

ORDINANCE NO. 581

AN ORDINANCE AMENDING CERTAIN SECTIONS OF ARTICLE 3 OF CHAPTER 15 OF THE CITY CODE PERTAINING TO COLLECTION OF SOLID WASTE WITHIN THE CITY

WHEREAS, the City recently entered into an exclusive contract for collection of solid waste generated by residences within the City, which contract includes the requirement that the contractor issue containers for collection of refuse and recyclables; and

WHEREAS, it is necessary to conform certain sections of the City Code to reflect the requirements of the contract.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BASEHOR, KANSAS:

Section 1. Section 15-301 of Article 3 of Chapter XV of the Basehor City Code is amended to read as follows:

ARTICLE 3. SOLID WASTE

- 15-301. DEFINITIONS. Unless the context clearly indicates otherwise, the meaning of words and terms as used in this article shall be as follows:
- (a) Commercial Waste. All refuse emanating from establishments engaged in business including, but not limited to stores, markets, office buildings, restaurants, shopping centers, theaters, hospitals, governments and nursing homes.
 - (b) Dwelling Unit. Any enclosure, building or portion thereof occupied by one or more persons for and as living quarters;
 - (c) Garbage. Waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking and serving of meat, produce and other foods and shall include unclean containers;
 - (d) Multi-Family Unit. Any structure containing more than three individual dwelling units;
 - (e) Refuse. All garbage and/or rubbish or trash;
 - (f) Residential. Any structure containing two or less individual dwelling units, rooming houses having no more than four persons in addition to the family of the owner or operator, and mobile homes;
 - (g) Rubbish or Trash. All nonputrescible materials such as paper, tin cans, bottles, glass, crockery, rags, ashes, lawn and tree trimmings, stumps, boxes, wood, street sweepings and mineral refuse. Rubbish or trash shall not include earth and waste from building operations or wastes from industrial processes or manufacturing operations;

- (h) Single Dwelling Unit. An enclosure, building or portion thereof occupied by one family as living quarters.
- (i) Solid Dwelling Unit. An enclosure, building or portion thereof occupied by one family as living quarters.
- (j) Solid Waste. All non-liquid garbage or rubbish and trash.

Section 2. Sections 15-303, 15-304, and 15-305 of Article 3 of Chapter XV of the Basehor City Code are amended to read as follows:

- 15-303. **CONTRACTS.** The city shall have the right to enter into an exclusive contract with any responsible person for collection and disposal of all or a substantial portion of solid waste generated within the city.
- 15-304. **DUTY OF OWNER, OCCUPANT.** No owner or occupant shall permit to accumulate quantities of refuse or other waste materials within or close to any structure within the city unless the same is stored in approved containers and in such a manner as not to create a health or fire hazard.
- 15-305. **CONTAINERS.** The city's designated contractor will provide to the owner or tenant residing in any single family residence and duplex (and owners of any other residential dwellings determined by the city to warrant the issuance of containers by contractor) within the city of Basehor, Kansas, a garbage and refuse container, and a separate container for certain designated recyclables. Said containers shall be used by each resident for deposit of ordinarily accumulated refuse at such residence during the intervals between collections made by the city's contractor. Each numbered container will be assigned to that residence and remain at that residence unless removed by the city or its contractor. Additional containers may be obtained from the city's contractor at an additional cost to the residence. All garbage shall be drained of all liquids before being placed in containers. The containers shall be placed along the appropriate street or alley for the collection of refuse and recyclables at the time appointed for collection, and such containers shall be placed away from any obstacles, such as vehicles, mailboxes, etc., that interfere with the pickup of the containers. Except for tree trimmings, yard waste, or bulky items such as furniture or appliances, it shall be unlawful for any garbage, refuse, or recyclables to be placed out for collection that is not contained within a container issued by the city's contractor or accompanied by a special tag that can be purchased from the contractor or City Hall. Any garbage or refuse accompanied by a special tag will only be picked up if placed in a clear plastic bag that is sized 33 gallons or less. Notwithstanding the foregoing, during the week of December 26th through the 31st of each year, residents may place up to 10 extra clear plastic bags, sized 33 gallons or less, of refuse, garbage, or recyclables for pickup as part of the regular refuse collection.

Section 3. Section 15-312 of Article 3 of Chapter XV of the Basehor City Code is amended to read as follows:

- 15-312. PROHIBITED PRACTICES. It shall be unlawful for any person to:
- (a) Deposit solid waste in any container other than that issued by the city's contractor, or owned or leased by him or under his control without written consent of the owner and/or with the intent of avoiding payment of the refuse service charge;
 - (b) Interfere in any manner with employees of the city or its contractors in the collection of solid waste;
 - (c) Burn solid waste except in an approved incinerator and unless a variance has been granted and a written permit obtained from the city or the appropriate air pollution control agency;
 - (d) Bury refuse at any place within the city except that lawn and garden trimmings may be composted.
- (Ord. 332, Sec. 1)

Section 4. Section 15-325 of Article 3 of Chapter XV of the Basehor City Code is amended to read as follows:

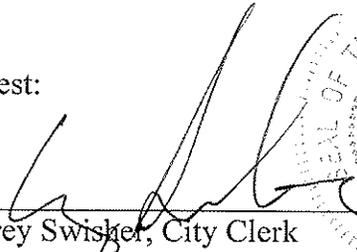
- 15-325. SAME; FEE SCHEDULE. Monthly service charges for solid waste collection shall be as follows:
- (a) A monthly service assessment of \$14.03 for each residential unit.
 - (b) If a resident desires an additional container from the city's contractor, the monthly service assessment will be increased by \$5.75 for each additional container issued.

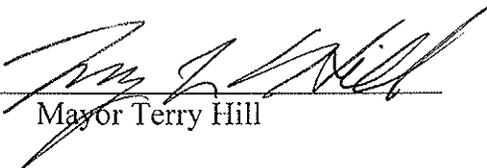
Section 5. This ordinance shall be in full force and effective from and after its passage and publication in the official city newspaper.

Approved by the City Council this 17th day of January, 2011.

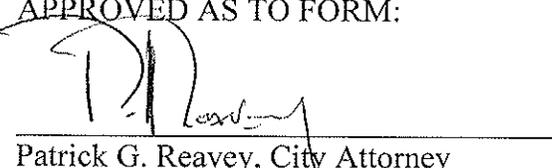
Approved by the Mayor this 17th day of January, 2011.

Attest:


Corey Swisher, City Clerk


Mayor Terry Hill

APPROVED AS TO FORM:


Patrick G. Reavey, City Attorney