

## CHAPTER 30

### SOLID WASTE MANAGEMENT

#### SCOPE

3000. Scope.

The chapter shall apply to the area of Jackson County, Missouri outside incorporated cities, towns and villages except that Sections 3040.00 as it requires that solid waste processing and disposal areas must obtain a county permit shall apply within or without incorporated cities, towns and village. (Ord. 926, Sec. 2, Eff. 1-26-82)

3001. Solid Waste Management, Authority.

This chapter is enacted pursuant to the mandate of Sections 260.200 through 260.245 RSMo (The Missouri Solid Waste Management Law of 1972 as amended). (Ord. 926, Sec. 2, Eff. 1-26-82)

3002. Title.

This chapter shall be known and cited as the "Jackson County Solid Waste Management Ordinance". (Ord. 926, Sec. 2, Eff. 1-26-82)

3003. Actions Not to Abate.

This chapter shall not be construed so as to abate any action now pending under or by virtue or prior existing ordinances or regulations; or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting the liability of any person, firm or corporation; or as waiving any right of the county under any section or provision or regulations existing at the time of adoption of this chapter; or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the county, except as expressly provided for in this chapter. (Ord. 926, Sec. 25, Eff. 1-26-82)

3004. - 3009. RESERVED

#### DEFINITIONS

3010. Definitions.

For the purposes of this chapter, the following terms shall be deemed to have the following meanings: (Ord. 926, Sec. 3, Eff. 1-26-82)

3010.1 Approved Incinerator.

Approved incinerator means an incinerator which complies with all current regulations of the Missouri Air Conservation Commission. (Ord. 926, Sec. 3.1, Eff. 1-26-82)

3010.2 Bulky Rubbish.

Bulky rubbish means nonputrescible solid wastes consisting of combustible and

noncombustible waste materials from dwelling units, commercial, industrial, institutional or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded manually in solid waste collection vehicles of reasonable size. (Ord. 926, Sec. 3.2, Eff. 1-26-82)

3010.3 Collection.

Collection means removal and transportation of solid waste from its place of storage to its place of processing or disposal. (Ord. 926, Sec. 3.3, Eff. 1-26-82)

3010.4 Commercial Haulers.

Commercial haulers means individuals or companies that transport wastes, as defined in this chapter, for a fee or in the regular course of business. (Ord. 926, Sec. 3.4, Eff. 1-26-82)

3010.5 Commercial Solid Waste.

Commercial solid waste means solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishments, trailer parks and multiple housing facilities. (Ord. 926, Sec. 3.16(a), Eff. 1-26-82)

3010.6 County.

County means Jackson County, Missouri. (Ord. 926, Sec. 3.5, Eff. 1-26-82)

3010.7 Demolition and Construction Waste.

Demolition and construction waste means waste materials such as brick and stone from the construction or destruction of residential, industrial or commercial structure. (Ord. 926, Sec. 3.6, Eff. 1-26-82)

3010.8 Director.

Director means the director of the solid waste management program of the county or his authorized representative. (Ord. 926, Sec. 3.7, Eff. 1-26-82)

3010.9 Dwelling Unit.

Dwelling unit means any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating. (Ord. 926, Sec. 3.8, Eff. 1-26-82)

3010.10 Garbage.

Garbage means putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food. (Ord. 926, Sec. 3.9, Eff. 1-26-82)

3010.11 Hazardous Wastes.

Hazardous wastes include, but are not limited to, pathological wastes, explosive wastes, pesticide containers, toxic or radioactive materials. (Ord. 926, Sec. 3.10, Eff. 1-26-82)

3010.12 Multiple-Housing Facility.

Multiple-housing facility means a housing facility containing more than one dwelling unit under one roof. (Ord. 926, Sec. 3.11, Eff. 1-26-82)

3010.13 Occupant.

Occupant means any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or of any other improved real property, either as owner or as a tenant. (Ord. 926, Sec. 3.12, Eff. 1-26-82)

3010.14 Person.

Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision or organization of any kind, or their legal representative, agent or assigns. (Ord. 926, Sec. 3.13, Eff. 1-26-82)

3010.15 Processing.

Processing means incinerating, composting, baling, shredding, salvaging, compacting and other processes by which solid waste characteristics are changed. (Ord. 926, Sec. 3.14, Eff. 1-26-82)

3010.16 Refuse.

Refuse means solid waste. (Ord. 926, Sec. 3.15, Eff. 1-26-82)

3010.17 Residential Solid Waste.

Residential solid waste means waste resulting from the maintenance and operation of dwelling units, excluding trailer parks and multiple housing facilities. (Ord. 926, Sec. 3.16, Eff. 1-26-82)

3010.18 Solid Waste.

Solid waste means unwanted or discarded waste materials in a solid or semisolid state, including but not limited to garbage, ashes, street refuse, rubbish, dead animals, animal and agricultural wastes, yard wastes, discarded appliances, special wastes, industrial wastes and demolition and construction wastes. (Ord. 926, Sec. 3.16, Eff. 1-26-82)

3010.19 Solid Waste Container.

Solid waste container means a receptacle used by any person to store solid waste during the interval between solid waste collections or disposal. (Ord. 926, Sec. 3.17, Eff. 1-26-82)

3010.20 Solid Waste Disposal.

Solid waste disposal means the process of discarding or getting rid of unwanted material, in particular, the final disposition of solid waste by man. (Ord. 926, Sec. 3.18, Eff. 1-26-82)

3010.21 Solid Waste Disposal Area.

Solid waste disposal area means any area used for the disposal of solid waste for more than one residential premises, or one or more commercial, industrial, manufacturing, recreational or governmental operation. (Ord. 926, Sec. 3.19, Eff. 1-26-82)

3010.22 Solid Waste Management.

Solid waste management means the entire solid waste system of storage, collection, transportation, processing and disposal. (Ord. 926, Sec. 3.20, Eff. 1-26-82)

3010.23 Solid Waste Management System.

Solid waste management system means the entire process of storage, collection, transportation, processing and disposal of solid waste by any person engaging on that process as a business, or any city, authority, county, or any combination of these. (Ord. 926, Sec. 3.21, Eff. 1-26-82)

3010.24 Solid Waste Processing Facility.

Solid waste processing facility means incineration, compost plant, transfer station, or any facility where solid wastes are salvaged or composition is changed. (Ord. 926, Sec. 3.22, Eff. 1-26-82)

3010.25 Storage.

Storage means keeping, maintaining or storing solid waste from the time of its production until the time of its collection or disposal. (Ord. 926, Sec. 3.23, Eff. 1-26-82)

3010.26 Yard Wastes.

Yard wastes means grass clippings, leaves and tree trimmings. (Ord. 926, Sec. 3.24, Eff. 1-26-82)

## SOLID WASTE STORAGE

3020. Solid Waste Storage, Approved Containers.

Solid waste within the unincorporated area of Jackson County shall be stored in solid waste containers as approved by the Director and conforming to the standards set out in Sections 3021.03 and 3021.04. (Ord. 926, Sec. 8, Eff. 1-26-82)

3021. Containers, General Requirements.

The occupant of every dwelling unit and of every institutional, commercial business, industrial or agricultural establishment producing solid waste within the unincorporated area of Jackson County shall comply with Sections 3020.01 through 3020.04. (Ord. 926, Sec. 6, Eff. 1-26-82)

3021.1 Provide Containers.

Sufficient and adequate containers shall be provided for the storage of all solid waste except bulky rubbish and demolition and construction waste to serve each dwelling or establishment. (Ord. 926, Sec. 6, Eff. 1-26-82)

3021.2 Keep Containers in Good Repair.

The solid waste containers shall at all times be maintained in good repair. (Ord. 926, Sec. 6, Eff. 1-26-82)

3021.3 Placement in Proper Container.

All solid waste to be collected shall be placed in proper solid waste containers except as otherwise provided in this chapter. (Ord. 926, Sec. 6 and 7, Eff. 1-26-82)

3021.4 Maintenance.

All solid waste containers and areas surrounding those containers shall be maintained in a clean, neat and sanitary condition at all times. (Ord. 926, Sec. 6 and 7, Eff. 1-26-82)

3022. Containers Collected.

Solid waste containers which are not approved will be collected along with their contents. (Ord. 926, Sec. 6, Eff. 1-26-82)

3023. Residential Solid Waste Storage.

Residential solid waste shall be stored in containers or disposable bags of not more than thirty-five (35) gallons nor less than twenty (20) gallons in nominal capacity. (Ord. 926, Sec. 6, Eff. 1-26-82)

3024. Requirements for Residential Containers.

Containers other than disposable bags shall meet the following requirements:

3024.1 Waterproof and Leakproof.

The container shall be leakproof and waterproof. (Ord. 926, Sec. 6, Eff. 1-26-82)

3024.2 Flytight Lid.

The container shall be fitted with a flytight lid. (Ord. 926, Sec. 6, Eff. 1-26-82)

3024.3 Properly Covered.

The container shall be properly covered at all times except when depositing waste in the container or when removing the contents of the containers. (Ord. 926, Sec. 6, Eff. 1-26-82)

3024.4 Lifting Devices.

The containers shall have handles, bails or suitable lifting devices for features. (Ord. 926, Sec. 6, Eff. 1-26-82)

3024.5 Tapered Sides.

The container shall be of a type originally manufactured for residential solid waste with tapered sides for easy emptying. (Ord. 926, Sec. 6, Eff. 1-26-82)

3024.6 Construction.

The container's construction shall be light-weight and sturdy. (Ord. 926, Sec. 6, Eff. 1-26-82)

3024.7 Maximum Weight.

The weight of any individual container and contents shall not exceed sixty-five pounds (65 lbs.). (Ord. 926, Sec. 6, Eff. 1-26-82)

3024.8 Material.

Galvanized metal containers, or rubber, fiberglass or plastic containers which do not become brittle in cold weather may be used. (Ord. 926, Sec. 6, Eff. 1-26-82)

3025. Disposable Residential Containers.

Disposable solid waste containers may also be used for storage of residential solid waste. (Ord. 926, Sec. 6, Eff. 1-26-82)

3026. Commercial Solid Waste Storage.

Commercial solid waste shall be stored in suitable solid waste containers. (Ord. 926, Sec. 6, Eff. 1-26-82)

3027. Requirements for Commercial Containers.

Commercial solid waste storage containers shall meet the following requirements:

3027.1 Waterproof and Leakproof.

The container shall be waterproof and leakproof. (Ord. 926, Sec. 6, Eff. 1-26-82)

3027.2 Properly Covered.

The container shall be covered at all times except when depositing waste in the container or when removing the contents of the container. (Ord. 926, Sec. 6, Eff. 1-26-82)

3028. - 3029. RESERVED

COLLECTION AND DISPOSAL

3030. Solid Waste Disposal.

All solid waste not exempted under Section 30 shall be disposed of at a facility or disposal area approved by the county and which complies with all requirements of the Missouri

Department of Natural Resources. (Ord. 926, Sec. 11, Eff. 1-26-82)

3031. Residential Solid Waste Collection and Disposal.

The collection and disposal of residential solid waste within unincorporated areas shall be accomplished by one of the following means: (Ord. 926, Sec. 9, Eff. 1-26-82)

C/R: 3034.00, solid waste not lawfully disposed of under 3031.00.

3031.1 Disposal on Property Owned by Individual.

Residential solid waste within unincorporated areas shall be disposed of by an individual occupant on property owned by that person as allowed in Section 3070.04. (Ord. 926, Sec. 9.1, Eff. 1-26-82)

3031.2 Individual Hauling to Dump Site.

Residential solid waste may be collected and disposed of by an individual occupant by hauling to a disposal site approved by the Director (as provided by this chapter). (Ord. 926, Sec. 9.2, Eff. 1-26-82)

3031.3 Collection by Person with Permit.

Residential solid waste may be collected by contract with a person having a permit for solid waste collection issued by the Director (as provided by this chapter). Solid waste will be collected at least once per week. (Ord. 926, Sec. 9.3, Eff. 1-26-82)

3031.4 Collection of Bulky Rubbish, Annual Basis.

All commercial solid waste collectors doing business in the unincorporated area of the County shall be required to provide for the collection of bulky rubbish on an annual basis. Payment for the collection of bulky rubbish shall be included in the monthly fee charged by the collector and prorated over a twelve month period. The service and charge for bulky rubbish collection shall be made to all customers of a collector, regardless of the customers utilization of the service. (Ord. 1703, Eff. 11/30/88)

3032. Residential Commercial Collectors.

The following apply to all commercial collectors of residential solid waste:

3032.1 Responsibilities.

All commercial solid waste collectors shall be responsible for the collection of solid waste from the point of collection to the approved disposal site. Any spillage of blowing litter which results will be immediately collected and replaced in the transportation vehicle by the collector or by the driver of the vehicle. (Ord. 926, Sec. 9(a), Eff. 1-26-82)

3032.2 Condition of Vehicles.

All transporting vehicles shall be maintained in a safe, clean and sanitary condition. (Ord. 926, Sec. 9(a), Eff. 1-26-82)

3032.3 Construction of Vehicles.

All transporting vehicles shall be constructed, maintained and operated to prevent spillage of solid waste. (Ord. 926, Sec. 9(a), Eff. 1-26-82)

3032.4 Vehicle Requirements.

All vehicles used for transportation of solid waste will have water-tight bodies and be equipped with covers as an integral part of the vehicle. As an alternative, the entire bodies will be closed with only loading hoppers exposed. Solid waste shall not be transported in loading hoppers. (Ord. 926, Sec. 9(a), Eff. 1-26-82)

3033. Residential Noncommercial Haulers.

The following shall apply to all noncommercial haulers of residential solid waste:

3033.1 Responsibilities.

A solid waste collector shall be responsible for the collection of solid waste from the point of collection to the approved disposal site. Any spillage or blowing litter which results will be immediately collected and replaced in the transportation vehicles by the collector or the driver of the vehicle. (Ord. 926, Sec. 9(b), Eff. 1-26-82)

3033.2 Condition of Vehicles.

All transporting vehicles shall be maintained in a safe, clean and sanitary condition. (Ord. 926, Sec. 9(b), Eff. 1-26-82)

3033.3 Construction of Vehicles.

All transporting vehicles shall be constructed, maintained and operated to prevent spillage of solid waste. (Ord. 926, Sec. 9(b), Eff. 1-26-82)

3033.4 Load Secured.

All noncommercial haulers of solid waste shall adequately secure the load being transported by canvas, rope or other covers to prevent spillage, leakage or litter during transportation. (Ord. 926, Sec. 9(b), Eff. 1-26-82)

3034. Commercial Solid Waste.

All commercial solid waste and solid waste not lawfully disposed of under Section 3031.00 through 3031.3 shall be collected and deposited in a solid waste disposal area approved by the Director. (Ord. 926, Sec. 10, Eff. 1-26-82)

3034.1 Collection.

Collection of commercial solid waste may be made by either of the following methods.

