

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.**

5
6 **WHEREAS** Section 22-345 of the Nixa City Code imposes requirements on the
7 collection of solid waste within the City; and

8
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.):

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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.
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- 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.
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- 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.
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- 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.
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- 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.
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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.
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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 _____ DAY OF March 2025.

ATTEST:

PRESIDING OFFICER

CITY CLERK

APPROVED BY THE MAYOR THIS _____ DAY OF _____ 2025.

ATTEST:

MAYOR

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY