

St. Louis City Ordinance 64116

FLOOR SUBSTITUTE

BOARD BILL NO. [97] 118

INTRODUCED BY ALDERMAN MARGE VINING , GREGORY CARTER ,
CRAIG SCHMID

An ordinance to amend Ordinance No. 59121, approved April 10, 1984, as amended by Ordinance No. 60292, approved March 4, 1987, Ordinance No. 61760, approved December 27, 1989, and Ordinance No. 62276, approved March 3, 1991, which said Ordinance No. 59121 as so amended is now codified as Chapter 11.02 of the Revised Code of the City of St. Louis, Missouri, 1994, Annotated, as amended, pertaining to Solid Waste; by repealing Section Two of said Ordinance No. 59121 which contains definitions and enacting in lieu thereof a new Section Two containing definitions but adding the definitions of the terms "recyclables" and "yard waste;" by repealing Section Five of said Ordinance No. 59121 which pertains to the general storage and collection of refuse and enacting a new Section Five pertaining to the same subject matter, but with provisions prohibiting the placement of yard waste in City containers that are not designated for yard waste collection, prohibiting scavenging of refuse containers and containers for recyclables at all times, and prohibiting collection of yard waste and other refuse in the same collection vehicle without segregation of the yard waste; by repealing Section Seven of said Ordinance No. 59121 which pertains to storage and collection of refuse in City containers and enacting a new Section Seven which pertains to the same subject matter, but with provisions prohibiting the placement of refuse that is not yard waste in City containers designated for yard waste storage and collection, but authorizing the Refuse Commissioner to designate exceptions for recyclables; with severability, savings, and emergency clauses.

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

SECTION ONE. Section Two of Ordinance No. 59121, approved April 10, 1984, as amended by Ordinance No. 60292, approved March 4, 1987, Ordinance No. 61760, approved December 27, 1989, and Ordinance No. 62276, approved March 3, 1991, is hereby repealed and a new Section Two of said Ordinance No. 59121 is hereby enacted in lieu thereof, which shall read as follows:

Section Two. Definitions.

For the purpose of this ordinance, as amended, the following terms, phrases, words and their derivatives shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word **shall** is always mandatory and not merely directory.

1. Abatement means the correction of a condition which constitutes or evidences a violation of this ordinance, as amended.
2. Collection means removal of refuse from its place of storage for the purpose of transporting it to its place of processing or disposal.
3. Demolition landfill means a solid waste disposal area used for the controlled disposal of demolition wastes, construction materials, brush, wood wastes, tires, inert plastics, soil, rock, concrete and nondecomposable inert solids insoluble in water.
4. Demolition materials means materials or substances produced by demolition of a structure.
5. Dump means to discard or place refuse, demolition materials, or inert matter, other than in a refuse container for storage before collection. Dump does not mean delivery of inert matter for construction purposes to a construction site for which a building permit has been issued by the Building Commissioner.
6. Dwelling unit means a room or rooms within a building forming a habitable unit with cooking, living, sanitary and sleeping facilities.
7. Garbage means refuse in the form of discarded food or produce.
8. Hauler means an owner or lessee of one or more vehicles used to transport refuse, inert matter, or demolition materials to or from points with the City for a fee or other consideration, or in furtherance of such owner's or lessee's business or occupation.
9. Inert matter or material means natural substances such as dirt or sand the form and structure of which does not naturally change.
10. Inert matter disposition site means a site approved pursuant to this chapter for indefinite placement of inert matter. Inert matter disposition site does not

mean a construction site for which a building permit has been issued by the Building Commissioner.

11. Mechanical collection means nonmanual emptying of refuse containers in refuse hauling vehicles.

12. Non residential premises means all premises which are not residential premises as defined herein.

13. Person means individuals, corporations, partnerships or any legal entity.

14. Prohibited refuse means matter which, while refuse, is not to be placed in any refuse container from which the Refuse Division collects refuse and is not to be collected by the Refuse Division. Prohibited refuse includes: explosives, highly flammable or dangerous material including gun powder and photographic plates, substances saturated with inflammable petroleum products, poisons, acids, pathological, biological and infectious wastes; substances which constitute hazardous, toxic or special waste under federal or state laws or regulations; radioactive materials; human or animal bodies or parts thereof; human or animal waste; major appliances, including, but not limited to refrigerators, freezers, stoves, ovens, dishwashers, microwave ovens, air conditioners and television sets; lead acid automotive, truck or boat batteries; motor oil; tires; yard waste and such other matter as the Refuse Commissioner may designate by rule or regulation. After January 1, 1992, yard waste, as such term is defined by this ordinance, as amended, shall constitute prohibited refuse.

