

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
2 waste tire haulers to register with the Department of Public Safety, and tire dealers, waste tire
3 processing facilities, and waste tire holding sites obtain permits from the Department of Public
4 Safety; and providing penalties for violations of the provisions thereof; and containing an
5 effective date, and 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
13 accessories for more that fifteen (15) consecutive days. For purposes of this ordinance a
14 salvage yard 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
18 with no part being larger than approximately one-third the original tire's size, or the
19 sidewalls removed from the treads.

- 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
17 hauler 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
21 highways or which has no use or resale value except as a source of parts or salvage. The
22 absence of any of the following items shall be deemed to render a vehicle inoperable:
23 front or rear fender, front or rear quarter panel, hood, trunk lid, front grill, front or rear

1 clip, wheel, front or rear axle, engine, transmission, instrument panel, windshield or
2 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
13 waste tires within the City of St. Louis, or that hauls or transports waste tires within the
14 City of 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.

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
8 Department website.

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

17 **SECTION THREE.** Prohibited Activities.

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

1 B. It shall be unlawful for any person to maintain a waste tire facility unless the facility has
2 a valid permit issued by the Department of Natural Resources for the proper and temporary
3 storage of waste tires, or is exempt from the State's permit requirements, and has a valid waste
4 tire site permit issued by the City of St. Louis.

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

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

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

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

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

19 G. It shall be unlawful for any person to maintain a tire dealer unless the owner operator has a
20 valid tire dealer permit issued by City of St. Louis for each location in the City of St. Louis

1 where the person engages in the buying or selling of new, used, or remanufactured tires, and
2 locations in the City of St. Louis where waste tires are stored or maintained by the tire dealer

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

5 A. The Department shall:

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

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

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

19 4. Inspect each calendar year all waste tire sites, tire dealers, and tire facilities to ensure
20 compliance with this ordinance. At least fourteen (14) calendar days prior to this annual
21 inspection the Department shall send written notice of the coming inspection to the owner

1 operator or designated agent as indicated on the permit. The owner operator or designated
2 agent shall ensure that the tire dealer, waste tire site, or waste tire facility premises and
3 any required documents such as permits and waste tire tracking reports are made
4 available for inspection, and may accompany the Department inspectors during their
5 inspection.

6 5. Inspect complaints of violations of this ordinance.

7 B. The Director, any City of St. Louis police officer, member of the City of St. Fire
8 Department, and members of the City’s Health Department, or other City department or division
9 having responsibility for the preservation of the health and welfare of the residents of the City
10 shall inspect complaints of violations of this ordinance that are reported to them. Copies of all
11 complaints of violations of this ordinance that are received or summary descriptions of
12 complaints not made in writing shall be promptly submitted to the Director.

13 **SECTION FIVE. Tire Dealers**

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

20 B. A tire dealer permit is required in addition to any other permit or license required by the
21 City of St. Louis, State of Missouri or federal government. Permits shall not be issued to tire

1 dealers for locations where the business activities are prohibited under City of St. Louis
2 ordinance, Missouri State or federal law or regulation, or government agency rules.

3 C. When transporting more than five (5) waste tires at any one time within the City of St.
4 Louis tire dealers shall maintain a copy of their current tire dealer permit and waste tire hauler
5 registration inside the vehicle being used to haul or transport the waste tires, as well as copies of
6 any documents or reports required by the Missouri Department of Natural Resources on forms
7 provided by the Missouri Department of Natural Resources, or on a similar form or in a similar
8 format that is preapproved by the Missouri Department of Natural Resources. Tracking reports
9 required by the Missouri Department of Natural Resources shall be filled out for each load of
10 waste tires delivered to an approved destination and shall include all applicable collection and
11 receiver data. Copies of the forgoing permits, documents, and reports shall be maintained by the
12 tire dealer at their place of business for at least three (3) years from the date of their creation, or
13 longer as may be required by applicable laws, regulations, and government agency rules, and the
14 tire dealer shall make them available for inspection upon request by the Director, any City of St.
15 Louis police officer, member of the City of St. Louis Fire Department, or any member of a City
16 department or division having responsibility for the preservation of the health and welfare of the
17 residents of the City of St. Louis.

