

1 **BOARD BILL NO. 288 INTRODUCED BY ALDERWOMAN JENNIFER**
2 **FLORIDA, ALDERMAN STEPHEN CONWAY, ALDERMAN SHANE COHN,**
3 **ALDERMAN CRAIG SCHMID, ALDERMAN STEPHEN GREGALI,**
4 **ALDERMAN FREEMAN BOSLEY SR., ALDERMAN WILLIAM**
5 **WATERHOUSE, ALDERWOMAN MARLENE DAVIS**

6
7 An ordinance relating to refuse collection and removal; amending Ordinance
8 59121 as amended by Ordinances 60292, 62276, 64116 and 66377 by repealing the
9 definition of “Residential premises” in Section Two thereof and adopting a new
10 definition of “Residential premises”, and by repealing Section Four (c) thereof relating to
11 removal, collection or disposal of refuse from non-residential premises by the Refuse
12 Commissioner, and adopting a new Section Four (c) relating to the same subject;
13 providing that beginning ninety days after the effective date of this ordinance, the Refuse
14 Commissioner shall not provide refuse removal, collection or disposal service to premises
15 containing five or more dwelling units unless the owner of such premises elects to pay a
16 service fee of One Hundred Fifty Dollars (\$150.00) per dwelling unit per year, payable
17 in quarterly installments of Thirty-Seven Dollars Fifty Cents (\$37.50) billed quarterly in
18 advance, with provisions for the administration of such fee system; providing that
19 owners of premises containing five or more dwelling units who do not elect to pay the
20 fee imposed by this ordinance and fail to have a contract for solid waste collection
21 service with a private hauler violate this ordinance; requiring the Building Division to
22 verify that the owners of premises with five or more dwelling units have elected to
23 receive refuse collection and removal service under Section Three A of this ordinance, or
24 have a contract for such service with a private hauler prior to issuance of Certificates of

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Alderman Freeman Bosley, Sr., Alderman William Waterhouse,
Alderwoman Marlene Davis

1 Inspection under Section 25.56.050, City Code; with penalty, severability and emergency
2 provisions.

3 **Whereas**, provision of refuse collection services properties containing five or more
4 dwelling units requires expenditure by the City of funds; and

5 **Whereas**, such properties are commercial properties under Missouri law for certain
6 purposes; and

7 **Whereas**, the City is authorized to impose a service charge for solid waste collection
8 services by Section 260.215 RSMo.;

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

10 **SECTION ONE.** Ordinance 59121 as amended by Ordinances 60292, 62276,
11 64116 and 66377 is hereby amended by repealing the definition of “Residential
12 premises” in Section Two thereof and adopting a new definition of “Residential
13 premises”, to be and to read as follows:

14 "Residential premises" means buildings used by human beings for exclusively
15 residential purposes, or dwelling units so used within a building containing both such
16 dwelling units and nonresidential premises, and includes single family residences, flats,
17 apartments, condominiums, convents, parsonages, and rectories containing four or fewer
18 dwelling units. Residential premises does not mean hotels, motels, or property (including
19 units or parts of a building which are used for nonresidential purposes, whether or not the
20 building also contains dwelling units used by human beings for exclusively residential
21 purposes) used for business, fraternal, commercial, industrial, manufacturing, or

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1 institutional purposes, or for any purpose not exclusively residential, or which contain
2 five or more dwelling units, except buildings owned, and used, or occupied by the City.

3 **SECTION TWO.** Ordinance 59121 as amended by Ordinances 60292, 62276,
4 64116 and 66377 is hereby amended by repealing section 4 (c) thereof and adopting in
5 lieu thereof a new section 4 (c) to be and to read as follows:

6 The Refuse Division shall not remove, collect, or dispose of refuse from premises
7 other than residential premises unless the Refuse Commissioner determines that such
8 removal is necessary to protect the public health, or is ordered to make such removal by
9 the Health Commissioner, or is ordered to make such removal by the Director of Streets
10 to remedy an obstruction of streets or alleys or unless such removal, collection, or
11 disposal is pursuant to a lawful contract recommended by the Director of Streets, or, in
12 the case of premises containing five or more dwelling units, unless the owner of such
13 premises has elected to receive such service pursuant to Section Three of this ordinance.

14 **SECTION THREE.** A. Beginning ninety days after the effective date of this
15 ordinance, the Refuse Commissioner shall not provide refuse collection service to
16 premises containing five or more dwelling units unless the owner of such premises has
17 elected in writing to pay a refuse collection fee of One Hundred Fifty Dollars (\$150.00)
18 per dwelling unit per year, payable in quarterly installments of Thirty-seven Dollars Fifty
19 Cents (\$37.50) and billed quarterly in advance.