15. Recyclables means those materials recovered from the solid waste stream and shall include newspapers, telephone books, corrugated cardboard, paperboard, mixed office paper, magazines and catalogues, aluminum cans, steel food cans, steel aerosol cans, glass bottles (clear, green, and brown) and #1 and #2 plastic bottles and jugs.

16. Refuse means all putrescible and nonputrescible combustible and noncombustible solid wastes including but not limited to garbage, ashes, paper, wrappings, cigarette and cigar butts, cardboard, cans, wood scraps, loose glass in any form, bedding, metal, household items, crockery, plastic, industrial wastes, prunings, grass clippings, weeds, leaves, general yard and garden wastes, cut or fallen trees and shrubs, and loose lumber.

17. Residential premises means buildings used by human beings for exclusively residential purposes, or dwelling units so used within a building containing

both such dwelling units and nonresidential premises, and includes single family residences, flats, apartments, condominiums, convents, parsonages, and rectories. Residential premises does not mean hotels, motels, or property (including units or parts of a building which are used for nonresidential purposes, whether or not the building also contains dwelling units used by human beings for exclusively residential purposes) used for business, fraternal, commercial, industrial, manufacturing, or institutional purposes, or for any purpose not exclusively residential, except buildings owned, and used, or occupied by the City.

18. Roll out cart means a wheeled receptacle for refuse provided by the Refuse Commissioner.

19. Sanitary landfill means a solid waste disposal area employing an engineered method of disposing of solid wastes on land in a manner that minimizes environmental hazards by spreading the solid wastes in thin layers, compacting the solid wastes to the smallest practical volume and applying cover material at the end of each operating day.

20. Scavenging means the physical examination of refuse in a refuse container or the removal of items from a refuse container by persons other than Refuse Division, Health Division, Building Division, Police Department or Fire Department personnel and persons authorized under this chapter to use the refuse container.

21. Yard Waste means leaves, grass clippings, yard and garden vegetation, and Christmas trees. The term does not include stumps, roots or shrubs with intact root balls.

SECTION TWO. Section Five of Ordinance No. 59121, approved April 10, 1984, as amended by Ordinance No. 60292, approved March 4, 1987, Ordinance No. 61760, approved December 27, 1989, and Ordinance No. 62276, approved March 3, 1991, is hereby repealed and a new Section Five of said Ordinance No. 59121 is hereby enacted in lieu thereof, which shall read as follows:

Section Five. Storage and collection of refuse in general.

(a) All refuse outside a structure shall be stored for collection in a refuse container as provided herein. Storage of refuse in containers not authorized by this section, for example, cardboard boxes or paper bags, is prohibited.

(b) The following refuse containers may be used for storage of refuse:

(i) Such containers as are provided by the Commissioner of Refuse Collection;
or

(ii) for residential premises:

A. Plastic, rubber, or metal non disposable trash containers which have the following characteristics:

1. Volume of not less than twenty gallon capacity and not more than thirty two gallon capacity;
2. Suitable handles so as to facilitate safe handling and lifting by collectors;
3. Are free of sharp edges or of any other defect liable to harm or injure a collector;
4. Lids which are tight fitting and have handles;
5. Have printed or painted on the side of the container the address of the occupants of the premises storing refuse therein;
6. Are not less than twenty two inches in height and nineteen inches in diameter.

B. Plastic bags may be used for refuse of residential premises if they are of a sufficient thickness and strength to prevent tearing and ripping in normal use and are equipped with a tying device.

(iii) For nonresidential premises; a metal container having a capacity of one cubic yard or more, or if permitted by the Refuse Commissioner, not more than two containers permitted to be used for residential premises by sub-section (ii), Part A of subsection (b) of this section.

(c) All refuse containers shall be leak proof and securely covered at all times.

(d) All refuse containers shall be constructed and maintained so as to prevent the dispersal or release of refuse placed therein.

