

## **Memorandum Regarding Council Bill No. 2025-07: An Ordinance modifying the requirement for weekly solid waste collection.**

### **Background:**

City Code Section 22-345(f)(1) & (2) requires that solid waste be collected by authorized haulers on a weekly basis. There is no exception to this requirement.

### **Analysis:**

Recently, the City has been impacted by winter weather events. This has led staff to re-evaluate the language of Section 22-345(f)(1) & (2). At the direction of the City Administrator, Council Bill 2025-07 has been drafted.

If approved, this bill would add an exception to the requirement that solid waste be collected on a weekly basis. The exception would trigger in the event of documented instances of inclement weather, natural disasters, or other events that reasonably prevent solid waste collection. Solid waste haulers are then required to resume collection as soon as practical thereafter.

### **Recommendation:**

Staff recommends approval.

MEMO SUBMITTED BY:

**Nick Woodman** | City Attorney

Attachments:

Council Bill No. 2025-07.

1 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF NIXA AMENDING CHAPTER**  
2 **22, ARTICLE V, DIVISION 1, SECTION 22-345 OF THE NIXA CITY CODE TO PROVIDE**  
3 **AN EXCEPTION TO THE REQUIREMENT OF WEEKLY SOLID WASTE PICKUP**  
4 **UNDER CERTAIN CIRCUMSTANCES.**

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6 **WHEREAS** Section 22-345 of the Nixa City Code imposes requirements on the  
7 collection of solid waste within the City; and

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9 **WHEREAS** Said section contains language mandating the collection of solid waste  
10 weekly, without any provisions for inclement weather, natural disasters, or other  
11 unforeseen reasonable occurrences that could excuse the weekly collection of solid  
12 waste; and

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14 **WHEREAS** the City Council desires to modify the City Code as set forth herein.

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16 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF**  
17 **NIXA, AS FOLLOWS, THAT:**

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19 **SECTION 1:** Chapter 22, Article V, Division 1, Section 22-345 of the Nixa City  
20 Code is hereby amended by repealing said Section in its entirety and adopting in lieu  
21 thereof a new Section 22-345, which said Section shall read as follows (Explanation:  
22 Language in bold-face type (e.g., **thus**) is language to be added. Language in bold-faced  
23 brackets (e.g., [~~thus~~]) is not enacted and is intended to be omitted or deleted.):

24  
25 Sec. 22-345. Collection of solid waste.

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27 (a) The city shall provide for the collection of solid waste as follows:

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29 (1) *Collection of residential solid waste.* The city shall provide for the collection of all  
30 residential solid waste in the city, provided, however, that the city may provide the  
31 collection service by contracting with a person, county, or other city or a  
32 combination thereof, for the entire city or portions thereof, as deemed to be in the  
33 best interests of the city.

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35 [~~3~~] (2) *Other collections.* The city may, at its discretion, provide commercial solid  
36 waste collection services upon specific application of the owners or persons in  
37 charge thereof. However, in the event that such application is not made or  
38 approved, it shall be the duty of such establishment to provide for collection of all  
39 solid waste produced upon any such premises.

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41 (b) All solid waste collected shall, upon being loaded into collection equipment, become  
42 the property of the collection agency.

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44 (c) Solid waste containers as required by this article for the storage of residential solid  
45 waste shall be placed at the curb for collection. Solid waste containers permitted by