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

21 E. Applications for a tire dealer permit or to renew a tire dealer permit shall be made in
22 writing to the Department in accordance with any rules and procedures established by the

1 Director for applying for a tire dealer permit. The following information shall be provided on
2 the tire dealer permit application:

- 3 1. The full legal name and primary address of the owner and operator.
- 4 2. The primary business address, and full legal name and any fictitious names used by any
5 business operating at the locations for which a tire dealer permit is sought.
- 6 3. The address for each of the locations for which tire dealer permit is sought, and a
7 description of the business activity conducted at said locations.
- 8 4. If the owner operator is a limited liability company, the name of the managing member, if
9 one is designated in the limited liability company documents, shall be provided on the
10 application.
- 11 5. If the owner operator is a partnership, the full name and place of residence/business of
12 each general partner shall be provided on the application;
- 13 6. If a general partner of a partnership is a corporation, then that corporation shall list on the
14 application the full name, position and place of residence of each officer and director of
15 that corporation.
- 16 7. If the owner operator is doing business under a fictitious name, both legal and fictitious
17 names shall be listed on the application.
- 18 8. The hours of operation and days of the week that the business will be open for operation.
- 19 9. The name, telephone number and address of the owner operator's designated agent.

1 10. Sales tax number if required by the State of Missouri for the owner operator to do
2 business at the site for which a tire dealer permit is sought.

3 11. An official receipt from the City of St. Louis Collector of Revenue evidencing all taxes
4 have been paid or a statement of no taxes due for the for which a tire dealer permit is
5 sought and are owned by the owner operator.

6 12. The name, address and telephone number of the owner of the real estate for which a tire
7 dealer permit is sought if not owned by the owner operator.

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

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

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

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

19 F. The effective period for all tire dealer permits will be one (1) year beginning and ending
20 on dates which are to be determined by the Director. The initial application may be for a portion
21 of one year. The Director shall send an application for renewal of the permit to the owner

1 operator or designated agent at least ninety (90) days prior to the date of expiration, however,
2 failure of the Director to send this courtesy notice shall not excuse the tire dealer's failure to
3 renew their permit. The completed renewal application is due thirty (30) days prior to the
4 expiration date of the then current permit. Failure to apply for a renewal of a permit within one-
5 hundred and twenty (120) days of the expiration date shall render the expired permit null and
6 void and a new permit must be applied for.

7 **SECTION SIX. Waste Tire Sites**

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

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

- 18 1. The full legal name and primary address of the owner operator.
- 19 2. The primary business address, and full legal name and any fictitious names used by any
20 business operating at the locations for which a waste tire site permit is sought.

- 1 3. The address for each of the locations for which tire site permit is sought, and a
2 description of the business activity conducted at said locations.
- 3 4. If the owner operator is a limited liability company, the name of the managing member, if
4 one is designated in the limited liability company documents, shall be provided on the
5 application.
- 6 5. If the owner operator is a partnership, the full name and place of residence/business of
7 each general partner shall be provided on the application;
- 8 6. If a general partner of a partnership is a corporation, then that corporation shall list on the
9 application the full name, position and place of residence of each officer and director of
10 that corporation.
- 11 7. If the owner operator is doing business under a fictitious name, both legal and fictitious
12 names shall be listed on the application.
- 13 8. The hours of operation and days of the week that a business operating on the waste tire
14 site will be open for operation.
- 15 9. The name, telephone number and address of the designated agent for the owner operator.
- 16 10. Sales tax number if required by the State of Missouri for the owner operator to do
17 business at the site for which a tire site permit is sought.
- 18 11. An official receipt from the City of St. Louis Collector of Revenue evidencing all taxes
19 have been paid or a statement of no taxes due for each location for which a waste tire site
20 permit is sought and owned by the owner operator.

1 12. The name, address and telephone number of the owner of the real estate for which a
2 waste tire site permit is sought if not owned by the owner operator.

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

6 14. Other information that pertains to a waste tire site operating in the City of St. Louis as
7 may be required by the Director.

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

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

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

18 1. Detailed site plans and operational plans containing information necessary to
19 demonstrate compliance with the storage requirements of this ordinance.

