



IV.E.

STEWART, MITTLEMAN, HEGGIE & HENRY L.L.C.
ATTORNEYS AT LAW

July 11, 2007

Mr. Michael G. Herring, ICMA-CM
City Administrator
City of Chesterfield
690 Chesterfield Parkway West
Chesterfield, Missouri 63017

Re: Recycling Ordinance for New Development Projects

Dear Mike:

The City Council has asked us to review the issue of providing spaces for recycling in planned commercial and multi-family residential areas. Currently, the City requires recycling in residential neighborhoods, pursuant to Chapter 25, Article VII, Sections 25-111 through 25-121 of the City Code. However, there is a concern that tenants of commercial buildings and residents of multi-family residences do not have the opportunity to recycle.

My recommendation is to propose to the City Council an ordinance which will require all new planned commercial and multi-family developments to include a recycling area on the premises. Additional legislation would need to be considered if the council wanted to make recycling mandatory in planned commercial and multi-family residential areas.

This ordinance will only serve to require these areas in new developments.

I have attached a draft of the ordinance for your review.

Please call if you have any questions.

Sincerely,

Robert M. Heggie

Allan F. Stewart*††
Mark D. Mittleman
Robert M. Heggie*
Deborah C. M. Henry
Lynn R. Huson
Erica Leisenring

PARALEGAL

Jennifer Cooksey

OF COUNSEL

Joseph R. Niemann

222 South Central Avenue Suite 501. St. Louis, MO 63105-3575 PHONE 314.863.8484 FAX 314.863.5312

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE REQUIRING THE PLACEMENT OF A RECYCLING AREA IN ALL NEW PLANNED COMMERCIAL AND MULTI-FAMILY RESIDENTIAL DEVELOPMENTS

WHEREAS, the City is interested in providing for the separation of recyclable items and promoting the collection thereof and disposal by means other than deposit in a sanitary landfill or by burning, and

WHEREAS, it is the intent of the City to make such separation and disposal available to commercial tenants and residents of multi-family dwellings, and

WHEREAS, such spaces are not currently provided to commercial tenants and residents of multi-family dwellings.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, MISSOURI, as follows:

Section 1. Chapter 25, Article VII Section 25-122 through 25-126 of the City of Chesterfield, Missouri, Code is hereby approved to be designated as Section 25-122 through Section 25-126, to read as follows

Section 25-122. Requirements for Recycling Areas.

- (a) All new planned commercial and all new multiple-family residential development projects of four or more units shall provide an adequate recycling area for collecting and loading recyclable materials.
- (b) The recycling area shall be available for use by persons residing or employed on the property, but shall be kept secured from unauthorized entry by the general public. No payment shall be made to persons depositing recyclable materials and no processing of recyclable materials shall be permitted, except for period loading of materials into a vehicle for removal from the site.
- (c) It shall be the responsibility of the property owner and lessee to supply and maintain recycling area(s) and recycling receptacles that are adequate for the collection of all recyclable materials generated by the use(s) occupying the site;

Section 25-123. Size Requirements

- (a) The recycling area or room shall comply with the following standards for minimum size:

- (1) for multiple-family residential uses of 20 or less dwelling units, or commercial, industrial or institutional uses with a total floor area of less than 3,000 square feet, the minimum area shall be 30 square feet;
 - (2) for multiple-family residential uses of 21 to 50 dwelling units, or commercial, industrial or institutional uses having a total floor area of 3,001 to 7,500 square feet, the minimum recycling area shall be 60 square feet
 - (3) for multiple-family residential uses of 51 or more dwelling units, or commercial, industrial or institutional uses having a total floor area of greater than 7,500 square feet, the minimum area shall be 100 square feet
- (b) every recycling area shall contain a minimum vertical space of at least eight feet
 - (c) the recycling area shall be of adequate size for the collection of all recyclable materials generated by the use(s) occupying the site, without such materials overflowing the area or forcing significant amounts of recyclable materials to be discarded as general refuse, or the Department of Public Works shall determine the area to be inadequate and require a larger space, even if the area provided exceeds the minimum requirements listed in subparagraph 2 above

Section 25-124. Notification to Tenants and Employees

- (a) to encourage active participation in recycling to the maximum extent possible, each property owner, manager, or lessee shall inform all tenants and/or employees living or working on the property of the availability and location of the recycling area, the types of materials that are collected for recycling.

Section 25-125. Collection and Storage of Recyclable Materials

- (a) no toxic or hazardous materials shall be stored in recycling areas or receptacles;
- (b) all recyclable materials shall be placed or stored in recycling receptacles. Paper products and other lightweight materials shall be immediately placed into covered recycling receptacles when they are dropped off;
- (c) on a daily basis the recycling area shall be kept free of litter, debris, spillage, bugs, rodents, odors, and other similar undesirable hazards

- (d) The recycling area shall be clearly identified by one or more signs designating it for recycling collection and loading
- (e) the recycling area shall be available for use by persons residing or employed on the property, but shall be kept secured from unauthorized entry by the general public;

Section 25-126. Construction of Recycling Areas

- (a) Recycling areas shall be placed alongside of trash areas or rooms whenever possible. In all cases, recycling areas shall be separate from trash areas or rooms and shall comply with the following:
 - (1) outdoor recycling areas on commercial, industrial, or public facilities, or residential buildings having four or more living units shall be confined to the rear one-half of the lot and shall not exceed an area of 300 square feet.
 - (2) outdoor recycling areas shall be completely enclosed by an eight-foot wall or chain link fence with wooden slates, concrete block, or similar construction (enclosure) with gates of the same heights. No materials shall exceed the height of the wall or fence. The enclosure shall be constructed with a concrete floor sloped to drain, and a water faucet for hose attachment shall be located adjacent to or within the enclosure. The enclosure shall be secured by a locking gate.

Section 2. The Section assignments designated in this Ordinance may be revised and altered in the process of recodifying or servicing the City's Code of Ordinances upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations, the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

Section 3. It is hereby declared to be the intention of the City Council that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the City Council intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this _____ day of _____, 2007.

MAYOR

ATTEST:

CLERK

FIRST READING HELD: _____