3034.2 By Owner or Occupant.

Collection may be made by the owner or occupant of the premises. (Ord. 926, Sec. 10, Eff. 1-26-82)



3034.3 By Person With Permit.

Collection may be made at least once per week by contract with a person who has a permit for solid waste collection issued by the Director as provided by this chapter. (Ord. 926, Sec. 10, Eff. 1-26-82)

3035. Collectors of Commercial Solid Waste.

The following apply to all collectors of solid waste described in Section 3034.00:

3035.1 Responsibilities.

All solid waste collectors shall be responsible for the collection of solid waste from the point of collection to the approved disposal site. Any spillage of blowing litter which results will be immediately collected and replaced in the transportation vehicle by the collector. (Ord. 926, Sec. 10, Eff. 1-26-82)

3035.2 Condition of Vehicles.

All transporting vehicles shall be maintained in a safe, clean and sanitary condition. (Ord. 926, Sec. 10, Eff. 1-26-82)

3035.3 Construction of Vehicles.

All transporting vehicles shall be constructed, maintained and operated to prevent spillage of solid waste. (Ord. 926, Sec. 10, Eff. 1-26-82)

3035.4 Vehicle Requirement.

All vehicles used for transportation of solid waste will have water-tight bodies and be equipped with covers as an integral part of the vehicle. As an alternative, the entire bodies will be enclosed with only loading hoppers exposed. Solid waste shall not be transported in loading hoppers. (Ord. 926, Sec. 10, Eff. 1-26-82)

3036. - 3039. RESERVED

PERMITS

3040. Permits Required, Solid Waste Collection.

No person shall engage in the business of collecting, processing or disposing of solid waste within the unincorporated area of the county without first obtaining an annual permit for that business from the Director. (Ord. 926, Sec. 13.1, Eff. 1-26-82)

3040.1 Employees.

The provisions of Section 3040.00 shall not be deemed to apply to employees of the holder of a permit. (Ord. 926, Sec. 13.1, Eff. 1-26-82)

3040.2 Disposal of Earth and Rock.

Permits shall not be required for removal, hauling or disposal of earth and rock material from grading or excavation activities; however, all of those materials shall

be conveyed in tight vehicles, trucks or receptacles so constructed and maintained that none of the materials transported shall spill on the public rights of way. (Ord. 926, Sec. 12, Eff. 1-26-82)

3041. Application.

Each applicant shall state the following in the application for a permit: (Ord. 926, Sec. 13.3, Eff. 1-26-82)

3041.1 Business.

The applicant shall state in the application whether the permit is desired to collect, transport, process or dispose of solid waste or any combination of these. (Ord. 926, Sec. 13.3(a), Eff. 1-26-82)

3041.2 Characteristics of Solid Waste.

The applicant shall state in the application the characteristics of solid waste to be collected, transported, processed or disposed. (Ord. 926, Sec. 13.3(b), Eff. 1-26-82)

3041.3 Number of Vehicles.

The applicant shall state in the application of the number of solid waste vehicles to be operated. (Ord. 926, Sec. 13.3(c), Eff. 1-26-82)

3041.4 Location of Processing or Disposal Facilities.

The applicant shall state in the application the precise location of solid waste processing or disposal facilities to be used. (Ord. 926, Sec. 13.3(d), Eff. 1-26-82)

3041.5 Boundaries.

The applicant shall state in the application the boundaries of the collection area. (Ord. 926, Sec. 13.3(e), Eff. 1-26-82)

3041.6 Other Information.

The applicant shall state in the application any other information required by the Director. (Ord. 926, Sec. 13.3(f), Eff. 1-26-82)

3042. Evidence of Public Liability Insurance.

No permit shall be issued until and unless the applicant, in addition to all other requirements, shall file and maintain with the Director evidence of satisfactory public liability insurance covering all operations of the applicant pertaining to the business for which the permit is desired and all vehicles to be operated in the conduct of that business. (Ord. 926, Sec. 13.2, Eff. 1-26-82)

3042.1 Amounts.

The amounts of the public liability insurance shall not be less than the following amounts:

a. Per Person.

The amount shall not be less than one hundred thousand dollars (\$100,000) for each person injured or killed;

b. Two or More Persons in Single Accident.

The amount shall not be less than three hundred thousand dollars (\$300,000) in the event of injury or death of two (2) or more persons in any single accident; and

c. Property Damage.

