City of Columbia

701 East Broadway, Columbia, Missouri 65201

Agenda Item Number: B 315-15 Supplemental Information
Department Source: Law
To: City Council
From: City Manager & Staff
Council Meeting Date: 11/2/2015
Re: Supplemental Council Memo for B313-15 and B315-15 - Initiative Petition to Amend Chapter 22 of the City Code to Prohibit the Use of Roll Carts for Residential Refuse and Recycling Collection and Prohibit the Purchase or Modification of Refuse Collection Vehicles Designed for Automated Residential Refuse and Recycling Roll Cart Pick Up

Documents Included With This Agenda Item

Supplemental Council Memo
Supporting documentation includes: Copy of Initiative Petition (page 1); City Clerk's Certification dated October 15, 2015

Executive Summary

On October 15, 2015, the City Clerk certified the petition submitted by Mary Sapp contained a sufficient number of valid signatures of registered voters (certification attached) for an initiative under the City Charter. In response to the initiative petition, two separate bills have been prepared for Council consideration. One would amend Chapter 22 of the City Code to prohibit the use of roll carts for residential refuse and recycling collection, the other would submit the ordinance to the voters for consideration.

Discussion

The roll cart initiative ordinance would prohibit the use of roll carts for residential and recycling collection as well as prohibit the purchase or modification of refuse collection vehicles designed for automated residential and recycling roll cart refuse pickup.

Under Section 132 of the City Charter, within thirty days after certification of the initiative petition, the Council must either pass a proposed ordinance in the exact form proposed by the initiative petition or submit the ordinance (without alteration) to the voters at the next election provided for by state law "available for municipal elections purposes." Because the City Clerk certified the petition as sufficient on October 15, 2015, the Council must act on the petition on or before its meeting on November 2nd (the second Council meeting in November would be greater than 30 days).

Two bills have been prepared for Council consideration. One would enact the proposed ordinance and the other would place the initiative ordinance on the next election available for municipal elections purposes. There is a state-wide election on March 16, 2016 for the presidential preference

primary and staff has confirmed that the March 16th date is available for inclusion of local issues on the ballot. Accordingly, the March 16th date is "available for municipal elections purposes" under the charter and state law and has been designated as the date of the election in the bill calling for the issue to be submitted to the voters.

Fiscal Impact

Short-Term Impact: Unknown.
Long-Term Impact: Unknown.

Vision, Strategic & Comprehensive Plan Impact

Vision Impact: Community Facilities and Services, Governance and Decision Making
Strategic Plan Impact: Not Applicable
Comprehensive Plan Impact: Not Applicable

Suggested Council Action

The Council should either pass the ordinance to prohibit the use of roll carts for residential and recycling collection or the ordinance to submit it to the voters for consideration at the next election available for municipal election purposes.

Legislative History

None.

Department Approved

City Manager Approved

City of Columbia
701 East Broadway, Columbia, Missouri 65201

SUPPORTING DOCUMENTS INCLUDED WITH THIS AGENDA ITEM ARE AS FOLLOWS:

Copy of Initiative Petition (page 1);
City Clerk's Certification dated October 15, 2015

INITIATIVE PETITION FOR SUBMISSION TO THE VOTERS OF THE CITY OF COLUMBIA, MISSOURI
(Prohibition of Residential Refuse and Recycling Roll Carts and Automated Refuse Collection Vehicles)

To the City Council of the City of Columbia, Missouri: We, the undersigned registered voters of the city, pursuant to the City Charter, do hereby present to the City Council the following proposed ordinance and request such ordinance be adopted by the council or submitted to the voters of the city at the next election provided for by state law.

