

ORDINANCE #68698
Board Bill No. 99
Floor Substitute

An ordinance relating to solid waste collection, removal and disposal/recycling; providing that beginning immediately, a Solid Waste Services Fee of Eleven Dollars (\$11.00) per Dwelling Unit per month, which Solid Waste Services Fee may be increased at the beginning of each fiscal year thereafter, as provided herein, shall be charged for Solid Waste Services provided by the City to residential Dwelling Units, as defined herein; finding that the charging and collection of such Solid Waste Services Fees is necessary and appropriate; providing that such Fees shall be payable at such times as shall be determined by the Refuse Commissioner and the Collector of Revenue; setting forth provisions for the administration of such Fees and the billing therefor; providing that Solid Waste Services Fees shall not be charged for a Dwelling Unit when adequate Solid Waste Services and related equipment for such Dwelling Unit are provided by a Private Solid Waste Contractor, as defined herein, as evidenced by documentation satisfactory to the Refuse Commissioner and as determined by the Refuse Commissioner; requiring the Building Division to verify that Solid Waste Services Fees are paid up to date prior to the issuance of a certificate of inspection for any Dwelling Unit and providing that no certificate of inspection shall be issued until all delinquent Solid Waste Services Fees with respect to the Property on which such Dwelling Unit is located are paid and that a violation of this Ordinance exists and authorizing the Building Division to issue a violation notice if such Dwelling Unit is occupied before all delinquent Solid Waste Service Fees are paid; providing that, except as expressly permitted by the Refuse Commissioner, it shall be a violation of this Ordinance for any person or business to use City Solid Waste Services and associated City equipment for any solid waste that does not originate in Dwelling Units for which a Customer pays Solid Waste Services Fees; providing that it shall be a violation of this Ordinance for any person, business, or Owner to fail to provide solid waste collection and disposal services, furnished by a Private Solid Waste Contractor, for any Property that produces solid waste and does not receive Solid Waste Services from the City and pay Solid Waste Services Fees to the City; providing, under certain conditions, for temporary suspension of Solid Waste Services Fees for Dwelling Units undergoing rehabilitation; authorizing the Refuse Commissioner to issue regulations for the administration of this Ordinance, including regulations related to excluding vacant Dwelling Units from the payment of Solid Waste Services Fees under certain circumstances, and regulations for determining whether or not Solid Waste Services are provided and Solid Waste Services Fees are charged with respect to particular Dwelling Units; with penalty, severability and emergency provisions.

Whereas, the City of St. Louis currently provides solid waste collection and disposal services for a large number of residential Dwelling Units in the City; and

Whereas, the disposal of such solid waste may include separate collection of recyclable waste and the sale or transfer of some or all of such waste to businesses who will recycle the waste and/or convert such waste to energy rather than placing it in landfills; and

Whereas, the provision of these services requires the expenditure of City funds in excess of \$19 million per year; and

Whereas, the City desires to continue to provide these services and to enhance its ability to recycle certain solid waste products collected; and

Whereas, the City is no longer able to bear the entire cost of providing such services from its general revenue; and

Whereas, the City is authorized to impose a service charge for solid waste collection and disposal services pursuant to Section 260.215, RSMo.

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

SECTION ONE. Findings. It is hereby found, determined and declared by the Board of Aldermen of the City of St. Louis that in order to maintain the health and welfare of the population of the City by preventing the accumulation of solid waste, including yard waste, through the collection and disposal and/or recycling of such waste by the City, it is necessary and appropriate for the City to provide Solid Waste Services to some Dwelling Units, as defined herein, and to charge a Solid Waste Services Fee for such Solid Waste Services, provided to such Dwelling Units to offset a portion of the cost to the City of providing these services.

SECTION TWO. Definitions.

Customer. As used in this Ordinance, the term "Customer" means the recipient of a bill for water service from the City of St. Louis for one or more Dwelling Units.

Dwelling Unit. As used in this Ordinance, the term "Dwelling Unit" means a single-family home and any single unit in a multiple family or mixed use structure, including a condominium unit, which provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. The term Dwelling Unit shall also include convents, parsonages and rectories, and other facilities where individuals, families or households reside.

Private Solid Waste Contractor. As used in this Ordinance, the term "Private Solid Waste Contractor" means a business that provides solid waste collection equipment and solid waste disposal services for a Property and possesses a current hauling permit from the City pursuant to Section 11.02 Part IV of the Revised Code of the City of St. Louis.

Owner. As used in this Ordinance, the term "Owner" means any person, agent, operator, firm, corporation or any other legal entity recorded in the official records of the City of St. Louis as holding legal or equitable interest in and/or title to a Property or as representing the holder of interest in or title to a Property or otherwise having a legal or equitable interest in a Property, including the guardian of the estate of any such person, the executor, personal representative, or administrator of the estate of such person, or the trustee of a bankruptcy in which a Property is an asset.

Property. As used in this Ordinance, the term "Property" means any parcel of real estate, including a condominium parcel, recorded in the official records of the City of St. Louis.