The amount shall not be less than fifty thousand dollars (\$50,000) for damage to property. (Ord. 926, Sec. 13.2, Eff. 1-26-82)

3042.2 Notice of Cancellation.

If the public liability insurance is canceled, the Director of Solid Waste Management Program shall be notified of the cancellation by the insurance carrier in writing not less than ten (10) days prior to the effective date of the cancellation. (Ord. 926, Sec. 13.2, Eff. 1-26-82)

3042.3 Policy Provision.

Provisions to the effect of the requirements of Section 3042.02 shall be incorporated in the public liability insurance policy which shall also place on the company writing the policy the duty to give notice of cancellation. (Ord. 926, Sec. 13.2, Eff. 1-26-82)

3043. When Issue.

If the application shows that the applicant will collect, transport, process or dispose of solid waste without hazard to the public health or damage to the environment and in conformity with the laws of the state of Missouri and this chapter, the Director shall issue the permit authorized by this chapter. (Ord. 926, Sec. 13.4, Eff. 1-26-82)

3043.1 Time Valid.

The permit shall be issued for a period of one (1) year. (Ord. 926, Sec. 13.4, Eff. 1-26-82)

3043.2 Permit Fee.

Each applicant shall pay for a permit an amount of three hundred dollars (\$300) for each solid waste processing or disposal facility to be operated and an amount of twenty-five dollars (\$25) for each collection vehicle to be used. (Ord. 926, Sec. 13.4, Eff. 1-26-82)

3043.3 Nontransferable.

No permits authorized by this chapter shall be transferable from person to person. (Ord. 926, Sec. 14.6, Eff. 1-26-82)

3044. Modifications in Application.

If in, the opinion of the Director, modifications can be made to the application regarding

service, equipment or mode of operation to bring the application within the intent of this chapter, the Director shall notify the applicant in writing setting forth the modifications to be made and the time in which it shall be done. (Ord. 926, Sec. 13.4, Eff. 1-26-82)

3045. When Application Denied or Revoked.

If the applicant does not make the modifications pursuant to the notice in Section 3044.00 within the time limit specified, or if the application does not clearly show that the collection, transportation, processing or disposal of solid wastes will create no public health hazard or be without harmful effects on the environment, the application shall be denied or revoked. (Ord. 926, Sec. 13.5, Eff. 1-26-82)

3045.1 Notice in Writing.

The applicant shall be notified by the Director in writing, stating the reasons for the action. (Ord. 926, Sec. 13.5, Eff. 1-26-82)

3045.2 Right to Reapply.

Right to Reapply. Nothing in Section 3045.00 or 3045.01 shall prejudice the right of the applicant to reapply after the rejection of the application provided that all aspects of the reapplication comply with the provisions of this chapter. (Ord. 926, Sec. 13.5, Eff. 1-26-82)

3046. Renewal of Permit.

The annual permit may be renewed on payment of the amounts designated in this chapter if the business has not been modified. (Ord. 926, Sec. 13.6, Eff. 1-26-82)

3046.1 When Must Reapply.

If modifications have been made, the applicant shall reapply for a permit as set forth in Sections 3041.00 through 3042.03. (Ord. 926, Sec. 13.6, Eff. 1-26-82)

3047. Display Permits on Vehicles.

All motor vehicles operating under any permit required by this chapter shall display the permit numbers on each side in colors which contrast with that of the vehicle, and those numbers are to be clearly legible and not less in size than five (5) inches high. (Ord. 926, Sec. 13.7, Eff. 1-26-82)

3048. Display Permit at Facilities.

Each permit for processing or disposal facilities shall be prominently displayed at the facility. (Ord. 926, Sec. 13.7, Eff. 1-29-82)

3049. RESERVED

REGULATION

3050. Solid Waste Management, Public Agency Cooperation.

It shall be the duty of the Director to cooperate fully with all public bodies and agencies,

including the Missouri Department of Natural Resources, the Mid-America Regional Council, the Jackson County Solid Waste Management Board and each city within the boundaries of Jackson County to ensure that both of the following are met: (Ord. 926, Sec. 21, Eff. 1-26-82)

3050.1 Missouri Solid Waste Management Law.

The Director shall cooperate with the entities set forth in Section 3050.00 to ensure that the policies, as set out in the Missouri Solid Waste Management Law of 1972, as amended, and this chapter are fully implemented. (Ord. 926, Sec. 21, Eff. 1-26-82)

3050.2 Efficient and Harmonious Plan.

The Director shall cooperate with the entities set forth in Section 3050.00 to ensure that the solid waste management system of Jackson County and that of each city within the boundaries of Jackson County shall constitute an efficient and harmonious county-wide plan and system for solid waste management. (Ord. 926, Sec. 21, Eff. 1-26-82)

3051. Solid Waste Management Rules and Regulations.

The Director shall, after public notice and public hearing, make, amend, revoke and enforce rules and regulations as shall be necessary to carry out the purposes and provisions of this chapter. (Ord. 926, Sec. 20, Eff. 1-26-82)

3052. Scope of Rules and Regulations.

The Director shall make, amend, revoke and enforce rules and regulations governing, but not limited to:

a. Garbage Deposited in Containers.

Preparation, drainage and wrapping of garbage deposited in solid waste containers;

b. Solid Waste Container Specifications.

Specifications for solid waste containers, including the type, composition, equipment, size and shape of those containers;

c. Identification of Solid Waste Containers.

Identification of solid waste containers, of the covers of those containers and of equipment, if any, pertaining to those containers;

d. Weight Limitations of Containers.

Weight limitations of the combined weight of solid waste containers and the contents of those containers, and the weight and size limitations on bundles of solid waste containers;

e. Storage in Containers.

Storage of solid waste in solid waste containers;

f. Maintenance of Containers.