AN INITIATIVE PETITION TO REPEAL AND RE-ENACT IN PLACE THEREOF A NEW SECTION 22-159 RELATING TO RESIDENTIAL REFUSE COLLECTION, TO PROHIBIT ROLL CARTS FOR RESIDENTIAL REFUSE COLLECTION AND PROHIBIT THE PURCHASE OR MODIFICATION OF REFUSE COLLECTION VEHICLES DESIGNED FOR AUTOMATED RESIDENTIAL ROLL CART REFUSE PICK-UP; TO REPEAL AND RE-ENACT IN PLACE THEREOF A NEW SECTION 22-159.1 RELATING TO RESIDENTIAL RECYCLING COLLECTION, TO PROHIBIT ROLL CARTS FOR RESIDENTIAL RECYCLING COLLECTION AND PROHIBIT THE PURCHASE OR MODIFICATION OF REFUSE COLLECTION VEHICLES DESIGNED FOR AUTOMATED RESIDENTIAL RECYCLING ROLL CART PICK-UP; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE PEOPLE OF THE CITY OF COLUMBIA:

SECTION 1. Section22-159 is hereby repealed and a new Section 22-159 is hereby enacted in place thereof to read as follows [EXPLANATION: The existing section 22-159 is set forth hereinafter with the new matter underlined and deleted matter struck through]:

Sec. 22-159. - Residential customers.

(a) *Rates.* Residential service shall consist of the removal of refuse, in bags or disposable containers or in centralized containers set for grouped residential units as approved by the director, once weekly. The fees for such service shall be as follows:
Residences, per month, per residential unit (single-family, duplex, apartment up to four (4) units) $15.42
Residences, per month, per residential unit when property is vacant and owner has requested discontinuance of a metered service 4.90
Grouped residential units having centralized collection containers, per unit, per month 14.67

(b) *Refuse bags.* Residential customers shall be provided refuse bags by the city at the rate of twenty-five (25) bags every six (6) months. Additional refuse bags will be made available for sale to the customer at a cost and location to be determined by the director.

(c) *Customer responsibility.* It shall be the duty of every customer to place the daily accumulation of refuse in refuse bags which are securely closed or other disposable container for pickup, and it shall be the duty of every person placing garbage in any such bag or container, to eliminate, as far as possible, all water and liquid from such garbage before placing same in such bag or container.

(d) *Location of refuse or yard waste for pickup.* All material to be removed by the city, or its authorized collector, shall be placed in an easily accessible location at the back of the curb, edge of the roadway or immediately adjacent to an alley, as the case may be. Material for disposal shall not be located within a building or structure. If more than one bag is necessary to hold the refuse accumulated at a customer's premises, or if more than one bag is used for the refuse from any one building, all bags shall be placed at the same location on the premises.

(e) *Unlawful to deposit other than refuse in bags for pickup.* It shall be unlawful for any person to deposit in a container or bag from which refuse is to be removed by the city or its authorized collector, any material other than refuse as defined in this article. If any container or bag contains material other than

refuse, the city or its authorized collector shall not be obliged to remove the contents of such container or bag.

(f) *Roll carts prohibited.* Except as otherwise provided herein for centralized containers set for grouped residential units, the purchase of roll carts for residential refuse collection is hereby prohibited. There shall be no requirement for the use of residential roll carts for residential refuse collection from customers within the city. No roll carts shall be purchased or required for residential customers.

(g) *No automated refuse collection vehicles for roll carts.* The purchase of new (or modification of existing) refuse collection vehicles designed or made for automated residential roll cart pick-up for residential refuse customers within the city is hereby prohibited.

~~(f)~~ (h) *Unlawful to place refuse at curb, when:*

(1) It shall be unlawful for any person, partnership or corporation to place or allow any refuse, grass clippings, leaves or brush, to remain at the curb or edge of the roadway, or in any other open and unscreened area accessible to animals, on any day other than the scheduled day of collection of refuse for that location. The "day of collection" is hereby defined to be the period from 4:00 p.m. of the day preceding collection until 6:00 p.m. the day of collection.

(2) The person or persons in whose name the refuse account is maintained and the owners of record of the property on which the refuse, garbage, or grass clippings, leaves or brush, is placed or allowed to remain shall be prima facie responsible for its placement and maintenance in violation hereof.

(3) Violation of this subsection shall constitute a class "C" misdemeanor pursuant to the provisions of chapter 16, article II of this Code.