Solid Waste Services. As used in this Ordinance, the term "Solid Waste Services" shall mean regular solid waste collection and disposal services and the provision of equipment necessary for the provision of such services, which services may include separate collection of recyclable waste and the sale or transfer of some or all of such waste to businesses who will recycle such waste for other uses and/or convert such waste to energy rather than placing it in landfills. Solid Waste Services for which Solid Waste Services Fees are charged pursuant to this Ordinance shall be provided by and/or through the Refuse Division of the City of St. Louis in accordance with regulations or procedures established by the Refuse Commissioner.

SECTION THREE. Service Fee. Beginning immediately, a Solid Waste Services Fee of Eleven Dollars (\$11.00) per month for each Dwelling Unit shall be charged, as provided herein, in the City of St. Louis for Solid Waste Services provided by or through the City to such Dwelling Units. The Refuse Division may increase such Solid Waste Services Fee on each July 1 (the beginning of each City Fiscal year), provided that (a) no such increase shall be effective unless and until the Board of Aldermen approves such fee increase by Resolution or Ordinance; and (b) the amount of Solid Waste Services Fees charged shall not exceed the cost. Revenues from Solid Waste Services Fees shall be used only to provide Solid Waste Services.

SECTION FOUR. Billing Periods and Due Dates for Service Fee Payments. Solid Waste Services Fees for Solid Waste Services as set forth in Section Three hereof shall be due and payable at such times and for such for billing periods as determined by the Refuse Commissioner and the Collector of Revenue.

SECTION FIVE. Exclusions from Payment of Solid Waste Services Fees; Penalties for Failure to Provide Private Solid Waste Collection/Disposal Services/Equipment As Represented. Solid Waste Service Fees shall not be charged with respect to a Dwelling Unit when evidence, satisfactory to the Refuse Commissioner, has been provided to demonstrate that such Dwelling Unit receives Solid Waste Services from a Private Solid Waste Contractor and the Refuse Commissioner has verified that, in the opinion of the Refuse Commissioner, such Dwelling Unit is equipped with appropriate and adequate private solid waste collection equipment and that the Solid Waste Services provided by such Private Solid Waste Contractor are adequate. The Refuse Commissioner shall determine the adequacy of such privately provided Solid Waste Services.

The Refuse Commissioner shall continue to verify the situation set forth in the foregoing paragraph from time to time, as determined by the Refuse Commissioner, and may take such actions as the Refuse Commissioner deems appropriate if the Solid Waste Services cease to be provided to the applicable Dwelling Units by a Private Solid Waste Contractor. The City of St. Louis Building Division shall cooperate with the Refuse Commissioner in determining whether a Dwelling Unit has appropriate and adequate private solid waste collection equipment and Solid Waste Services.

Failure to provide such private equipment and Solid Waste Services if the Refuse Commissioner has been notified that a Dwelling Unit receives such service and the Refuse Commissioner has accepted such notification and excluded such Dwelling Unit from Solid Waste Services Fees pursuant to this Section shall be a violation of this Ordinance. If the Refuse Commissioner or the Building Division finds that a Dwelling Unit claimed to have Solid Waste Services provided by a Private Solid Waste Contractor does not have appropriate and adequate private solid waste collection equipment and Solid Waste Services available, the Building Division shall issue a violation notice to the Owner of the Property on which the Dwelling Unit is located and to the applicable

Customer. Each day such violation continues until such Owner or Customer corrects such violation by providing Solid Waste Disposal Services through a Private Solid Waste Contractor or arranging, with the Refuse Commissioner's consent and in the Refuse Commissioner's discretion, for the provision of Solid Waste Services by the City is a separate offense punishable by a fine of up to \$500.00 per Dwelling Unit per day.

The Building Division shall notify the Refuse Commissioner upon the issuance of a violation notice as provided in this Section.

SECTION SIX. Billing Agent for the City; Billing Process. The Collector of Revenue (hereinafter "Collector") shall be the City's billing agent for Solid Waste Services Fees and is hereby directed to prepare and distribute bills for Solid Waste Services Fees and to collect Solid Waste Services Fees as provided herein. The Collector shall receive compensation for such billing and collection services as permitted by law and as provided by agreement between the Collector and the Refuse Division. The Refuse Division is hereby authorized to enter into an agreement with the Collector for such billing and collection services. The Collector shall, pursuant to such agreement, charge Solid Waste Services Fees to Customers for Dwelling Units for which such Customer receives water service and Solid Waste Services; the Collector shall not charge Solid Waste Service Fees to Customers for Dwelling Units that have been excluded from such Solid Waste Services and Solid Waste Service Fees pursuant to Section Five and Section Nine hereof. The Collector may include Solid Waste Services Fees and water service fees and other fees and/or charges on the same billing statement, but shall separately state the Solid Waste Services Fees from the water service fee and any other fee or charge.

SECTION SEVEN. Collection of Unpaid Bills.

Failure to pay Solid Waste Services Fees when due shall be a violation of this Ordinance.

