PROPOSED REFUSE COLLECTION ORDINANCE FOR THE CITY OF BASEHOR, KANSAS, CONTRACTING WITH PRIVATE REFUSE CONTRACTORS

ORDINANCE NO. 94

AN ORDINANCE PROVIDING FOR MUNICIPAL COLLECTION OF GARBAGE AND REFUSE; DEFINING TERMS; PRESCRIBING RULES AND REGULATIONS THEREFOR; REGULATING THE PRIVATE COLLECTION OF GARBAGE AND REFUSE; PROVIDING FOR THE LICENSING AND REGULATION OF PRIVATE GARBAGE AND REFUSE COLLECTORS; PRESCRIBING RULES AND REGULATIONS FOR HAULING GARBAGE, REFUSE AND OTHER WASTE MATERIALS WITHIN OR THROUGH THE CITY; PROHIBITING THE DEPOSIT OF LITTER WITHIN THE CITY; PROVIDING PENALTIES FOR VIOLATION THEREOF; PROVIDING FOR THE FIXING AND LEVYING OF REFUSE SERVICE CHARGES AND REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BASEHOR, KANSAS:

Section 1: Definitions. For the purpose of this Ordinance the following definitions shall apply.

1.1 "Contractor" shall mean a person with whom the City of Basehor, Kansas has a contract to collect and dispose of refuse.

1.2 "Person" shall mean any individual, firm, association, syndicate, co-partnership, corporation, trust, other legal entity having proprietary interest in a premise, or other legal entity having responsibility for an act.

1.3 "Garbage" shall mean the solid or semi-solid animal and vegetable waste resulting from the handling, preparation, cooling and serving of foods, including cans, bottles and cartons in which it was received and wrapping in which it may be placed for disposal.

1.4 "Refuse" shall mean all solid waste from residential, commercial or industrial premises. It shall include semi-liquid or wet wastes with insufficient moisture and other liquid contents to be free flowing. It shall not include, except for minor amounts incidental to other wastes, any refuse resulting from building, excavation, demolition, or re-modeling work, or any construction work, nor shall it include stumps, tree trunks, tree trimmings, and limbs resulting from operations of professional tree trimmers, or the tree trimmings resulting from the cutting down, or the topping of any tree, regardless of who performs the work, nor shall it include refuse resulting from tornado, cyclone, ex-treme wind storms, ice storms, flood or other act of God, or the burning of any building.

1.5 "Sanitation Officer" shall mean the person responsible for administering this Ordinance.

Section 2: Collection of Refuse and Garbage by City. All refuse and garbage accumulated within the City of Basehor, Kansas, shall be collected, conveyed and disposed of by the city or by the employees of said city or by contractors specifically authorized to collect and dispose of refuse and garbage or by persons authorized to dispose of their own refuse and garbage, except

(a) that all refuse and garbage from commercial and industrial properties ~~and from parcels of land of 5 acres or more~~ are exempt from city and contract collection, and the owners thereof shall dispose of their own refuse and garbage as provided in Section 15.

Section 3: Contracts. The governing body of the City of Basehor, Kansas shall have the right to enter into a contract with any responsible person for collection and disposal of refuse and garbage providing that said contractors shall collect and dispose of all refuse within the City of Basehor, Kansas, the terms of said contract to be awarded to a responsible person after proper negotiation or after receiving bids, whichever, in the judgment of the governing body, shall seem proper, provided that the contract for the collection and disposal of refuse as herein defined shall in no wise conflict with the terms and conditions of this Ordinance. Contracts entered into by the city for the collection and disposal of trash, garbage or refuse prior to the effective date of this Ordinance or nor in force are hereby confirmed, ratified and validated.

Section 4: Storage. It shall be the duty of every person, firm or corporation owning, managing, operating, leasing, or renting any premises or any place where garbage or refuse accumulates, to provide, and at all times to maintain in good order and repair, on any said premises a portable container or containers for refuse storage of sufficient capacity and of sufficient numbers to accommodate and securely hold all of the garbage and refuse that may accumulate between regular scheduled collections. All solid waste containers shall be stored upon private property unless the owners shall have been granted written permission from the city to use public property for such purpose.

