permit from the State of Missouri to operate as a waste tire hauler pursuant
12 to RSMo 260.270, and maintain a copy of said permit in a vehicle when being used to haul
13 or transport waste tires. A copy of the permit must be provided to the Department at the
14 time of registration as a waste tire hauler.
- 15 3. Maintain tracking and summary reports as required by the Missouri Department of Natural
16 Resources on forms provided by the Missouri Department of Natural Resources or on
17 similar forms or in a similar format that has been preapproved by the Missouri Department
18 of Natural Resources. The tracking reports shall be filled out for each load delivered to an
19 approved destination and shall include all applicable collection and receiver data. Copies
20 of tracking reports shall be maintained by the waste tire hauler for at least three (3) years
21 from the date of their creation, and made available for inspection by the Director, any City

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1 of St. Louis police officer, or any member of a City department or division having
2 responsibility for the preservation of the health and welfare of the residents of the City of
3 St. Louis.

4 C. Waste tire haulers must register with the Department using a form and following the rules
5 and procedures for registering that are established by the Director. The following information
6 shall be provided by the person seeking to register as a waste tire hauler on the registration form:

7 1. The full legal name and primary address of the owner operator seeking to register as a
8 waste tire hauler.

9 2. The primary business address, and full legal name and any fictitious names used by the
10 owner operator seeking to register as a waste tire hauler.

11 3. If the owner operator seeking to register as a waste tire hauler is a limited liability company,
12 the name of the managing member, if one is designated in the limited liability company
13 documents, shall be provided on the registration form.

14 4. If the owner operator seeking to register as a waste tire hauler is a partnership, the full name
15 and place of residence/business of each general partner shall be provided on the registration
16 form.

17 5. If a general partner of a partnership is a corporation, then that corporation shall list on the
18 application the full name, position and place of residence of each officer and director of
19 that corporation.

20 6. If the owner operator seeking to register as a waste tire hauler is doing business under a
21 fictitious name, both legal and fictitious names shall be listed on the registration form.

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1 7. The name, telephone number and address of the designated agent for the registered waste
2 tire hauler.

3 8. Sales tax number if required by the State of Missouri.

4 9. Other information that pertains to a waste tire hauler operating in the City of St. Louis as
5 may be required by the Director.

6 The registration shall be dated and signed by the owner operator, designated agent, or other
7 individual with authority to sign on behalf of the owner operator seeking to register as a waste tire
8 hauler. Waste tire haulers shall notify the Department in writing of any changes to the information
9 required for registration by submitting an updated registration form to the Department within thirty
10 (30) days of any such change.

11 D. The effective period for all waste tire hauler registrations will be one (1) year beginning
12 and ending on dates determined by the Director. The initial registration may be for a portion of
13 one year. The Director shall send notice or expiration of registration will be sent to the owner
14 operator or designated agent at least ninety (90) days prior to the date of expiration, however,
15 failure of the Director to send this courtesy notice shall not excuse the waste tire hauler for failing
16 to renew their registration. The completed registration renewal form is due thirty (30) days prior
17 to the expiration date of the then current registration.

18 E. Failure to comply with the provisions of this Section may result in denial, suspension or
19 revocation of registered waste tire hauler status in addition to any fines that may be imposed for a
20 violation of this ordinance.

21 **SECTION ELEVEN. Limited Storage of Waste Tires**

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1 A. Any person having obtained a permit from the City of St. Louis to operate an auto salvage
2 yard or salvage yards may store, but shall not bury, up to five-hundred (500) waste tires for a
3 period not to exceed thirty (30) consecutive days without a waste tire site permit provided such
4 waste tires are only from vehicles acquired by the auto salvage yard or salvage yard, have been
5 chipped, cut or shredded, and are maintained or stored in accordance with this ordinance, and
6 Missouri State and federal laws and regulations.

7 B. Waste tires collected and stored by a waste tire facility for processing, disposal and
8 recycling shall be stored as required by this ordinance, all other applicable ordinances of the City
9 of St. Louis, and Missouri State and federal laws and regulations.

10 C. Any person may maintain or store up to five (5) waste tires for recycling or for other useful
11 purposes, and shall stack the same and maintain vector control unless they are being used for a
12 useful purpose.