- 46 this article, shall not be placed at the curb or alley for collection until 7:00 p.m. the day  
47 before the regularly scheduled collection day.  
48
- 49 (d) Bulky rubbish shall be collected by the city's approved contractor in accordance with  
50 the contractor's procedure.  
51
- 52 (e) Solid waste collectors, employed by the city or a solid waste collection agency  
53 operating under contract with the city, are hereby authorized to enter upon private  
54 property for the purpose of collecting solid waste therefrom as required by this article.  
55 Solid waste collectors shall not enter dwelling units or other residential buildings for  
56 the purpose of collecting residential solid waste.  
57
- 58 (f) The following collection frequencies shall apply to collections of solid waste within the  
59 city:  
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- 61 (1) All residential solid waste, other than bulky rubbish, shall be collected at least once  
62 weekly, **except in the event of documented instances of inclement weather,**  
63 **natural disasters, or other events that reasonably prevent collection.**  
64 **However, after such an instance collection shall occur as soon as practical**  
65 **thereafter.**  
66
- 67 (2) All commercial solid waste shall be collected once weekly, and shall be collected  
68 at such lesser intervals as may be fixed by the director upon a determination that  
69 such lesser intervals are necessary for the preservation of the health and/or safety  
70 of the public, **except in the event of documented instances of inclement**  
71 **weather, natural disasters, or other events that reasonably prevent**  
72 **collection. However, after such an instance collection shall occur as soon as**  
73 **practical thereafter.**  
74
- 75 (g) Residential solid waste containers shall be stored upon the residential premises.  
76 Commercial solid waste containers shall be stored upon private property, unless the  
77 owner shall have been granted written permission from the city to use public property  
78 for such purposes. The storage site shall be well drained; fully accessible to collection  
79 equipment, public health personnel and fire inspection personnel.  
80
- 81 (h) All collection vehicles shall be maintained in a safe, clean and sanitary condition, and  
82 shall be so constructed, maintained and operated as to prevent spillage of solid waste  
83 therefrom. All vehicles to be used for collection of solid waste shall be constructed  
84 with watertight bodies and with covers which shall be an integral part of the vehicle or  
85 shall be a separate cover of suitable material with fasteners designed to secure all  
86 sides of the cover to the vehicle and shall be secured whenever the vehicle is  
87 transporting solid waste, or, as an alternate, the entire bodies thereof shall be  
88 enclosed, with only loading hoppers exposed. No solid waste shall be transported in  
89 the loading hoppers.  
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- 91 (i) Permits shall not be required for the removal, hauling or disposal of earth and rock  
92 material from grading or excavation activities, however, all such material shall be  
93 conveyed in tight vehicles, trucks or receptacles, so constructed and maintained that  
94 none of the material being transported shall spill upon the public rights-of-way.  
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- 96 (j) Transportation and disposal of demolition and construction wastes shall be in  
97 accordance with section 22-346, disposal of solid waste, and section 22-347.  
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- 99 (k) All refuse containers shall be removed from the curbside by midnight on the day of  
100 service.  
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- 102 (l) All refuse must be placed in either an approved container or senior plastic bag, when  
103 occupant is 62 years or older, using contractor provided plastic bags.  
104
- 105 (m)The resident is responsible for ensuring that trash is not windblown or spread along  
106 the **right-of-way [ROW]**. The spreading of refuse will be considered a nuisance  
107 violation and be treated accordingly. The resident will be responsible for preventing  
108 animals from spreading trash.  
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- 110 (n) All refuse containers shall not be placed curbside before 7:00 p.m. before the day of  
111 service.  
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- 113 (o) Trash haulers will not be permitted to begin their rounds before 7:00 a.m.  
114

115 **SECTION 2:** The City Attorney, when codifying the provisions of this Ordinance, is  
116 authorized to provide for different section numbers, subsection numbers, and different  
117 internal citation references than those provided herein when such section numbers,  
118 subsection numbers, or internal citation references are in error or are contrary to the intent  
119 of this Ordinance.  
120

121 **SECTION 3:** Savings Clause. Nothing in this Ordinance shall be construed to  
122 affect any suit or proceeding now pending in any court or any rights acquired, or liability  
123 incurred nor any cause or causes of action occurred or existing, under any act or  
124 ordinance repealed hereby.  
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126 **SECTION 4:** Severability Clause. If any section, subsection, sentence, clause, or  
127 phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect  
128 the validity of the remaining portions of this Ordinance. The Council hereby declares that  
129 it would have adopted the Ordinance and each section, subsection, sentence, clause, or  
130 phrase thereof, irrespective of the fact that any one or more sections, subsections,  
131 sentences, clauses, or phrases be declared invalid.  
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133 **SECTION 5:** This Ordinance shall be in full force and effect from and after its final  
134 passage by the City Council and after its approval by the Mayor, subject to the provisions  
135 of section 3.11(g) of the City Charter.  
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**ADOPTED BY THE COUNCIL THIS 25th DAY OF March 2025.**

ATTEST:

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PRESIDING OFFICER

\_\_\_\_\_  
CITY CLERK

**APPROVED BY THE MAYOR THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2025.**

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY