

BOARD BILL NO. 99 INTRODUCED BY ALDERMAN STEPHEN CONWAY

1 An ordinance relating to solid waste collection, removal and disposal/recycling;
2 providing that beginning on July 1, 2010, a Solid Waste Services Fee of Twelve Dollars
3 (\$12.00) per Dwelling Unit per month, which Solid Waste Services Fee may be increased at the
4 beginning of each fiscal year thereafter, as provided herein, shall be charged for Solid Waste
5 Services provided by the City to residential Dwelling Units, as defined herein; finding that the
6 charging and collection of such Solid Waste Services Fees is necessary and appropriate;
7 providing that such Fees shall be payable at such times as shall be determined by the Refuse
8 Commissioner and the Collector of Revenue; setting forth provisions for the administration of
9 such Fees and the billing therefor; providing that Solid Waste Services Fees shall not be charged
10 for a Dwelling Unit when adequate Solid Waste Services and related equipment for such
11 Dwelling Unit are provided by a Private Solid Waste Contractor, as defined herein, as evidenced
12 by documentation satisfactory to the Refuse Commissioner and as determined by the Refuse
13 Commissioner; requiring the Building Division to verify that Solid Waste Services Fees are paid
14 up to date prior to the issuance of a certificate of inspection for any Dwelling Unit and providing
15 that a violation of this Ordinance exists and authorizing the Building Division to issue a violation
16 notice if not; providing that, except as expressly permitted by the Refuse Commissioner, it shall
17 be a violation of this Ordinance for any person or business to use City Solid Waste Services and
18 associated City equipment for any solid waste that does not originate in Dwelling Units for
19 which a Customer pays Solid Waste Services Fees; providing that it shall be a violation of this
20 Ordinance for any person, business, or Owner to fail to provide solid waste collection and
21 disposal services, furnished by a Private Solid Waste Contractor, for any Property that produces
22 solid waste; with penalty, severability and emergency provisions.

1 **Whereas**, the City of St. Louis currently provides solid waste collection and disposal
2 services for residential Dwelling Units; and

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

6 **Whereas**, the provision of these services requires the expenditure of City funds in excess
7 of \$20 million per year; and

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

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

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

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

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

22 **SECTION TWO. Definitions.**

23 **Customer.** As used in this Ordinance, the term “Customer” means the recipient of a bill

1 for water service from the City of St. Louis for one or more Dwelling Units.

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

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

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

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

21 **Solid Waste Services.** As used in this Ordinance, the term "Solid Waste Services" shall
22 mean solid waste collection and disposal services for residential Dwelling Units, which services
23 may include separate collection of recyclable waste and the sale or transfer of some or all of such

1 waste to businesses who will recycle such waste for other uses and/or convert such waste to
2 energy rather than placing it in landfills. Solid Waste Services for which Solid Waste Services
3 Fees are charged pursuant to this Ordinance shall be provided by and/or through the Refuse
4 Division of the City of St. Louis.

5 **SECTION THREE. Service Fee.** Beginning on July 1, 2010, a Solid Waste Services
6 Fee of ___ Dollars (\$___) per month for each Dwelling Unit shall be charged, as provided
7 herein, in the City of St. Louis for Solid Waste Services provided by or through the City to such
8 Dwelling Units, except as otherwise provided in this Ordinance. The Refuse Division may
9 increase such Solid Waste Services Fee on each subsequent July 1 (the beginning of each City
10 Fiscal year), provided that the amount of Solid Waste Services Fees charged shall not exceed the
11 cost. Revenues from Solid Waste Services Fees shall be used only to provide Solid Waste
12 Services.

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

17 **SECTION FIVE. Exclusions from Payment of Solid Waste Services Fees; Penalties**
18 **for Failure to Provide Private Solid Waste Collection/Disposal Services/Equipment As**
19 **Represented.** Solid Waste Service Fees shall not be charged with respect to a Dwelling Unit
20 evidence, satisfactory to the Refuse Commissioner, has been provided to demonstrate that such
21 Dwelling Unit receives adequate Solid Waste Services from a Private Solid Waste Contractor
22 pursuant to a binding contract and the Refuse Commissioner has verified that, in the opinion of
23 the Refuse Commissioner, such Dwelling Unit is equipped with appropriate and adequate private

1 solid waste collection equipment and that the Solid Waste Services provided by such Private
2 Solid Waste Contractor are adequate in terms of regularity of collections.

3 The Refuse Commissioner shall continue to verify the situation set forth in the
4 foregoing paragraph above from time to time, as determined by the Refuse Commissioner, and
5 may begin to charge Solid Waste Service Fees for a previously excluded Dwelling Unit if the
6 situation that provided the basis for the exclusion ceases to exist. In such event, the Refuse
7 Commissioner shall arrange for Solid Waste Services to be provided for such Dwelling Unit and
8 for the applicable Customer to be billed for Solid Waste Services Fees for such Solid Waste
9 Services. The City of St. Louis Building Division shall cooperate with the Refuse
10 Commissioner in determining whether a Dwelling Unit has appropriate and adequate private
11 solid waste collection equipment and Solid Waste Services.