13 **SECTION TWELVE.** Suspension and Revocation of Permits and Registration

14 A. Whenever the Director has knowledge of any action or condition which would constitute
15 grounds for the suspension or revocation of any permit or registration status issued under this
16 ordinance, or other reasonable cause to believe such grounds exist, the Director shall hold a hearing
17 to ascertain all facts in the matter and determine whether or not the permit or registration status
18 should be suspended or revoked. Not less than fifteen (15) days prior written notice shall be served
19 on the permit holder or registrant, or the permit holder's or registrant's designated agent by
20 personal service or mailed by certified or registered mail to them at their last known business or
21 residence address, setting out the reason for the hearing and the conditions under which the hearing
22 will be held. The permit holder or registrant shall have full right to be represented by counsel, to

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1 produce witnesses, and to cross examine all witnesses who may appear against him. All procedures
2 in such hearings shall be recorded stenographically, mechanically or electronically or by a
3 combination thereof and shall be transcribed at the expense of the party requesting the
4 transcription. Subpoenas shall be issued by the Director for any witness whose presence is desired
5 at any hearing or proceeding before the Director to suspend or revoke a permit or registration, and
6 such subpoenas may be served by any police officer. Such subpoenas shall be served and return
7 thereon shall be made in the same manner provided by law in civil suits in the circuit court of this
8 state.

9 B. If the Director holds a hearing in accordance with this Section and finds that a permit holder
10 or registrant has violated any provision of this ordinance or any regulation properly issued by the
11 Director, the Director may suspend the permit or registration issued under this ordinance for a
12 period not to exceed ninety (90) days.

13 C. The Director may revoke the permit or registration if, following a hearing held in
14 accordance with this Section, Director finds that:

15 (1) A permit holder or registrant has violated three or more provisions of this ordinance or
16 any regulation properly issued by the Director; or

17 (2) A permit or registration was obtained by misrepresentation or fraud, including
18 knowingly providing false information; or

19 (3) A permit holder has violated the provisions of the cease sales list in Section 14 of this
20 ordinance; or

21 (4) A permit holder or registrant has failed to pay for more than sixty (60) days any fines
22 or fees pursuant to this ordinance.

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1 D. Witnesses may also appear voluntarily at such hearings and testify. Before any witness
2 shall testify in any such hearing, the witness shall be sworn by the Director to tell the truth and
3 nothing but the truth.

4 E. The Director’s decision and order shall be in writing and shall include, if so requested,
5 findings of fact and conclusions of law. No suspension or revocation ordered by the Director
6 following a hearing in accordance with this Section shall become effective until ten (10) days after
7 the order has been issued. Appeal of the Director’s decision can be pursued in accordance with the
8 provisions of Section 13 of this ordinance

9 **SECTION THIRTEEN. Judicial Review of Suspension and Revocation of Permits**

10 A. An owner, permit holder, or registrant affected by the action of the Director whereby a
11 permit or registration status has been suspended or revoked under this ordinance may seek judicial
12 review in the manner provided by law.

13 B. Nothing contained in this chapter shall preclude the Director from reaching an informal
14 disposition with a permit holder or the permit holder's agent of contested cases by stipulation,
15 consent order, or by agreed settlement.

16 **SECTION FOURTEEN. Cease Sales List**

17 Any time a permit holder or registrant has been suspended or revoked, the permit holder or
18 registrant shall be placed on a cease sales list during which time the permit holder is prohibited
19 from buying or selling new or used tires or, in the case of a waste hauler, prohibited from hauling
20 or transporting waste tires .

21 **SECTION FIFTEEN. Penalty for Violation.**

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1 A. Any person convicted of a violation of this ordinance shall be punished for that violation
2 by a fine of not less than \$100.00 but not more than \$500.00. All fines imposed shall be in
3 accordance with the minimum fine schedule set out in this section. If, thirty (30) days after the
4 owner operator’s receipt of notice of a violation as provided in Section 9 of this ordinance, each
5 day that a violation continues shall be considered a separate offense, for which the violator may
6 be assessed an additional fine.

7 B. Whenever the penalty is to be a fine, the fine shall be no less than the minimum amount set
8 out in the following schedule:

9 (1) First offense \$100.00

10 (2) Subsequent offenses \$500.00

11 **SECTION SIXTEEN.** Severability.

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

19 **SECTION SEVENTEEN,** Effective Date.

20 The provisions of this ordinance shall be effective one-hundred and twenty (120) days following
21 its approval by the Mayor.