~~(g)~~ (i) *Dimensions and weight.* All material for collection must be in a bag, disposable containers, or securely bound bundles not greater than four (4) feet in length, two (2) feet in diameter, and shall not exceed fifty (50) pounds total weight each.

~~(h)~~ (j) *Collection and pickup.* Residential refuse pickup shall be made once weekly according to a schedule on file with the director. Yard waste pickup shall be on a seasonal schedule to be prepared annually by the director. The director may vary the schedule and will post notice of any such variance because of weather conditions or other conditions which make the normal collection schedule impractical. When a holiday is observed on the normal day of collection, the collection will be made the following day or as approved and publicly announced by the director.

~~(i)~~ (k) *Special pickup.* A special pickup for residential customers will be provided on a continuous basis at no additional charge. This service is intended for disposal of quantities or items which are too large for regular pickup. All material for special collection shall be placed in a visible and easily accessible location not to extend more than fifteen (15) feet from the back of curb, edge of roadway or immediately adjacent to an alley, as the case may be. Materials resulting from the erection, destruction or major remodeling of a building, felled trees, large automobile parts, hazardous materials, etc., and items which cannot be handled by the special collection crew will not be picked up. Material meeting the special pickup criteria but placed for collection by owners of commercial businesses or rental property will be collected based on the commercial hand pickup service charge, provided previous arrangements are made.

~~(j)~~ (l) *Suspension of bundle requirements.* In the event of a storm which causes widespread tree damage, the requirement to bundle brush and tree trimmings for collection may be suspended by the director.

~~(k)~~ (m) *House collection for physically disabled or handicapped:*

(1) Any owner, occupant, tenant or lessee of a residential unit who, due to a physical disability or handicap, is unable to carry refuse to the curbline may receive house collection at the same service rate as curbside collection. A request for this service must be submitted in writing to the director. This

request must include certification by a licensed health care provider of the applicant's physical disability or handicap.

(2) Refuse to be collected from the house must be in bags and shall be located in plain view in an accessible location at ground level or on an open platform not more than four (4) feet above the ground level and so placed that they may be reached from the ground by the collector. Bags shall not be located within a building or structure. Collection will be made from only one location on the premises.

~~(l)~~ (n) *Major appliance pickup.* The director shall establish a date and time for pickup of major appliances at curbside upon the payment of a fee of eighteen dollars and ninety-three cents ($18.93) for appliances equipped for use of refrigerants, per appliance and twelve dollars and sixty-two cents ($12.62) for appliances not requiring refrigerants, per appliance and receipt of a permit for each appliance to be picked up by the person desiring the pickup. The permit shall be nonrefundable and nontransferable. Upon the applicant's request, the permit fee may be charged to the applicant's utility account.

~~(m)~~(o) *Special pickup of unlawfully placed material.* The city may remove refuse that is untimely placed or allowed to remain at the curb or edge of the roadway in violation of subsection ~~(f)~~ (h) of this section. The city may remove yard waste that is improperly deposited at curbside for pickup in violation of section 22-158(b)(3). The fee for material removal service under this subsection shall be as follows:

Special pickup .....$ 50.00

The person(s) whose refuse or yard waste is being disposed of, the person(s) who unlawfully placed the refuse or yard waste, the occupant(s) of the property where a special pickup occurs and the owner(s) of the property, if different, shall be jointly and severally liable for payment of the special pickup fee. Normally, special pickup fees shall be billed initially to the city utility customer for the location where the special pickup was made.

SECTION 2. Section22-159.1 is hereby repealed and a new Section 22-159.1 is hereby enacted in place thereof to read as follows [EXPLANATION: The existing section 22-159.1 is set forth hereinafter with the new matter underlined and deleted matter struck through]:

Sec. 22-159.1. - Residential recycling program.

(a) As part of its basic service to residential customers, as set out in section 22-159, the city will also provide, by August 1, 1998, or as soon thereafter as is reasonably practicable, weekly pickup of recyclable material. The schedule for pickup shall be on file with the director. Any variances from the schedule shall be made in accordance with section 22-159~~(h)~~(i).

(b) *Duties of customer.* It shall be the duty of the customer to place recyclable items in bags identified for that purpose at the curb as provided for residential pickup (section 22-159(d)). All recyclable items shall be separated and packaged according to rules promulgated by the director.

(c) Bags will be provided at the rate of eighteen (18) every four (4) months. Commingled recycling bags will be provided to all customers not receiving centralized pickup and having access to curbside recycling. Additional bags will be made available for sale to the customer at a cost and location to be determined by the director.

(d) *No roll carts.* Except as otherwise provided herein for centralized containers set for grouped residential units, the purchase of roll carts for residential recycling collection is hereby prohibited. There shall be no requirement for the use of residential roll carts for residential recycling collection from customers within the city. No roll carts shall be purchased or required for residential recycling customers.

(e) *No automated refuse collection vehicles for roll carts.* The purchase of new (or modification of existing) refuse collection vehicles designed or made for automated residential roll cart pick-up for residential recycling customers within the city is hereby prohibited.

SECTION 3. Effective Date. This ordinance shall be effective immediately upon passage by the city council or approval of a majority of the voters voting thereon at a special election called for such purpose.

	Date	Printed Name (must be legible)	Registered Voting Address (Street Address)	Zip Code	Signature
1	7/31	DL. Buford	2263 Concordia	65203	[illegible]
2	7/31	Bethany Pearl	1308 Fairhaven	65203	[illegible]
3	7/31	Reve Wilbrecht	1015 Plymouth	65203	Reve Wilbrecht
4	7/31	Melissa Burden	3104 Crawford	65203	[illegible]
5	7-31	Anthony Gray	90 E. Leslie Lane	65202	[illegible]
6	7/31	Nellie Boyt	609 West Blvd N	65203	[illegible]
7	8/2	Donna Haley	22 Anderson	65203	[illegible]
8	8/2	Cathy Gentile	102 Edgewood	652__	[illegible]
9	8/2	Katy Ottinger	511 Westwood	652__	[illegible]
10	"	Hank Ottinger	511 WESTWOOD	65203	[illegible]

HANK OTTINGER

Statement of Circulator: I, LISA KULAGE *(Printed name of circulator)* being first duly sworn, state that all of the above signatures were affixed in my presence and to the best of my knowledge and belief each signature is the genuine signature of the person whose name it purports to be and I believe each signer to be a legal voter of the City of Columbia, Missouri.

Signature of Circulator [illegible]
Address of Circulator 21 N. Greenwood Ave 65203

Subscribed and sworn to before me this 4 day of August, 2015.

(Notary Seal)

Signature of Notary Mary L. Hussmann
My Commission Expires 6/10/19

MARY L. HUSSMANN
Notary Public - Notary Seal
State of Missouri, Boone County
Commission #15816100
My Commission Expires: June 10, 2019

CITY OF COLUMBIA, MISSOURI

OFFICE OF CITY CLERK

CERTIFICATION RE: INITIATIVE PETITION – PROHIBITION OF RESIDENTIAL REFUSE AND RECYCLING ROLL CARTS AND AUTOMATED REFUSE COLLECTION VEHICLES

Per Section 130 of the Charter of the City of Columbia, Missouri, I, Sheela Amin, City Clerk in and for the City of Columbia, County of Boone, State of Missouri, hereby certify today, October 15, 2015, that the initiative petition involving the prohibition of residential refuse and recycling roll carts and automated refuse collection vehicles has been signed by a sufficient number of registered voters, as it has been signed by 3,486 City of Columbia registered voters.

The required number of City of Columbia registered voter signatures needed is equal in number to at least 20 percent of the number of votes cast for the council member-at-large at the last regular municipal election, which by my calculation comes to 2,567 signatures (12,835 x 20%).

This certification does not waive any rights or obligations the City may have, on behalf of itself or others, to claim or declare deficiencies in the form, content or subject matter of the petition.

Given under my hand and seal of said City this 15th day of October, 2015.

(seal)

Sheela Amin
City Clerk
City of Columbia, Missouri

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Introduced by _____

First Reading _____ Second Reading _____

Ordinance No. _____ Council Bill No. _____B 315-15_____

AN ORDINANCE

calling a special election in the City of Columbia, Missouri, to consider an initiative ordinance requiring the existing residential refuse and recycling collector and rate systems be maintained, prohibiting roll carts for residential refuse and recycling collection, and prohibiting the purchase or modification of refuse collection vehicles designed for automated residential refuse and recycling roll cart pick-up; directing notification of the election authority; describing the form of the notice of election; and fixing the time when this ordinance shall become effective.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. A special election is hereby ordered to be held in the City of Columbia, Missouri, on Tuesday, March 15, 2016, on the following question:

PROPOSITION 1

Shall the proposed initiative ordinance requiring the existing residential refuse and recycling collection and rate systems be maintained, prohibiting roll carts for residential refuse and recycling collection, and prohibiting the purchase or modification of refuse collection vehicles designed for automated residential roll cart pick-up be passed?

Under the proposed ordinance, existing Sections 22-159 and 22-159.1 of the city code relating to residential refuse and recycling collection would be repealed and reenacted with amendments. Reenactment of the existing city code sections would require the city to retain the existing residential refuse and recycling collection system and rate structure. The additional amendments to the city code sections would prohibit the city from purchasing or requiring roll carts for residential refuse and recycling collection and would also prohibit the purchase or modification of residential refuse collection vehicles for automated roll cart pick-up.

SECTION 2. The City Clerk is hereby authorized and directed to notify the Clerk of the County Commission of Boone County, Missouri, of the adoption of this ordinance no

later than 5 o'clock p.m. on January 5, 2016, and to include in the notification all of the terms and provisions required by Chapter 115, RSMo. as amended.

SECTION 3. The form of the notice of election shall be substantially as set forth on "Exhibit A" attached hereto.

SECTION 4. The election shall be held and conducted, and the results thereof canvassed and returned, in all respects in accordance with the laws of the State of Missouri and the Charter and Ordinances of the City of Columbia, Missouri.

SECTION 5. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2015.

ATTEST:

_____ _____

City Clerk Mayor and Presiding Officer

APPROVED AS TO FORM:

_____

City Counselor

Exhibit A

NOTICE OF SPECIAL ELECTION
City of Columbia, Missouri

Notice is hereby given to the qualified voters of the City of Columbia, Missouri, that the City Council of the City has called an election to be held in the City on Tuesday, March 15, 2016, commencing at six o'clock a.m. and closing at seven o'clock p.m., on the question contained in the following sample ballot:

OFFICIAL BALLOT
Special Election
City of Columbia, Missouri
Tuesday, March 15, 2016

PROPOSITION 1

Shall the proposed initiative ordinance requiring the existing residential refuse and recycling collection and rate systems be maintained, prohibiting roll carts for residential refuse and recycling collection, and prohibiting the purchase or modification of refuse collection vehicles designed for automated residential roll cart pick-up be passed?

Under the proposed ordinance, existing Sections 22-159 and 22-159.1 of the city code relating to residential refuse and recycling collection would be repealed and reenacted with amendments. Reenactment of the existing city code sections would require the city to retain the existing residential refuse and recycling collection system and rate structure. The additional amendments to the city code sections would prohibit the city from purchasing or requiring roll carts for residential refuse and recycling collection and would also prohibit the purchase or modification of residential refuse collection vehicles for automated roll cart pick-up.

☐ YES

☐ NO

If you are for the ordinance to prohibit residential roll carts and automated refuse collection vehicles for residential roll carts and to maintain the current collection system, place an “x” in the box opposite “Yes”. If you are against the ordinance, place an “x” in the box opposite “No”.

The election will be held at the following polling places in the City:

[Polling places to be added by election authority.]

[Date to be added by election authority.]

[Name and title of election authority to be added by election authority.]