12 Failure to provide such private equipment and Solid Waste Services if the Refuse
13 Commissioner has been notified that a Dwelling Unit receives such service and the Refuse
14 Commissioner has accepted such notification and excluded such Dwelling Unit from Solid
15 Waste Services Fees pursuant to this Section shall be a violation of this Ordinance. If the Refuse
16 Commissioner or the Building Division finds that a Dwelling Unit claimed to have solid waste
17 collection and disposal services provided by a private company does not have appropriate and
18 adequate private solid waste collection equipment and Solid Waste Services available, the
19 Building Division shall issue a violation notice to the Owner of the Property on which the
20 Dwelling Unit is located and to the applicable Customer. Each day such violation continues
21 until such Owner or Customer corrects such violation or the Refuse Commissioner installs City
22 equipment and removes such Property and the Dwelling Units located thereon from the Solid
23 Waste Disposal Fee exclusions list is a separate offense punishable by a fine of up to \$500.00 per

1 Dwelling Unit per day.

2 The Building Division shall notify the Refuse Commissioner upon the issuance of a
3 violation notice as provided in this Section. Upon receipt of such notification, the Refuse
4 Commissioner shall proceed to place City equipment and provide Solid Waste Services for such
5 Dwelling Units on the applicable Property and shall remove such Dwelling Units from the Solid
6 Waste Services Fee exclusions list.

7 **SECTION SIX. Billing Data to be Provided by the Refuse Commissioner.** No later
8 than September 1, 2010, the Refuse Commissioner shall develop a list of exclusions from the
9 Solid Waste Services Fee pursuant to Section Six hereof and shall transmit such list to the
10 Collector of Revenue, in an electronic form acceptable to the Collector of Revenue. The Refuse
11 Commissioner shall update such list on an ongoing basis and shall transmit such updated list to
12 the Collector of Revenue on the first day of each month.

13 **SECTION SEVEN. Billing Agent for the City; Billing Process.** The Collector of
14 Revenue (hereinafter "Collector") shall be the City's billing agent for Solid Waste Services Fees
15 and is hereby directed to prepare and distribute bills for Solid Waste Services Fees and to collect
16 Solid Waste Services Fees as provided herein. The Collector shall receive compensation for
17 such billing and collection services as permitted by law and as provided by agreement between
18 the Collector and the Refuse Division. The Refuse Division is hereby authorized to enter into
19 an agreement with the Collector for such billing and collection services. The Collector shall,
20 pursuant to such agreement, charge Solid Waste Services Fees to Customers for Dwelling Units
21 for which such Customer receives water service, except that the Collector shall not charge Solid
22 Waste Service Fees to Customers for Dwelling Units that have been excluded from such charges
23 pursuant to Section Five hereof. The Collector may include Solid Waste Services Fees and

1 water service fees and other fees and/or charges on the same billing statement, but shall
2 separately state the Solid Waste Services Fees from the water service fee and any other fee or
3 charge. The Collector or the Refuse Commissioner shall determine the number of Dwelling
4 Units for which each Customer receives water service and Solid Waste Services from data
5 obtained from the Assessor, and shall regularly update such determination as appropriate. The
6 Collector shall, on a regular basis as appropriate, incorporate the list of exclusions provided by
7 the Refuse Commissioner pursuant to Section Six hereof into the Collector's list of Customers.

8 **SECTION EIGHT. Collection of Unpaid Bills.**

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

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

16 The Collector is further authorized to collect delinquent Solid Waste Services Fee
17 payments that are more than forty-five (45) days delinquent in the same manner that the
18 Collector collects delinquent payments under Section 92.700 et.seq. RSMo. The Collector may
19 also collect delinquent Solid Waste Services Fee payments using any other remedy provided for
20 under Missouri law.

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

1 **SECTION NINE. Violations and Penalties for Failure to Pay Fees, Unauthorized**

2 **Use of City Solid Waste Services, Failure to Provide Solid Waste Services.** . Before issuing
3 a certificate of inspection under Section 25.56.050 of the Revised Code of the City of St. Louis,
4 for any Dwelling Unit for which the Solid Waste Services Fee is being charged, the Building
5 Division shall verify that Solid Waste Services Fees for the Dwelling Unit are paid up to date. If
6 the Solid Waste Services Fee for such Dwelling Unit has not been paid, it shall be a violation of
7 this Ordinance and the Building Division may issue a notice of such violation to the Owner of
8 the Property in which the Dwelling Unit is located. Each day such violation continues is a
9 separate offense punishable by a fine of up to \$500.00 per day.

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

15 It shall be a violation of this Ordinance for any person, business, or Owner to fail to
16 provide solid waste collection and disposal services for any Property that produces solid waste.
17 If Solid Waste Services are not provided to such Property and paid for pursuant to this
18 Ordinance, such solid waste services must be furnished by a Private Solid Waste Contractor.
19 Each day such violation shall be a separate offense, punishable by a fine of up to \$500 per day.

20 **SECTION TEN. Regulations.** The Refuse Commissioner may issue regulations for the
21 administration of this ordinance, provided such regulations are not inconsistent with this
22 ordinance and are approved by the City Counselor. Such regulations may include provisions for
23 excluding from service and billing for such service, at the Refuse Commissioner's discretion,

1 Dwelling Units located on a Property where large numbers of other Dwelling Units are also
2 located and Dwelling Units where specialized equipment is required for collection and disposal.
3 Such regulations shall be kept on file in the Register's Office. Other city departments and
4 agencies shall cooperate with the Refuse Commissioner and the Collector in the administration
5 and enforcement of this ordinance.

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

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