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City of Maryland Heights

212 Millwell Drive • Maryland Heights • MO 63043 (314)291-6550

DEPARTMENT OF
TRANSPORTATION

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OFFICE OF HAZARDOUS
MATERIALS TRANSPORTATION

May 13, 1988

Office of Hazardous Materials
Transportation, Research and Special
Programs Administration
U.S. Department of Transportation
Washington, D.C. 20590

Attn: Hazardous Materials Pre-emption Docket

Gentlemen:

Attached please find a copy of Ordinance 88-378 of the City of Maryland Heights regarding solid waste management. Section I on page 10 reads, in part: "No person shall haul sewage, sludge, human excrement, special, hazardous or infectious wastes without providing a bond in the amount of One Thousand Dollars (\$1,000) per vehicle for each vehicle hauling or to haul sewage, sludge, human excrement, special, hazardous or infectious waste." We would like this section of the Ordinance reviewed for inconsistency with the insurance and indemnification requirements of the Hazardous Materials Transportation Act.

We believe this bonding requirement is not in conflict with the Hazardous Materials Transportation Act inasmuch as it imposes an additional requirement upon haulers; it does not exempt, or attempt to exempt them from the requirements of the Hazardous Materials Transportation Act.

Your attention to this matter will be greatly appreciated.

Cordially,

Michael K. Moran
Michael K. Moran
Building Commissioner

MKM/plm

Sponsored by: The Public Improvements Committee

AMENDED

BILL NO. 390

ORDINANCE NO. 88-378

AN ORDINANCE REPEALING CERTAIN SECTIONS OF ORDINANCE NO. 35, AND ENACTING A NEW ORDINANCE PERTAINING TO PUBLIC HEALTH, SAFETY AND WELFARE; REGULATING STORAGE, COLLECTION, AND TRANSPORTATION, OF SOLID WASTE; PROVIDING FOR COLLECTION OF SOLID WASTE; AND CONTAINING A PENALTY CLAUSE, IN LIEU THEREOF.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARYLAND HEIGHTS, AS FOLLOWS:

Short Title. This Ordinance may be cited and shall be known as the "Waste Management Code".

SECTION 1. DEFINITIONS

As used in this Ordinance, and unless the context clearly requires a different meaning, references to one gender include references to the other gender, singular references include the plural and plural references include the singular, statements including the word "shall" are mandatory and not discretionary. The following specific definitions apply to this Ordinance.

1. "Building Commissioner" means the Building Commissioner of the City of Maryland Heights and his deputies and assistants designated to perform functions on his behalf.

2. "Bulky waste" means non-putrescible solid wastes consisting of 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 in waste transportation vehicles by waste haulers with the equipment available therefor. "Bulky residential waste" is bulky waste generated on residential premises other than automobiles and construction and demolition materials.

3. "Commercial Solid Waste Container" means a container of metal, plastic or other similar, rigid material, not including plastic bags. Such container shall be leakproof, vermin proof, and have tight fitting lids which are hinged on one side.

4. "Engage in the business of hauling waste" means to either:

(a) use a vehicle for the collection of waste from storage at residential or non-residential premises to haul such

waste, regardless of the number of times the vehicle is so used, including such use by municipalities; or

(b) use a vehicle to haul waste in Maryland Heights more than five (5) times during any waste hauling vehicle licensing year. The expression includes any governmental entities which own or operate vehicles to provide waste hauling services within or travel through the City of Maryland Heights.

5. "Flood plain" means: the area designated as the one-hundred (100) year special flood hazard and floodway on the flood boundary and floodway maps and flood insurance rate maps approved by the Federal Emergency Management Agency.

6. "Free liquid" means liquid that will drain freely by gravity from solid materials.

7. "Hazardous waste" means waste materials that are toxic or poisonous; corrosive; irritating or sensitizing; radioactive; biologically infectious; explosive; or flammable or that present a significant hazard to human health and the environment.

8. "Infectious waste" includes isolation wastes, cultures and stocks of etiologic agents, blood and blood products, pathological wastes, other wastes from surgery and autopsy, contaminated laboratory wastes, sharps, dialysis unit wastes and discarded biologicals known or suspected to be infectious. In addition, the term "infectious waste" means waste in quantities and with characteristics as established by rule by the Building Commissioner pursuant to the rulemaking power granted in Section 8. The term "infectious waste" does not include any waste treated in a manner established by the Building Commissioner pursuant to his rulemaking power which treatment is designed and declared by the Building Commissioner to make waste which was previously infectious, safe for disposal as special waste.

9. "Mobile waste container" means a container containing waste which is moved from the generation point to the disposal or transfer/processing point over public roadways within the City.

10. "Non-residential" means commercial, industrial, agricultural, institutional and recreational.

11. "Person" means individual, partnership, corporation, association, institution, or any governmental entity.

12. "Refuse" shall mean all waste substances, including animal and vegetable, as well as combustible and non-combustible waste and all putrescible matter, except hazardous or special waste.

13. "Residential" means a single family residence, a residence for no more than two (2) families or a condominium development.

14. "Residential Solid Waste Container" means a container of galvanized metal, rubber, fiberglass or plastic which is non-absorbent, leakproof, and fly-tight, and which does not become brittle in cold weather; or plastic bags of not less than twenty (20) gallons nor more than thirty five (35) gallons nor more than seventy five (75) pounds.

15. "Solid waste" means waste in a solid or semi-solid state, but does not include hazardous waste, special waste or infectious waste.

16. "Special Waste" means waste that is declared by the Building Commissioner, pursuant to his rulemaking authority, or the Missouri Department of Natural Resources to be non-hazardous but requiring handling other than normally used for municipal wastes, an example being sludges or leachate.

17. "Tree Waste" means tree limbs no longer than forty-eight (48) inches and no greater than four (4) inches in diameter.

18. "Waste" means garbage, offal, refuse and other discard materials, including liquid, gaseous, solid, and semisolid materials resulting from industrial, commercial, agricultural and domestic activities, but does not include materials which have been presorted by the generator for the purpose of conservation of resources, or hazardous or special waste.

SECTION 2. DUTIES IMPOSED IN CONNECTION WITH THE GENERATION AND STORAGE OF WASTE ON PREMISES

A. On Whom Duties are Imposed for Storage of Waste. This Section describes conditions that shall exist, conditions that must not exist, actions that must be taken and actions that must not be taken, all in connection with the storage of waste upon the premises where the waste is generated. The persons responsible for seeing that the conditions and actions described in this Section are complied with depends upon the type of premises involved, and are described as follows:

1. on residential premises or premises with mixed uses but containing at least one residence, it shall be the responsibility of every person the age of seventeen (17) years or older residing on the premises to see that the provisions of this Ordinance are satisfied with respect to disposal of residential waste generated on their premises, regardless of whether the non-compliance was occasioned by the action or failure to act of the person charged.

2. on non-residential premises or premises with mixed uses but containing at least one non-residential use, it shall be the responsibility of the person in possession of the premises, as well as each manager, agent or employee of a person in possession of the premises, to see that the provisions of this Ordinance are satisfied with respect to disposal of non-residential waste generated on the premises, regardless of whether the non-compliance was occasioned by the action or failure to act of the person charged.

3. on all premises, it shall be a violation of Section 2 to do any act which would make the premises fail to comply with such sections, whether or not the person charged resides on the premises or is in possession of the premises or is the agent or employee of a person in possession of the premises.

B. Waste Containers Required. There shall be provided on each premises where waste is generated, whether such premises are residential or non-residential, containers for the storage of all waste except bulky waste and demolition and construction waste. The containers shall conform to the requirements of Section 2, paragraph C., if for use on residential premises and shall conform to the requirements of Section 2, paragraph D., if for use on non-residential premises. The containers must be sufficient in quantity and size to hold all waste (except bulky waste and demolition and construction waste generated on the premises) between the times when the waste is generated and removed from the containers and the premises. The containers and the premises surrounding the containers shall be maintained in a neat, clean, odor-free and sanitary condition.

C. Waste Containers for Residential Waste Other Than From Multi-Family Residences of Three (3) or More Units; Use of Containers Required. Residential waste, other than residential waste from multi-family premises of three (3) or more units or from premises having mixed uses but containing at least one residence, shall be deposited and stored in galvanized metal containers or rubber, fiberglass or plastic containers which are non-absorbent and do not become brittle in cold weather or in plastic containers or plastic bags of not less than twenty (20) gallons nor more than thirty-five (35) gallons in capacity, and not to exceed seventy five (75) pounds. Containers shall be leakproof, waterproof, and fly-tight and shall be properly covered at all times except when depositing waste therein or removing waste therefrom. The containers, other than plastic bags, shall have handles, bails or other suitable lifting devices or features. Containers shall be of a type originally manufactured for residential waste, with tapered sides for easy emptying. They shall be lightweight and of sturdy construction. Plastic bags used to contain waste shall be of sufficient strength to be used one time to store the waste actually deposited therein. Waste generated on the premises shall be

deposited in the containers and shall be deposited in such a manner that the area surrounding the containers and the the containers themselves remain clean, neat, odor-free and sanitary. This Section does not apply to demolition and construction waste.

D. Waste Containers for Non-Residential Waste and Waste from Multi-Family Residences of Three (3) or More Units; Use of Waste Containers Required. Non-residential waste and residential waste from multi-family residences of three (3) or more units, as well as residential waste from premises having mixed uses, but which contain at least one residence, shall be stored in container(s) of sufficient size or pickup frequency which are spillproof, leakproof, and shall be covered at all times except when depositing waste therein or removing waste therefrom. Waste generated on the premises shall be deposited in the container(s) and shall be deposited in such a manner that the area surrounding the container(s) and the container(s) themselves remain clean, neat, odor-free and sanitary. This Section does not apply to demolition and construction waste. All solid waste shall be picked up at least once weekly.

E. Storage of Infectious, Hazardous and Special Wastes.

1. No person possessing or generating infectious, hazardous or special waste shall permit such infectious, hazardous or special waste to be placed in storage containers ordinarily used for waste that is not infectious, hazardous or special waste, as the case may be.

2. No person possessing or generating infectious, hazardous or special waste shall place such waste in storage containers which are not clearly marked "INFECTIOUS WASTE", HAZARDOUS WASTE, or "SPECIAL WASTE", as the case may be.

F. Waste Not To Be Deposited in Container of Another. No person shall deposit waste in any waste container (other than a waste container on the premises where the waste was generated) without the consent of the owner of such container.

G. Tree Waste. Tree limbs need not be placed in a waste container so long as tree limbs are less than four inches (4") in diameter and are tied in such a manner as to prevent the bundle from falling apart under ordinary handling. The bundles shall not be longer than forty-eight inches (48") and not thicker than eighteen inches (18") in diameter. In no case, shall tree waste be stored in any land or premise for a period longer than fourteen (14) calendar days.

H. Placement of Waste Containers, Tree Waste and Fire Wood.

1. Residential waste containers and tree waste shall be stored upon the premises where the waste was generated, unless written permission for storage on other premises is obtained from a person having authority to grant such permission. The containers shall be stored in a place not visible from the street which the residential structure faces. Waste containers used for the storage of residential waste, other than waste from multi-family premises having four or more units, shall be placed at the curb or mailbox or backyard or side yard as required by the hauler for collection. Waste containers and bundles of tree waste permitted by this code shall be placed at the collection point i.e., in front of the premises or on a street not more than twelve (12) hours prior to the regularly scheduled collection day. Waste containers shall be returned to their appropriate storage places following collection and on the same day as collection.

2. Non-residential solid waste containers and tree waste generated on non-residential premises shall be stored upon the non-residential premises where the waste was generated, unless written permission for storage on other premises is obtained from a person having authority to grant such permission.

3. Fireplace wood shall be stored on a pallet with a six (6) inch clearance at the bottom. Such pallet shall be of wood or metal. No more than one half (1/2) cord (4' x 4' x 8') may be stored on the premise in front of the building, and no more than four (4) cords may be stored on the premise behind the front building line.

I. Demolition and Construction Waste.

1. No person shall store in or place additional demolition and construction waste in a waste container which is full.

2. The person who has requested that a mobile waste container be located to receive demolition or construction waste or any person who may lawfully require that a mobile waste container be removed from a site shall require that a mobile waste container which is full be removed and the waste deposited at an appropriate facility.

3. Demolition and construction waste shall be stored in a secure container or otherwise secured to prevent dispersal by the wind.

4. Demolition and construction waste shall not be stored in a flood plain unless it is stored in an approved waste container which is properly anchored.

5. A mobile waste container is full if no more waste can be added to it without making it unsafe or illegal to transport.

J. Franchise Agreement Authorized. The City Administrator may be authorized to solicit proposals for a contract for the collection and disposal of solid waste from all residential premises containing two families or less in the City of Maryland Heights. Such contract shall be awarded by the City Council following the receipt of competitive bids on specifications prepared by the City Administrator and approved by the City Council. Such contract shall be for a term which is most advantageous to the citizens of Maryland Heights in terms of fees charged and quality of services rendered; but, shall be for a term not less than one (1) year. Such contract shall include provision for collection of solid waste not less often than twice per week. It shall be the duty of all occupants or owners to obtain and maintain these services. All of the above notwithstanding, no contract shall be awarded unless and until it has been approved by the voters of the City of Maryland Heights.

SECTION 3. DUTIES IMPOSED UPON WASTE HAULERS AND THEIR EMPLOYEES PERTAINING TO COLLECTION AND TRANSPORTATION OF WASTES

A. License Required for Vehicles and Other Mobile Waste Containers Used to Transport Waste. Unless otherwise provided in this Ordinance, no person shall engage in the business of hauling or transporting waste, sewage, sludge, human excrement or any other waste of any kind whatsoever, by means of a vehicle, or any mobile waste container transported on any public highway, road, or street in Maryland Heights without obtaining a waste transportation license from St. Louis County, Department of Community Health and Medical Care for each such vehicle, or mobile waste container. All such persons shall obtain a business license from the Clerk of the City of Maryland Heights upon approval of the City Council, pursuant to Ordinance 151. The City reserves the right to issue licenses for waste transportation vehicles or mobile waste containers in the future.

B. Application for License for Waste Transportation Vehicle or Mobile Waste Container. Every application for a business license required under Section 3, subsection A., shall be accompanied by proof of licensing by St. Louis County for each waste transportation vehicle or mobile waste container and by a copy of the application submitted to St. Louis County which must contain the following:

1. The owner of the vehicle or mobile waste container, and the owner's address;

2. The waste hauler who will be operating the waste hauling vehicle or using the mobile waste container and the waste

hauler's address and phone number, and the name under which the waste hauling business will be conducted;

3. The type of waste to be transported, i.e., whether the waste is residential, industrial, commercial, hazardous, infectious or any combination thereof;

4. The motor vehicle license number and fleet vehicle number assigned by the hauler, of the vehicle or mobile waste container (if any exists for such mobile waste container);

5. The area served and to be served by operation of the owner's waste hauling business vehicle or mobile waste container; and

6. Such other information as may be required by the Building Commissioner.

7. A statement that the applicant agrees to refrain from serving any commercial customer prior to 7:00 a.m. or after 7:00 p.m. when such customer is located within one thousand (1,000) feet of any residence.

C. When Applications Shall Be Made. Initial license for a waste hauling vehicle or mobile waste container shall begin on the date the license is issued by St. Louis County, Department of Community Health and Medical Care and shall expire at the end of the immediately following April 14. All renewal applications shall be made by April 1 of each year. All renewal licenses shall begin on April 15 and continue through April 14 of the following year. Licenses shall be granted or refused within fifteen (15) days of receipt of the application when the application is accompanied by a non-refundable application fee of Twenty-Five Dollars (\$25.00) for each waste hauling vehicle or mobile container. The application fee shall be paid for both original and renewal applications. In the event an application is denied and a subsequent inspection is required, there shall be no additional charge for the subsequent inspection. In the event that an applicant has more than one mobile container, the fee shall be reduced to Fifteen Dollars (\$15.00) for the sixth through fiftieth containers inspected, and to Ten Dollars (\$10.00) for each container over fifty which is inspected. When an applicant applies for an original license following the fifth month of the license year, the fee imposed for inspection shall be one-half (1/2) the fees stated in this Section for an annual inspection. The collection of the above fee shall become effective upon the order of the City Council.

D. Inspection.

1. The City reserves the right to inspect all waste transportation vehicles or mobile waste containers which are

required to be licensed under this Ordinance at any time without notice.

2. The inspection of any waste transportation vehicle or mobile waste container prior to the issuance of a license may be waived by St. Louis County, Department of Community Health and Medical Care if the owner is a municipality, governmental entity, department of a governmental entity, or a non-profit organization which entity has a quality control and inspection program that assures compliance with the standards imposed by this Ordinance on waste transportation vehicles and mobile waste containers. The fee imposed shall not be required for such vehicles and containers; however, the license required by Section 3, subsection A., shall be required whether or not an inspection is made.

E. Standards for Issuance of License. No license shall be issued for operation of a waste transportation vehicle or mobile container unless the waste transportation vehicle or container satisfies the requirements of Section 3, subsection J.

F. Suspension of Licenses.

1. The Building Commissioner or his designees shall suspend a license for the operation of any waste transportation vehicle or container for the following reasons:

(a) The standards for issuance of the license as set forth in Section 3, subsection E., are not met or are no longer met.