20 B. Within thirty days after the effective date of this ordinance, the Refuse
21 Commissioner shall notify by first class mail all owners of premises containing five or
22 more dwelling units of: I) the provisions of this ordinance; ii) that if owners do not elect

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1 to receive service as provided in this Section by the forty-fifth day after the date of the
2 notice a) refuse containers provided by the City for use of residents of their premises will
3 be removed beginning ninety days after the effective date of this ordinance, and b) they
4 will be required to contract for refuse collection and removal service with a private
5 hauler. Such notice shall include a form approved by the City Counselor on which the
6 notified owner can elect to pay the fee imposed in Section Three A hereof, or can notify
7 the Refuse Commissioner that he has contracted for refuse collection and removal
8 service with a private hauler, whose name, address and telephone number shall be stated.
9 Such forms shall be returned to the Refuse Commissioner by the forty-fifth day after the
10 date of the notice. The Refuse Commissioner shall, beginning ninety days after the
11 effective date of this ordinance, remove from the public right of way refuse containers
12 provided by the City and utilized by residents of premises containing five or more
13 dwelling units whose owners have not elected to receive service under Section Three A
14 hereof. Failure to return the form described in this subsection by the due date is a
15 violation of this ordinance punishable by a fine of up to Five Hundred Dollars (\$500.00).

16 **SECTION FOUR.** Beginning one hundred fifty days after the effective date of
17 this ordinance, owners of premises containing five or more dwelling units who have not
18 previously elected to receive service pursuant to Section Three A hereof may do so at any
19 time, in which event the Refuse Commissioner shall install a City owned refuse container
20 adjacent to such premises within thirty days. The Refuse Commissioner may impose an
21 installation fee reflecting the cost of such installation.

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1 **SECTION FIVE.** The Refuse Commissioner shall terminate service to any
2 premises to which he provides service pursuant to Section Three A hereof, and remove
3 refuse containers provided by the City from the public right of way adjacent to such
4 premises, if the service fee is unpaid for more than thirty days. Thereafter the Refuse
5 Commissioner may resume service to such premises only if the service is paid for a year
6 in advance together with any prior unpaid balance.

7 **SECTION SIX.** Beginning ninety days after the effective date of this ordinance,
8 owners of premises containing five or more dwelling units who do not elect to pay the
9 fee imposed by this ordinance and fail to have a contract for solid waste collection
10 service with a private hauler are in violation of this ordinance. Each day such violation
11 continues is a separate offense punishable by a fine of up to \$500.00 per dwelling unit.

12 **SECTION SEVEN.** Beginning ninety days after the effective date of this
13 ordinance, no resident of premises containing five or more dwelling units the owner of
14 which has not elected to pay the fee imposed by this ordinance shall place any refuse in
15 any refuse container provided by the City. A violation of this section shall be punishable
16 by a fine of up to \$500.00.

17 **SECTION EIGHT.** Before issuing a certificate of inspection under Section
18 25.56.050, City Code, for any premises containing five or more dwelling units, the
19 Building Division shall verify that the building owner has elected to receive refuse
20 collection and removal service under Section Three A of this ordinance, or has a contract
21 for such service with a private hauler.

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1 **SECTION NINE.** The Refuse Commissioner may issue regulations for the
2 administration of this ordinance, provided such regulations are not inconsistent with this
3 ordinance and are approved by the City Counselor. Such regulations shall be kept on file
4 in the Register’s Office. Such regulations shall provide for waivers of the provisions of
5 this ordinance with respect to premises containing five or more dwelling units in which
6 fifty percent or more of the dwelling units are vacant and are not likely to be occupied in
7 the next one hundred eighty days. Other city departments and agencies shall cooperate
8 with the Refuse Commissioner in the administration and enforcement of this ordinance.

9 **SECTION TEN.** Severability Clause. If any provision, clause, sentence,
10 paragraph or word of this ordinance or the application thereof to any person, entity or
11 circumstances shall be held invalid, such invalidity shall not affect the other provisions of
12 this ordinance which can be given effect without the invalid provisions or application,
13 and to this end the provisions of this ordinance are declared severable.

14 **SECTION ELEVEN.** Emergency Clause. This being an ordinance for the
15 preservation of public peace, health, and safety, it is hereby declared to be an emergence
16 measure within the meaning of Sections 19 and 20 of Article IV of the Charter of the City
17 of St. Louis and therefore shall become effective immediately upon its passage and
18 approval by the Mayor.

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