Sanitation, maintenance and replacement of solid waste containers;

g. Collection Points.

Collection points of solid waste containers;

h. Collection and Disposal.

Collection and disposal of solid waste;

i. Processing Facilities and Charges.

Processing facilities and charges for the use of those facilities;

j. Disposal Facilities and Charges.

Disposal facilities and charges for the use of those facilities;

k. Records at Processing Facilities.

Records concerning wastes received at processing or disposal facilities; and

l. Special Waste Handling.

Handling of special wastes such as toxic wastes, sludges, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc. (Ord. 926, Sec. 20, Eff. 1-26-82)

3053. Filing of Rules and Regulations.

A copy of any and all rules and regulations made and promulgated under this chapter shall be filed in the office of the Clerk of the Legislature. (Ord. 926, Sec. 20, Eff. 1-26-82)

3054. Hazardous Wastes.

The Director may classify certain waste as hazardous waste which will require special handling. Waste classified as hazardous wastes shall be disposed of only in a manner which is acceptable to the Director and which will meet all state and federal regulations. (Ord. 926, Sec. 11, Eff. 1-26-82)

3055. Type and Origin of Solid Waste.

The Director shall have the authority to make rules and regulations governing the type and origin of solid waste which may be disposed of in each solid waste disposal area. (Ord. 926, Sec. 17, Eff. 1-26-82)

3056. - 3059. RESERVED

SOLID WASTE BENEFIT COLLECTION AREAS

3060. Solid Waste Benefit Collection Areas, Petition.

A petition to create a solid waste benefit collection area shall state the need and desirability for a county operated solid waste collection system within a position of the unincorporated area of Jackson County. (Ord. 926, Sec. 19.1, Eff. 1-26-82)

3060.1 Signatures Required.

The petition shall contain the signatures of one hundred (100) persons. (Ord. 926, Sec. 19.1, Eff. 1-26-82)

3060.2 Qualifications to Sign.

The persons signing the petition shall be qualified voters and property owners in the unincorporated area of Jackson County. (Ord. 926, Sec. 19.1, Eff. 1-26-82)

3060.3 Filing.

The petition shall be filed with the Clerk of the County Legislature. (Ord. 926, Sec. 19.1, Eff. 1-26-82)

3061. When Placed on Agenda.

When the petition is filed with the Clerk of the County Legislature, that petition shall be placed on the agenda of the County Legislature. (Ord. 926, Sec. 19.1, Eff. 1-26-82)

3062. Hearing.

The County Legislature shall conduct hearings for an ordinance fixing the boundaries of a solid waste collection benefit area. (Ord. 926, Sec. 19.1, Eff. 1-26-82)

3063. Contents of Ordinance.

The ordinance shall provide for the following.

3063.1 Terms and Conditions.

The ordinance shall set out the terms and conditions for collection and disposal of solid waste within the benefit area. (Ord. 926, Sec. 19.1, Eff. 1-26-82)

3063.2 Call for Election.

The ordinance shall call for an election for the residents of the benefit area to vote to approve or disapprove the creation of the benefit area. (Ord. 926, Sec. 19.1, Eff. 1-26-82)

3063.3 Collection and Disposal Standard.

The ordinance shall provide for the collection and disposal of solid waste within the boundaries of the described area in accordance with the standard prescribed by this chapter. (Ord. 926, Sec. 19.1, Eff. 1-26-82)

3063.4 Collection.

Collection as provided by the ordinance may be implemented by county owned and operated equipment, or by contract between the county and a person holding a solid

waste collection permit issued under this chapter. (Ord. 926, Sec. 19.2, Eff. 1-26-82)

3063.5 Service Fees Established.

The Director shall establish service charges for the collection and disposal of solid waste within the benefit area. Those charges shall be sufficient to cover all costs of providing the collection and disposal service within the area. (Ord. 926, Sec. 19.2, Eff. 1-26-82)

3063.6 Service Charges Billed.

Service charges, as may be from time to time fixed by the Director, shall be billed to all residents of the benefit area in the manner fixed by ordinance, including but not limited to billing as part of real or personal property tax bills. (Ord. 926, Sec. 19.2, Eff. 1-26-82)

3063.7 Election Procedures.

The County Legislature may in the ordinance prescribe the terms and procedures for the elections on the benefit area. (Ord. 926, Sec. 3, Eff. 1-26-82)

3064. Effect of Legislative Adoption.

If the ordinance is adopted by the County Legislature for the collection and disposal of solid waste, that ordinance shall not be implemented without the approval of two-thirds of those qualified voters within the benefit area who cast ballots in an election called for that purpose. (Ord. 926, Sec. 19.3, Eff. 1-26-82)

3065. - 3069. RESERVED

PROHIBITED ACTIVITIES

3070. Dumping Prohibited.

No person shall dump or deposit, or permit the dumping or depositing of any solid waste on the surface of the ground or in streams, springs, or any bodies of surface or ground water, whether natural or artificial, except in a solid waste processing facility or solid waste disposal area approved by the Missouri Department of Natural Resources and by the Director. (Ord. 926, Sec. 4, Eff. 1-26-82)