(b) The waste transportation vehicle or container is not operated in conformity with the requirements of this Ordinance.

In either event, the period of suspension shall be for the period such standards are not met.

2. In the event that the Building Commissioner or his designee determines that continued use or operation of the waste transportation vehicle or mobile container presents an immediate and serious threat to the health and welfare of persons within the City of Maryland Heights, he may suspend the license without hearing, but shall permit the owner, or operator of the vehicle or mobile container if different than the owner, of a waste transportation vehicle or mobile container whose license has been so suspended an opportunity to be heard before the City Council within five (5) days of notice of the suspension if the owner or operator so requests. The Building Commissioner shall notify the operator of his decision to suspend the license, giving reasons therefore, by certified mail or hand-delivery of a notice to the office of the owner or operator. In the event that the Building Commissioner does not determine that continued use or operation

of the waste transportation vehicle or mobile container presents an immediate and serious threat to the health and welfare of persons within the City, he shall give the owner, and operator, if different than the owner, at least five (5) days notice of any hearing before the City Council to determine whether the license should be suspended. Following the hearing, the City Council shall decide whether the license should be suspended.

G. What Must be Displayed on Waste Transportation Vehicles or Mobile Waste Containers.

1. Each motor vehicle and mobile waste container issued a license under the provisions of this Ordinance pertaining to licensing of waste transportation vehicles and mobile waste containers shall display the license sticker or certificate issued by St. Louis County, Department of Community Health and Medical Care in a prominent place on the motor vehicle or mobile waste container.

2. Each mobile waste container which is not required to be licensed under the provisions of this Ordinance shall be labeled with the owner's name, phone number, and a unique number assigned to the container by the owner for identification purposes.

H. License Not Required, When.

1. Licenses shall not be required for vehicles removing, hauling, or disposing earth and rock material from grading or excavation activities.

2. All earth and rock material from grading or excavation activities shall be conveyed in enclosed or covered vehicles, trucks or receptacles which are constructed, maintained and operated such that the material being transported does not spill, blow, or fall out of the vehicle.

3. Licenses shall not be required for street sweepers or for mobile waste containers which contain only demolition and construction waste.

I. Waste Haulers Hauling Sewage, Sludge, Human Excrement, Special, Hazardous or Infectious Waste to be Bonded.

1. No person shall haul sewage, sludge, human excrement, special, hazardous or infectious wastes without providing a bond in the amount of One Thousand Dollars (\$1,000) per vehicle for each vehicle hauling or to haul sewage, sludge, human excrement, special, hazardous or infectious waste. The bond shall assure that the provisions of this Ordinance are satisfied and that sewage, sludge, human excrement, special, hazardous or infectious wastes are transported in a safe and sanitary manner. Such bond shall inure to the benefit of the City of Maryland Heights and

persons residing in the City of Maryland Heights. The bond may be a cash or corporate bond. If a cash bond is offered, the cash shall be deposited with the Director of Finance, who shall give a receipt therefor. If a corporate bond is offered, it shall be executed by a surety or guaranty company qualified to transact business in the State of Missouri and must be approved by the City Attorney in order to be effective. The corporate bond shall be filed with the City Treasurer prior to the issuance of a business license and is in addition to any bonding requirements of St. Louis County.

2. No bond required by this Section shall be approved unless it provides that thirty (30) days advance notice will be given by the insurer to the Building Commissioner in the event the bond is terminated or cancelled.

J. Waste Haulers to Have Insurance.

1. No person shall engage in the business of hauling waste without maintaining public liability insurance approved by the City Council governing all operations of the insured pertaining to the business of hauling waste and all vehicles to be operated in the conduct thereof. The insurance shall be with an insurer acceptable to the City Council and shall include coverage in one policy or multiple policies for any contractors or subcontractors engaged by the insured for such business. Evidence of such insurance shall be filed with the City Treasurer. The minimum limits of insurance for public liability and auto liability shall be Three Hundred Thousand Dollars (\$300,000) for bodily injury to each person; Five Hundred Thousand Dollars (\$500,000) for total bodily injury for each occurrence; and One Hundred Thousand Dollars (\$100,000) for property damage for each occurrence. Municipalities engaged in the business of waste hauling are exempted from procuring the minimum limits of insurance required by this Section.

2. No person shall engage in the business of hauling waste without maintaining insurance with workers' compensation coverage, with minimum limits as set by law. The insurance must be approved by the Council and shall include coverage in one policy or multiple policies for any contractors or subcontractors engaged by the insured for such business.

3. No insurance policy required by this Section shall be approved unless it provides that thirty (30) days advance notice will be given by the insurer to the Building Commissioner in the event the policy is terminated or cancelled.

K. Design and Construction of Vehicles and Mobile Containers Used to Transport Waste. Persons hauling waste and persons employed by waste haulers shall maintain the vehicles and mobile containers used for waste hauling in a safe, clean, and sanitary

condition. The vehicles and containers used shall be constructed, maintained and operated so as to prevent waste from spilling or blowing from the vehicle or container. The vehicles or containers shall have spillproof bodies and shall have either covers which are an integral part of the vehicle or container or shall have separate covers with fasteners securing all sides of the cover to the vehicle or container. The covers shall be secured whenever the vehicle or container is transporting waste which is capable of blowing from the vehicle or which in fact does blow from the vehicle. No waste shall be transported in hoppers designed for loading waste into the vehicle or container. The name of the operator of the waste hauling vehicle or mobile container shall be displayed prominently on the motor vehicle or mobile container. It is the duty of every waste hauler and employee or agent of a waste hauler operating a vehicle or using a container to assure compliance with this Section.

L. Collection and Transportation of Infectious, Hazardous and Special Waste. No person shall haul infectious, hazardous or special waste in a waste transportation vehicle or mobile container used for or containing waste which is not infectious, hazardous or special waste, as the case may be, or which is not a waste hauling vehicle or mobile container which can safely transport waste of such kind. No person shall collect or transport waste which has been clearly identified as infectious, hazardous or special waste, or which such person has reason to know is in fact infectious, hazardous or special waste, unless such person has the capability to legally and safely transport and dispose of the waste at an appropriate waste treatment facility.

M. Waste Spilled During Transportation. Waste spilled or blown during the transportation of waste shall be recollected immediately and placed in the transportation vehicle or mobile container by the employees of the waste hauler, or by the person transporting the waste, whether or not such person is engaged in the business of hauling waste and whether or not the vehicle is licensed or required to be licensed under this Ordinance.

N. Waste Spilled by Hauler During Collection. Waste spilled or blown during the movement of waste from the point of collection into the waste transportation vehicle shall be recollected and placed in the transportation vehicle by the waste hauler whether or not the waste was placed by the generator in proper containers as required by this Ordinance. Waste haulers are not obligated to collect waste which has not been placed in containers as required by this Ordinance.

O. Waste Not to Be Stored in Waste Transportation Vehicle for More than Forty-Eight Hours; Exception. Waste shall not be stored more than forty-eight (48) hours in any waste transportation vehicle without the express permission of the Building Commissioner.

P. Provision for Collection of Bulky Residential Waste. No waste hauler shall enter into an agreement with any person responsible for waste disposal on a residential premises without agreeing to provide at least one weekly collection of bulky residential waste from the residential premise. The waste hauler shall give such persons responsible for waste disposal on residential premises reasonable notice of the time of any such collection of bulky residential waste.

Q. Notification to Authorities of Special, Hazardous, or Infectious Waste Spill. Waste haulers or generators who spill special, hazardous, or infectious waste shall notify the Building Commissioner, the Chief of Police and the appropriate State and Federal authorities immediately, and shall remove the waste in a manner consistent with all Federal, State, and local regulations as soon as practicable.

SECTION 4. DISPOSAL OF WASTE

A. Waste Must Be Deposited at a Licensed Landfill, Licensed Waste Processing Facility or Licensed Transfer Station.

No person shall deposit waste on any real estate or permit waste to be deposited on any real estate for which there is no valid and current license, and, if appropriate, renewal license, for the operation of a sanitary landfill, demolition landfill, waste processing facility or transfer station issued by the City Council, nor shall any person deposit waste on or at any such sanitary landfill, demolition landfill, waste processing facility or transfer station in a manner which does not comply with the waste facility plan approved by the City Council and the license issued therefor, nor in a manner which does not comply with the provisions of this Ordinance describing the manner of operation of the sanitary landfill, demolition landfill, or waste processing facility.

B. Presumption Regarding Waste Not Deposited at Licensed Facility. In prosecution of defendant for violation of Section 4, subsection A., the prosecution shall make a prima facie case upon a showing that:

1. waste has been deposited on real estate which does not have the license described in Section 4, subsection A.; and,

2. the waste deposited contains at least three pieces of waste which uniquely identify the defendant.