(e) No prohibited refuse shall be placed in refuse containers from which the Refuse Division collects refuse at any time nor be collected by the Refuse Division. However, notwithstanding the provisions of this paragraph, nothing

shall prevent the Refuse Commissioner from establishing special collections for major appliances, waste oil, tires, lead-acid batteries, yard waste, or other prohibited refuse. In the event that the Refuse Commissioner establishes such special collections, he shall promulgate regulations concerning the types of containers in which such items shall be placed, the manner in which they shall be collected, and the time for such collection. No person shall dump or deposit yard waste in any refuse containers from which the Refuse Division collects refuse unless (i) the refuse container has been marked "yard waste only" by the Refuse Division or (ii) the yard waste is deposited into a City roll-out cart for a yard waste collection day designated by the Refuse Commissioner; provided, however, that the Refuse Commissioner is authorized to allow placement of yard waste in refuse containers from which the Refuse Division collects refuse in emergency situations.

(f) Garbage shall be thoroughly and completely drained of all free liquid and wrapped securely before it is placed in a refuse container.

(g) The owners and the occupants of any premises within the City, producing refuse, have joint and separate responsibility, unless the Refuse Commissioner provides containers for their refuse, for providing containers for the storage of refuse produced on the premises which comply with the requirements of this ordinance, and for the collection and disposal of such refuse in compliance with the provisions of this ordinance. No occupant of a dwelling unit within a building containing two or more dwelling units shall be responsible for providing refuse containers for, or for the storage, collection or disposal of, refuse produced by or in any dwelling unit other than the one he occupies.

(h) The owner, lessee, tenant or occupant of any premises having an alley entrance shall place conspicuously at the alley entrance to such premises the house or street number thereof in figures not less than two inches high.

(i) Any refuse container not provided by the Refuse Commissioner from which the Refuse Commissioner collects refuse and which he determines to be nonusable shall be deemed to be refuse and subject to confiscation by the Commissioner after notice has been left for four days on such container, or at the premises of the apparent owner of such container.

(j) Any refuse container not provided by the Refuse Commissioner from which the Refuse Commissioner collects refuse and which he determines to be nonusable shall be deemed to be refuse and subject to confiscation by the Commissioner after notice has been left for four days on such container, or at the premises of the apparent owner of such container. In no case shall the

Refuse Commissioner confiscate any container clearly marked ♠free items for those in need, ♠ provided that any such containers meet all the requirements for such containers as provided in this ordinance.

(k) Scavenging in or from any refuse container is prohibited from dark to dawn.

(l) Scavenging in or from any container designated for recyclables is prohibited.

(m) No person shall upset or cause to upset a refuse container, or dump items removed from a refuse container; on top of any such container; or on any alley, street, or public right-of-way within the City; or on private property within the City without the written permission of the property owner.

SECTION THREE. Section Seven of Ordinance No. 59121, approved April 10, 1984, as amended by Ordinance No. 60292, approved March 4, 1987, Ordinance No. 61760, approved December 27, 1989, and Ordinance No. 62276, approved March 3, 1991, is hereby repealed and a new Section Seven of said Ordinance No. 59121 is hereby enacted in lieu thereof, which shall read as follows:

Section Seven. Storage and collection of refuse; City containers. The following provisions, in addition to the applicable provisions of Section Five, govern the preparation and placement for collection of refuse by the Refuse Division from containers provided by the Refuse Commissioner.

(a) When the Refuse Commissioner has notified residents that he has provided refuse containers for this use, the Refuse Commissioner shall not collect such residents' refuse from any containers other than those provided by him.

(b) The Refuse Commissioner shall determine the number and location of all containers provided by him and the residents entitled to deposit refuse for collection in all such containers provided by him. He is hereby authorized to place such containers in all alleys, streets, and public rights-of-way within the City.

(c) Unless otherwise instructed by the Refuse Commissioner, residents shall use the container provided by the Refuse Commissioner which is closest to their dwelling unit, unless it is full, in which case they may use the next closest such container.

(d) No person shall move any refuse container provided by the Refuse Commissioner from its location as determined by the Refuse Commissioner.

(e) No person shall deposit refuse in a refuse container provided by the Refuse Commissioner, unless he has been instructed or authorized to do so by the Refuse Commissioner.

(f) No person shall damage, destroy or alter the appearance of any refuse container provided by the refuse commissioner.

(g) With regard to the use of such containers, the following provisions apply:

(i) no person shall place in such containers any single item with a weight of more than fifty pounds or that is more than three feet in length or that prevents the lid of the container from closing;

(ii) between collections, no person shall place refuse with a volume of more than one cubic yard, or a weight of more than 350 pounds; and

(iii) no person shall dump or deposit any item within four feet of or on top of any such container.