3070.1 Exceptions.

Subject to the rules and regulations promulgated by the Director pursuant to Section 3051.00, Section 3070.00 shall not prohibit the following: (Ord. 926, Sec. 4, Eff. 1-26-82)

3070.2 Use in Farming Operations.

Section 3070.00 shall not prohibit the use of or require a permit for the use of solid waste in normal farming operations in a manner which will not create a public nuisance or adversely effect the public health. (Ord. 926, Sec. 4, Eff. 1-26-82)



3070.3 Use in Manufacturing Other Products.

Section 3070.00 shall not prohibit the use of or require a permit for the use of solid waste in the processing or manufacturing of other products in a manner which will not create a public nuisance or adversely affect the public health. (Ord. 926, Sec. 4, Eff. 1-26-82)

3070.4 Disposal on Property of Owner.

Section 3070.00 shall not prohibit the disposal of or require a permit for the disposal by an individual of solid waste resulting from the residential or agricultural activities of that person on property owned or lawfully occupied by that person when the waste does not create a public nuisance or adversely affect the public health. (Ord. 926, Sec. 4, Eff. 1-26-82)

3070.5 Unlawful to Burn.

It shall be unlawful for any person to open burn any commercial solid waste. (Ord. 1703, Eff. 11/30/88)

## REGULATION

3071. Solid Waste Processing and Disposal.

No person shall construct or alter a solid waste processing facility or solid waste disposal area without approval from the Missouri Department of Natural Resources and by the Director. (Ord. 926, Sec. 5, Eff. 1-26-82)

3072. All Disposal Areas Open.

No person holding a permit to operate and maintain a solid waste disposal area issued pursuant to this chapter may refuse to permit disposal of solid waste which originates within Jackson County in that area because of the geographic origin of the solid waste. (Ord. 926, Sec. 17, Eff. 1-26-82)

3073. Deposit in the Container of Another Prohibited.

It shall be unlawful for any person to deposit solid waste in any solid waste container other than his own without the written consent of the owner of that container, or with the intent of avoiding payment of the service charge for solid waste collection and disposal as set forth in this chapter. (Ord. 926, Sec. 18, Eff. 1-26-82)

3074. Penalties.

Every person who shall be convicted of a violation of any of the provisions of this chapter shall be fined not more than one thousand dollars (\$1,000) or imprisoned in the Jackson County jail for not more than one (1) year or by both. (Ord. 926, Sec. 22, Eff. 1-26-82)

3075. Separate Offenses.

Each day of violation shall be deemed to be a separate offense for the purpose of Section 3074.00. (Ord. 926, Sec. 22, Eff. 1-26-82)

3076. - 3079. RESERVED

## ENFORCEMENT

### 3080. Solid Waste Management Inspection.

In order to ensure compliance with the laws of Missouri, this chapter and the rules and regulations authorized by this chapter, the Director is authorized to inspect all phases of solid waste management within the unincorporated area of the county. (Ord. 926, Sec. 14, Eff. 1-26-82)

#### 3080.1 Residential Units.

No inspection shall be made in any residential unit unless authorized by the occupant or by due process of law. (Ord. 926, Sec. 14, Eff. 1-26-82)

### 3081. Notice of Violation.

In all instances where an inspection reveals a violation of this chapter, the rules and regulations authorized by this chapter for the storage collection, transportation, processing or disposal of solid waste of the laws of Missouri, the Director shall issue notice for each violation. (Ord. 926, Sec. 14, Eff. 1-26-82)

### 3082. Contents of Notice.

The notice of violation shall state the following:

#### 3082.1 Violation.

The notice of violation shall state the violation found. (Ord. 926, Sec. 14, Eff. 1-26-82)

#### 3082.2 Time and Date.

The notice of violation shall state the time and date on which the notice was issued. (Ord. 926, Sec. 14, Eff. 1-26-82)

#### 3082.3 Corrective Measures.

The notice of violation shall state the corrective measure to be taken, together with the time in which the corrections shall be made. (Ord. 926, Sec. 14, Eff. 1-26-82)

#### 3082.4 Reasons.

The notice of violation shall set forth the reasons for the action or order. (Ord. 926, Sec. 16, Eff. 1-26-82)

#### 3082.5 Delivery.

The notice of violation shall be by receipted mail or by personal delivery. (Ord. 926, Sec. 16, Eff. 1-26-82)

### 3083. Failure to Take Corrective Action.

In all cases when the corrective measures have not been taken within the time specified, the Director shall suspend or revoke any permit involved in the violation and issue any other orders as may be appropriate. (Ord. 926, Sec. 15, Eff. 1-26-82)

3083.1 When Extension of Time Allowed.

In those cases where an extension of time will permit correction and there is no public health hazard created by the delay, an extension may be given. (Ord. 926, Sec. 15, Eff. 1-26-82)

3083.2 Time of Extension.

One (1) extension of time not to exceed the original time period of time may be given. (Ord. 926, Sec. 15, Eff. 1-26-82)