20 2. Plans for final disposition of the waste tires.

1 3. A contingency plan designed to minimize the hazards to human health and the
2 environment from fires, runoff of contaminants resulting from fires and from
3 mosquitoes in case of failure of the primary method of vector control. The contingency
4 plan shall include, but not be limited to, the following items, as applicable:

5 4. The actions site personnel must take in response to fires, runoff resulting from fires and
6 mosquito breeding in waste tires.

7 5. An evacuation plan for site personnel, in case of fire.

8 6. Evidence that the fire contingency plan has been provided to the fire department.

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

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

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

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

1 1. *Fire protection.*

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

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

7 c. Indoor storage of waste tires shall meet the requirements as adopted by the
8 National Fire Protection Association (NFPA). (Copies of the NFPA standard for
9 indoor and outdoor storage may be obtained by contacting the NFPA, P.O. Box
10 9101, Quincy, MA 02269, 800-344-3555.)

11 d. Outdoor storage shall meet the requirements as adopted by the National Fire
12 Protection Association (NFPA).

13 (2) *Runoff protection.* Surface water drainage must be diverted around and away from
14 waste tires.

15 (3) *Location.* Waste tire sites shall not be located in a wetland, sinkhole or floodplain
16 (unless protection is provided against at least a 50-year flood by impervious dikes or
17 other appropriate means to prevent the flood waters from contacting the waste tires).

18 (4) *Site control.* Waste tire sites shall be fenced or enclosed or otherwise made
19 inaccessible. Signs shall be posted to prohibit unauthorized entry (wording such as
20 "Access Restricted to Authorized Haulers Only" may be used.)

21 (5) *Vector control.* Conditions shall be maintained that are unfavorable for the harboring,
22 feeding and breeding of vectors. If the method being used to control vectors is not

1 effective, the owner/operator of the waste tire site must use an alternative method to
2 correct the vector problem. The owner/operator of a waste tire site storing tires during
3 the period April 1 through October 31 shall use one or more of the following methods
4 of vector control:

5 a. Drain tires of water unless certified dry by the waste tire hauler and kept dry within
6 a building, enclosed trailer or under cover impermeable to water. The cover shall be
7 maintained to be impermeable to water.

8 1. Tires received November 1 through March 31 that contain water shall be
9 drained of water by April 1.

10 2. Tires received April 1 through October 31 that contain water shall be drained
11 of water within 24 hours of receipt.

12 b. Alter tires so as not to retain water. Tires received November 1 through March 31
13 shall be altered and drained of water by April 1. Tires received April 1 through
14 October 31 shall be altered and drained of water upon receipt or be certified dry by
15 the waste tire hauler. If certified dry by the waste tire hauler, the tires shall be
16 altered within seven (7) days of receipt;

17 c. Treat the tires with a larvicide and/or adulticide appropriate to prevent the
18 development of mosquito larvae and pupae and repeat treatment as often as
19 necessary to prevent such development, taking-into-account the effectiveness and
20 life of the larvicide and/or adulticide utilized.

1 1. Larvicides and/or adulticides must be applied in accordance with their label,
2 Chapter 281 of the Revised Statutes of Missouri and Missouri Department of
3 Agriculture regulations.

4 2. The dimensions of the tire pile and the method of stacking the tires shall allow
5 for application of the larvicide and/or adulticide to all tires; and

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

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

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

11 **SECTION NINE. Abatement of Violations.**

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

20 B. Following the abatement of the nuisance condition the Director shall determine the actual
21 costs incurred by the City in abating the nuisance condition, including overhead costs up to

1 \$500.00, and send written notice to the owner operator or designated agent as identified on the
2 permit application, that the abatement cost shall be assessed against the owner operator. If an
3 owner operator so requests in writing within fifteen (15) days of their receipt of invoice notice
4 the director shall hold a public hearing in accordance with Section 13 of this ordinance to
5 determine the reasonableness of the assessment. If a hearing is not requested and the assessment
6 is not paid in full within thirty (30) days of receipt of the invoice then the Director shall certify
7 the charge for abatement to the City Collector of Revenue as a special assessment represented by
8 a special tax bill against the real property affected.

9 **SECTION TEN.** Waste Tire Haulers.

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

15 B. Waste tire haulers shall:

- 16 1. Register with the Department prior to operating within the City.
- 17 2. Possess a valid permit from the State of Missouri to operate as a waste tire hauler
18 pursuant to RSMo 260.270, and maintain a copy of said permit in a vehicle when being
19 used to haul or transport waste tires. A copy of the permit must be provided to the
20 Department at the time of registration as a waste tire hauler.

1 3. Maintain tracking and summary reports as required by the Missouri Department of
2 Natural Resources on forms provided by the Missouri Department of Natural Resources
3 or on similar forms or in a similar format that has been preapproved by the Missouri
4 Department of Natural Resources. The tracking reports shall be filled out for each load
5 delivered to an approved destination and shall include all applicable collection and
6 receiver data. Copies of tracking reports shall be maintained by the waste tire hauler for
7 at least three (3) years from the date of their creation, and made available for inspection
8 by the Director, any City of St. Louis police officer, or any member of a City department
9 or division having responsibility for the preservation of the health and welfare of the
10 residents of the City of St. Louis.

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

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

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

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

- 1 4. If the owner operator seeking to register as a waste tire hauler is a partnership, the full
2 name and place of residence/business of each general partner shall be provided on the
3 registration form.
- 4 5. If a general partner of a partnership is a corporation, then that corporation shall list on
5 the application the full name, position and place of residence of each officer and director
6 of that corporation.
- 7 6. If the owner operator seeking to register as a waste tire hauler is doing business under a
8 fictitious name, both legal and fictitious names shall be listed on the registration form.
- 9 7. The name, telephone number and address of the designated agent for the registered waste
10 tire hauler.
- 11 8. Sales tax number if required by the State of Missouri.
- 12 9. Other information that pertains to a waste tire hauler operating in the City of St. Louis as
13 may be required by the Director.

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

19 D. The effective period for all waste tire hauler registrations will be one (1) year beginning
20 and ending on dates determined by the Director. The initial registration may be for a portion of
21 one year. The Director shall send notice of expiration of registration will be sent to the owner

1 operator or designated agent at least ninety (90) days prior to the date of expiration, however,
2 failure of the Director to send this courtesy notice shall not excuse the waste tire hauler for
3 failing to renew their registration. The completed registration renewal form is due thirty (30)
4 days prior to the expiration date of the then current registration.

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

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

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

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

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

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

1 A. Whenever the Director has knowledge of any action or condition which would constitute
2 grounds for the suspension or revocation of any permit or registration status issued under this
3 ordinance, or other reasonable cause to believe such grounds exist, the Director shall hold a
4 hearing to ascertain all facts in the matter and determine whether or not the permit or registration
5 status should be suspended or revoked. Not less than fifteen (15) days prior written notice shall
6 be served on the permit holder or registrant, or the permit holder's or registrant's designated
7 agent by personal service or mailed by certified or registered mail to them at their last known
8 business or residence address, setting out the reason for the hearing and the conditions under
9 which the hearing will be held. The permit holder or registrant shall have full right to be
10 represented by counsel, to produce witnesses, and to cross examine all witnesses who may
11 appear against him. All procedures in such hearings shall be recorded stenographically,
12 mechanically or electronically or by a combination thereof and shall be transcribed at the
13 expense of the party requesting the transcription. Subpoenas shall be issued by the Director for
14 any witness whose presence is desired at any hearing or proceeding before the Director to
15 suspend or revoke a permit or registration, and such subpoenas may be served by any police
16 officer. Such subpoenas shall be served and return thereon shall be made in the same manner
17 provided by law in civil suits in the circuit court of this state.

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

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

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

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

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

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

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

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

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

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

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

4 **SECTION FOURTEEN.** Cease Sales List

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

9 **SECTION FIFTEEN.** Penalty for Violation.

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

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

18 (1) First offense \$100.00

19 (2) Subsequent offenses \$500.00

20 **SECTION SIXTEEN.** Severability.

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

9 **SECTION SEVENTEEN,** Effective Date.

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

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