C. License to Operate Landfill, Waste Processing Facility or Transfer Station Required. No person shall construct or operate a sanitary landfill, demolition landfill, waste processing facility or transfer station without a current and valid license and permit for the construction and operation thereof.

D. Infectious Waste, Hazardous Waste and Special Waste Not To Be Deposited at Sanitary or Demolition Landfill, Waste Processing Facility or Transfer Station. No person shall deposit or permit or cause to be deposited any infectious waste, hazardous waste or special waste in a sanitary landfill, demolition landfill, waste processing facility or transfer station unless the facility is designed and licensed to accept such waste safely.

SECTION 5. WATERS

A. Wastes Not to be Deposited in Waters Within City. No person shall dump or deposit, or permit dumping or depositing of, any wastes into any stream, spring, surface or ground water, whether natural or artificial, within the boundaries of the City except as provided herein.

B. Water Treatment Facilities. A permit issued by the Building Commissioner or St. Louis County shall be required to operate a waste stabilization lagoon, settling pond, or other water treatment facility which has a valid permit from the Missouri Clean Water Commissioner even though the facility may receive solid or semi-solid waste materials.

SECTION 6. HAZARDOUS WASTES

A. Hazardous Waste Warning Notice.

1. The Building Commissioner, upon determination that the presence of a hazardous waste on a premises presents an imminent and substantial danger to health, safety and welfare of the citizens of the City of Maryland Heights or the environment, has the authority to enter the premises and conspicuously post a notice or notices on the premises as a warning of the danger.

2. The notice or notices may read as follows:

DANGER
KEEP OUT
HAZARDOUS WASTE AREA
POSTED BY
BUILDING COMMISSIONER
For Information Contact:
City of Maryland Heights
212 Millwell Drive
Maryland Heights, MO 63043
291-6550

3. No person shall remove, mar, scratch, obliterate or in any manner deface, hide from view, or tamper with any such sign or signs.

B. Notification. The Building Commissioner shall make reasonable effort to notify the owner, occupant or person in possession of the premises of his posting action and the reason therefor. In addition, the Building Commissioner shall notify the local fire department, the police, other appropriate emergency response, civil defense or governmental agencies, and local utility companies of his posting action, and the reason therefor.

C. Safety Plan, and Correction of Hazardous Conditions.

1. The Building Commissioner, in cooperation with the City's Emergency Management Director, may require the owner, occupant or person in possession to prepare a safety plan for each location that may be found to contain hazardous waste and furnish such a plan in writing to the Building Commissioner for approval. Following approval of such a plan, the Building Commissioner shall require the owner or person in possession to implement such a plan. In addition, the Building Commissioner shall transmit the plan to the Emergency Management Director.

2. In the event the owner, occupant, or person in possession cannot be found or refuses to prepare a plan and correct the hazardous situation within a reasonable time, the Building Commissioner may, if he deems it necessary in the interest of public health, safety and welfare enter upon the premises and, either with the equipment and employees of the owner, occupant or person in possession, or with City owned or leased equipment and City employees, or with other contracted private services do such work as is necessary to correct any hazardous condition.

3. Upon the completion of such work, the Building Commissioner shall cause the total cost of such work to be determined and certify the same to the Director of Finance. Upon approval of such report by the Director of Finance, the report with the approval of the Director of Finance endorsed thereon, shall be transmitted to the County Collector, who shall assess the same as a special tax against each lot or parcel of ground chargeable therewith, in the name or names of the owner or owners thereof.

4. All such special tax bills issued for such work shall be collectible by suit brought by the City Attorney in the name of the City. Such special tax bills and any action thereon, shall be prima facie evidence of the regularity of the proceedings for such special assessment, the validity of the bill, the doing of the work, and of the furnishing of the materials charged for, and of the liability of the property to the charge stated in the bill, including the costs of bringing the action as a part of the cost of doing the work. Each said special tax bill shall include a charge of One Hundred

Twenty-Five Dollars (\$125.00) for inspecting the same and giving the notice, and further charge of One Hundred Twenty-Five Dollars (\$125.00) for issuing and recording the tax bill. Such tax bills, if not paid within thirty (30) days after issuance, shall bear interest at the rate of eight percent (8%) per annum.

SECTION 7. SPECIAL WASTES

A. Applications for Disposal of Special Wastes.

1. Applications for the disposal of special waste (other than asbestos, which is covered under other City ordinances) shall be submitted to the City Council and filed with the Building Commissioner by both the person possessing the special waste or person who will generate the special waste and the facility which intends to dispose of the waste.