When any Solid Waste Service Fees for any Dwelling Unit billed pursuant to this ordinance remain unpaid, in whole or in part, when ninety (90) or more days after the payment due date have elapsed, the Collector may proceed to file a lien upon the Property on which such Dwelling Unit is located for the amount of delinquent Solid Waste Services Fee payments. The Collector shall notify the property owner via certified mail that a lien will be filed on the property no less than ten (10) days prior to the filing of the lien.

The Collector may also collect delinquent Solid Waste Services Fee payments using any other remedy provided for under Missouri law.

The Collector shall have power to sue any Customer and any Owner of Property on which Dwelling Unit is located in a civil action to recover any sums due for Solid Waste Services Fees, plus a reasonable attorney's fee to be fixed by the court.

SECTION EIGHT. Violations and Penalties for Failure to Pay Fees, Unauthorized Use of City Solid Waste Services, Failure to Provide Solid Waste Services. Before issuing a certificate of inspection under Section 25.56.050 of the Revised Code of the City of St. Louis, for any Dwelling Unit for which the Solid Waste Services Fee is being charged, the Building Division shall verify that Solid Waste Services Fees for the Dwelling Unit are paid up to date. If the Solid Waste Services Fee for such Dwelling Unit has not been paid, no certificate of inspection shall be issued until all delinquent Solid Waste Services Fees with respect to the Property on which such Dwelling Unit is located are paid, and it shall be a violation of this Ordinance and the Building Division may issue a notice of such violation to the Owner of the Property in which the Dwelling Unit is located if such Dwelling Unit is occupied before all delinquent Solid Waste Service Fees are paid. Each day such violation continues is a separate offense punishable by a fine of up to \$500.00 per day.

Except as expressly permitted by the Refuse Commissioner, it shall be a violation of this Ordinance for any person or business to use City Solid Waste Services and associated City equipment for any solid waste that does not originate in Dwelling Units for which a Customer pays Solid Waste Services Fees. Each such violation shall be a separate offense, punishable by a fine of up to \$500.

It shall be a violation of this Ordinance for any person, business, or Owner to fail to provide adequate solid waste collection and disposal services for any Property that produces solid waste. If Solid Waste Services are not provided to such Property and paid for pursuant to this Ordinance, such Solid Waste Services must be furnished by a Private Solid Waste Contractor. The Refuse Commissioner shall determine the adequacy of such privately provided Solid Waste Services. Each day such violation continues shall be a separate offense, punishable by a fine of up to \$500 per day.

SECTION NINE. Regulations. The Refuse Commissioner may issue regulations for the administration of this ordinance,

provided such regulations are not inconsistent with this ordinance and are approved by the City Counselor. Such regulations may include provisions for determining which Dwelling Units receive Solid Waste Services from the City and which Dwelling Units do not, and provisions for excluding from Solid Waste Services and Solid Waste Services Fees, at the Refuse Commissioner's discretion, Dwelling Units located on a Property where large numbers of other Dwelling Units are also located, Dwelling Units where specialized equipment is required for collection and disposal, and Dwelling Units not located on a City solid waste collection route. Such regulations may include provisions for excluding buildings and Dwelling Units vacant for a period of more than ninety (90) days from the payment of Solid Waste Service Fees or crediting Solid Waste Services Fees paid during such vacancy, if such situations conform to conditions established by the Refuse Commissioner, and may also establish such conditions and the manner in which conformance with such conditions may be demonstrated. Such regulations shall be kept on file in the Register's Office. Other city departments and agencies shall cooperate with the Refuse Commissioner and the Collector in the administration and enforcement of this ordinance.

SECTION TEN. Dwelling Units—Solid Waste Services Fees During Rehabilitation. A Customer shall not be billed for or required to pay Solid Waste Services Fees for the time period during which rehabilitation of a Dwelling Unit is in progress if (a) rehabilitation of such Dwelling Unit, pursuant to a permit for rehabilitation issued by the City of St. Louis Building Division, is in progress; (b) such Dwelling Unit is not occupied while such rehabilitation is in progress; and (c) a solid waste collection and disposal container serviced by a Private Solid Waste Contractor is located on the Property on which such Dwelling Unit is located during the time period within which such rehabilitation is in progress.

SECTION TEN. Severability Clause. The sections, subsections and clauses of this ordinance shall be severable. In the event that any section, subsection or clause of this ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections, subsection, or clauses of this ordinance are valid, unless the court finds the valid sections of the ordinance are so essential and inseparably connected with and dependent upon the void section that it cannot be presumed that this Board of Aldermen would have enacted the valid section without the void ones, or unless the court finds that the valid sections standing alone are incomplete and incapable of being executed in accordance with the legislative intent.

SECTION ELEVEN. Emergency Clause. This being an ordinance necessary for the preservation of the public peace, health and safety, it is hereby declared to be an emergency ordinance under Article IV, Sections 19 and 20 of the Charter of the City of St. Louis, and it shall take effect and be in full force immediately upon its passage and approval by the Mayor or its adoption over his veto.

Approved: July 2, 2010