(h) If yard waste is collected by the Refuse Division in City containers other than roll-out carts, the Refuse Division shall mark such City containers "yard waste only" for the separate storage and collection of yard waste from all other Refuse. The placement of Refuse which is not yard waste in any City container marked "yard waste only" by the Refuse Division is prohibited; provided, however, that the Refuse Commissioner (i) may designate by rules and regulations recyclable items that may be placed in containers marked for "yard waste only" and (ii) may authorize the placement of refuse that is not yard waste into City containers marked "yard waste only" in emergency situations.

(i) All persons whose dwelling units are located on a lot one line of which is closer to one container provided by the Refuse Commissioner than to any other such container, and who use such container are jointly and severally responsible for that container, and refuse deposited therein, being in compliance with the provisions of this ordinance, and for damage to that container, except ordinary wear and tear, damage by City personnel, and damage demonstrably caused by others.

(j) In areas in which the Refuse Commissioner has authorized the use of roll-out carts, the following additional provisions apply:

(1) The Refuse Commissioner shall provide one roll-out cart for each residential structure in the area. For structures containing more than one dwelling unit, he may provide such additional number of roll-out carts as he deems necessary, but not more than one per dwelling unit.

(2) Roll-out carts remain City property. By accepting a cart, the property owner and occupant assume all liability for injury or damage arising in or out of the use, movement, or maintenance of such carts except such as directly results from the handling of such carts by the Refuse Division.

(3) Roll-out carts shall be used only for storage and placement for collection of household refuse.

(4) The loaded weight of roll-out carts shall not exceed 100 pounds.

(5) Roll-out carts shall be placed for collection at or within two feet of the curb in front of the dwelling unit to which the cart is assigned, so as not to cause diversion of normal flow of pedestrian or vehicular traffic, and so that mechanical collection of the refuse from the carts can be done without interfering with vehicular traffic; provided, carts assigned to dwelling units on corner lots may be placed at or near the curb on the side street with the Refuse Commissioner's permission; provided further, carts shall at no time be placed on sidewalks, unless directed by the Refuse Commissioner.

(6) Carts not placed for collection shall be stored so that they are not visible from the street and shall be kept clean at all times. No such cart shall be placed or allowed to remain on the public right-of-way before six p.m. on the day preceding the day on which the refuse is scheduled to be collected. No such cart shall be placed or allowed to remain on the public right-of-way after eleven p.m. on the day on which the refuse is collected.

(7) The Refuse Commissioner may replace carts at no charge as needed not more often than every five years. More frequent replacement may be made but only if the City is reimbursed in advance for the cost to the City of the replacement cart.

(8) If yard waste is collected from roll-out carts by the Refuse Division, the placement of Refuse which is not yard waste in roll-out carts on days designated for yard waste storage and collection by the Refuse Division is prohibited; provided, however, that the Refuse Commissioner may designate by rules and regulations recyclable items that may be placed in the roll-out carts

on days designated for yard waste storage and collection by the Refuse Division.

(k) The Refuse Commissioner may waive provisions of this section, as amended, or provide special assistance in connection with refuse collection for severely handicapped persons living alone.

SECTION FIVE. Savings Clause. The repeal of any ordinance or section thereof by this ordinance shall not affect or impair any prosecution had or commenced in any case before such repeal takes effect; but every such prosecution had or commenced shall remain in full force and effect for all intents and purpose as if such ordinance or section thereof so repealed had remained in force. No offense committed and no penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or section thereof shall be repealed by this ordinance, shall be discharged or affected by such repeal or alteration; but prosecutions for such offenses, penalties, fines, or forfeitures shall be instituted and proceeded within all respects as if such prior ordinance or section thereof had not been repealed or altered.

SECTION SIX. Severability Clause. If any sentence, clause, section or any part of this ordinance is for any reason held to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared to be the intent of the Board of Aldermen that this ordinance would have been adopted had such unconstitutional, legal or invalid sentence, clause, section or part thereof had not been included herein.

SECTION SEVEN. Emergency Clause. This Ordinance being necessary for the immediate preservation of the public health, safety, and welfare, is hereby declared to be an emergency measure pursuant to Article IV, § 20 of the Charter of the City of St. Louis and shall take effect immediately upon approval by the Mayor.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
06/06/97	06/06/97	STR	06/25/97	

2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
06/27/97			07/11/97	07/18/97
ORDINANCE	VETOED		VETO OVR	
64116				

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