3084. Hearing.

Any person aggrieved by any action or order of the Director may request an administrative hearing. (Ord. 926, Sec. 16, Eff. 1-26-82)

3084.1 Time to Request.

The administrative hearing may be requested within thirty (30) days of notice of the action or order of the Director. (Ord. 926, Sec. 16, Eff. 1-26-82)

3085. Hearing Body.

If a hearing is requested, it shall be conducted by the County Board of Administrative Review. (Ord. 926, Sec. 16, Eff. 1-26-82)

3086. Hearing Procedure.

The hearing shall be concluded in accordance with the procedures set forth in Sections 536.070, 536.073, 536.077, 536.080 and 536.090 RSMo, except that the original record shall be made of the hearing at the expense of the Director. (Ord. 926, Sec. 16, Eff. 1-26-82)

3086.1 County Counselor Attend.

The County Counselor or a member of the legal staff from that office shall be in attendance at the hearing. (Ord. 926, Sec. 16, Eff. 1-26-82)

3087. Record Available.

A copy of the record of the hearing shall be made available to the person aggrieved on payment of a reasonable charge for the record. (Ord. 926, Sec. 16, Eff. 1-26-82)

3088. Final Decision.

The decision of the Board shall become final thirty (30) days after delivery of receipted mailing of a copy of its decision to the person aggrieved. (Ord. 926, Sec. 16, Eff. 1-26-82)

3089. Judicial Review.

A person shall be entitled to judicial review of a final decision of the Board as provided in Sections 536.100 to 536.140, RSMo. (Ord. 926, Sec. 16, Eff. 1-26-82)

3090. Enforcement by Civil Action.

Any rule, regulation, standard or order under this chapter adopted pursuant to the provisions of Sections 260.200 to 260.245, RSMo, may be enforced by civil action for mandatory or prohibitory injunctive relief. (Ord. 926, Sec. 23.1, Eff. 1-26-82)

3090.1 Exception.

The liabilities imposed by Section 3090.00 shall not be imposed due to any violation caused by an act of God, war, strike, riot or catastrophe. (Ord. 926, Sec. 23.2, Eff. 1-26-82)

3091. County Counselor Bring Action.

The county may request the County Counselor to bring any action authorized in Section 3090.00 in the name of the people of Missouri. (Ord. 926, Sec. 23.1, Eff. 1-26-82)

3092. MARC Solid Waste Management District.

Jackson County hereby joins the Mid-America Regional Council (MARC) Solid Waste Management District formed pursuant to section 206.305, RSMo, as amended. (Ord. 2016, Eff. 08/07/91)

3093. Representation on District Management Council.

Jackson County shall be represented on the Management Council for the MARC Solid Waste Management District by two members of the County Legislature, appointed by the County Executive subject to the disapproval of the County Legislature. Each of the cities specified on Schedule A, located within Jackson County, which has a population over 500 within the District, shall be represented on the Management Council for the MARC Solid Waste Management District by one member of the city's governing body or that member's alternate appointed by the city's governing body. Each Management Council member shall serve a term of two years and may subsequently be reappointed. A member of the Management Council whose elected term of office in the city or county represented by that member has expired shall be replaced expeditiously by the city or county previously represented by that member. (Ord. 2016, Eff. 08/07/91)

3094. Quorum of Management Council.

The Management Council of this District will determine its quorum. A five-eighths majority vote of the quorum of the Management Council is required to override any decision of the Executive Board of the Management Council. (Ord. 2016, Eff. 08/07/91)

3095. Executive Board of Management Council.

Jackson County shall be represented on the Executive Board of the Management County of the MARC Solid Waste Management District by one of the County Legislator members of the Management Council, as designated by the County Executive. In addition to one representative of each county that joins this District, the Executive Board shall consist of

one representative of Kansas City, Missouri, appointed by the governing body of that city, three representatives from cities within the District with a population over 10,000, excluding Kansas City, Missouri, appointed by the Management Council of the MARC Solid Waste Management District, and two representatives from cities within the district with a population under 10,000 appointed by the Management Council of the MARC Solid Waste Management District. No more than two of the representatives from cities within the District other than Kansas City, Missouri, shall be from any one county that has joined the District. (Ord. 2016, Eff. 08/07/91)

3096. Terms of Office of Members of Executive Board.

The Management Council of this District shall establish the terms of office for members of the Executive Board. Any subsequent member of the Executive Board shall be selected in the same manner as was the member to be replaced. A member of the Executive Board whose elected term of office in the city or county represented by that member has expired shall be replaced expeditiously by the city or county previously represented by that member. (Ord. 2016, Eff. 08/07/91)

3097. Compliance with Law.

Except for those requirements not applicable to solid waste management districts which formulate an alternative management structure, the MARC Solid Management District, its Management Council, and its Executive Board shall comply with sections 260.300 - 260.345, RSMo, as amended; and all other applicable state and federal laws. (Ord. 2016, Eff. 08/07/91)

3098. District Staff.

MARC is designated as responsible for sponsoring and providing staff support for the MARC Solid Waste Management District. (Ord. 2016, Eff. 08/07/91)

3099. RESERVED