2. The application made by the person possessing the special waste or the person who will generate the special waste shall include a description of the waste, generation rate, transportation (if applicable), handling, and, if required by the Building Commissioner, a lab analysis or other evidence verifying the composition of the special waste. The application shall also contain such other information as the Building Commissioner may require, either before or after the initial submission of the application.

3. The application made by the disposal facility shall include the means to be used to transport the waste (if applicable), and disposal techniques. The application shall also contain such other information as the Building Commissioner may require, either before or after the initial submission of the application.

B. Authorization by City Council. The City Council shall approve or disapprove the applications for disposal of special waste, and, if the applications are approved, may require any conditions the City Council believes necessary in order to protect the public health, safety and welfare. Copies of the approval of the City Council shall be sent to the Missouri Department of Natural Resources.

C. Procedure Stated In Application and Conditions Attached by City Council to be Complied With. The applicants, their agents and employees, shall comply with the statements made in the applications regarding anticipated means of handling and disposing of wastes and shall comply with the additional terms and conditions required by the City Council.

D. Inspections by Building Commissioner; Right of Entry for Inspection and to Remedy Dangerous Conditions.

1. The Building Commissioner shall make periodic inspections as necessary to insure compliance with the authorization of the City Council. Failure of the applicants or their agents or employees to cooperate with the Building Commissioner in his inspections, or to comply with the statements in the applications, or with the additional terms and conditions required by the City Council, shall result in immediate revocation by the Building Commissioner of the permit for disposal of the special waste.

2. The Building Commissioner shall have the right of entry for inspection to insure compliance with the authorization granted by the City Council and to insure the public health, safety and welfare. For a violation of the terms of the authorization of the City Council or for a condition which threatens the health, safety and welfare of the residents of the City, the Building Commissioner shall notify the owners or their agents to correct such violation. If the owners or their agents fail to correct such violation within twenty-four (24) hours, the Building Commissioner is authorized to enter the property and, with the owner's equipment and employees, or with City owned equipment and employees, correct such violation. The cost of such work shall be a special tax on the property and will be collectable in the manner outlined in Section 6, subsection C., paragraph 4 of this Ordinance.

SECTION 8. RULEMAKING

Rulemaking. The Building Commissioner is authorized to make such rules and regulations as will implement the purposes of this Ordinance. Such rules and regulations shall only be promulgated following notice to the public of the public hearing to be held and the subject matter of the proposed rule or regulation. The Building Commissioner shall hold such public hearing, and upon approval by the City Council, issue such rule or regulation. The text of such rule or regulation shall be filed with the City Clerk. Failure to comply with the provisions of such rule or regulation shall be a violation of this Ordinance and subject to the penalty provisions of Section 9.

SECTION 9. VIOLATIONS

Penalty for Violation. Every person charged with a violation of this Ordinance shall, upon conviction, be fined not more than \$500, or be imprisoned for a period of not more than ninety (90) days, or both such fine and imprisonment. Every day such violation exists may be considered a separate offense. Each violation shall be considered a separate offense.

SECTION 10. COOPERATIVE AGREEMENTS AUTHORIZED

The Building Commissioner is authorized to cooperate with the Missouri Department of Natural Resources, St. Louis County and any other relevant jurisdiction, individually or in combination for the purposes of processing the application; furthermore, the Mayor is hereby authorized, upon approval of the City Council, to enter into an agreement with St. Louis County, Department of Community Health and Medical Care for inspection services, or any other services the County may provide which are determined to be in the best interests of the citizens of the City of Maryland Heights. However, the City reserves all of its rights to itself under this Ordinance.

SECTION 11. SEVERABILITY

If any Section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared invalid for any reason whatsoever, such decision shall not effect the remaining portions of this Ordinance which shall continue in full force and effect, and to this end the provisions of this Ordinance are declared severable.

SECTION 12. REPEALER

All Sections of Ordinance No. 35 inconsistent with the provisions of this Ordinance are hereby repealed and this Ordinance is enacted in lieu thereof.

SECTION 13.

This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED THIS 21st DAY OF January, 1988.

Mayor/Presiding Officer

APPROVED THIS 4th DAY OF February, 1988.

Lawrence D. Bell
Mayor

ATTEST:

Carol S. Turner
City Clerk

APPROVED AS TO LEGAL FORM:

[Signature]
City Attorney

plm