Refuse containers and garbage containers shall not be more than 30 gallons nor less than 10 gallons in nominal capacity; except where only one container is used, in which case this container may be less than 10 gallons in capacity. Containers shall be waterproof, rat proof, and fitted with a tight lid. The containers shall have handles, bails or other suitable lifting devices or features. The containers shall be of a type originally manufactured for refuse or garbage, with tapered sides for easy emptying. They shall be of light weight and sturdy construction. The weight of any individual container and contents shall not exceed 60 pounds. Galvanized iron and similar metal containers, rubber or fiberglass containers, and plastic containers which do not become brittle in cold weather may be used. Disposable bags manufactured for garbage and refuse disposal, in suitable frames or containers shall be acceptable. Oil or grease drums, paint cans, and similar salvaged containers shall not be acceptable.

On premises where excessive amounts of refuse accumulate or where individual storage methods such as cans or bags are impractical, the occupant or the contractor may provide and maintain suitable bulk containers for the on-premise storage of refuse. The container shall have a capacity and shall be equipped with appurtenances for attaching mechanical lifting devices which are compatible with the collection equipement. Containers shall be constructed of durable rust and corrosion resistant material which is easy to clean. All containers shall be equipped with tight fitting lids or doors to prevent entrance of insects or rodents. The doors and lids shall be constructed and maintained so that they can be easily opened and closed. The containers shall be of water tight, leakproof and weather proof construction and design.

Covers, lids, and doors on containers used for the storage of refuse and garbage shall be kept closed at all times except when depositing material in the container or removing the contents therefrom.

4.1 All refuse and garbage shall be placed in suitable containers; except, it shall not be necessary to place books, boxes, magazines, or newspapers in containers provided they are securely tied in bundles or

completely contained in disposable boxes not larger than 24 x 24 x 36 inches. Also tree limbs and brush may be securely tied in bundles not larger than 48 inches long and 18 inches in diameter.

4.2 Baskets, boxes, and noncomplying refuse or garbage cans or containers shall be considered disposable refuse and may be removed by the contractor if they are the proper size and otherwise acceptable for collection; or shall be left uncontrolled if they are larger than the allowable size or unacceptable for collection.

4.3 Large bulky items such as furniture, large tree limbs and appliances that cannot be reduced to fit approved containers, will not be collected.

Section 5: Wrapping of Garbage. Within the corporate limits of the city, all garbage or refuse, consisting of waste animal and vegetable matter, which may attract flies, dogs or rodents, shall be drained of all excess liquid, wrapped in paper of disposable containers, and placed or stored, until collected, in covered suitable containers as described in Section 4.

Section 6: Accumulation of Refuse and Garbage. No person shall store, collect, maintain or display on private property, refuse or garbage that is offensive or hazardous to the health and safety of the public or which creates offensive odors or a condition of unsightliness. Storage, collection, maintenance or display of wastes or solid wastes in violation of this section shall be considered to be a public nuisance.

No person shall permit to accumulate quantities of refuse, papers, trash, ashes, or other waste materials, within or close to any building in the city, unless the same is stored in containers in such a manner as not to create a health or fire hazard.

Section 7: Burying of Refuse and Garbage. No person shall bury refuse at any place within the City of Basehor, Kansas or keep, place, or deposit refuse on any public or private grounds or premises whatsoever, except in containers or receptacles for collection upon premises owned, occupied, or under possession and control of such person, provided, however, that lawn and garden trimmings may be composted.

Section 8: Burning of Refuse and Garbage. No person shall create, burn any garbage, refuse, leather, rubber, plastic green or wet vegetation or organic material, or burn any other substance producing smoke problems or odor problems within the City of Basehor, Kansas, unless the operations are carried out in an approved type incinerator.

Section 9: Ownership of Refuse Materials. Ownership of refuse materials, when placed in the containers, shall be vested in the city, and shall thereafter be subject to the exclusive control of the city, its employees or contractors and no person shall meddle with refuse containers or in any way pilfer or scatter contents thereof, or junk in any alley or street within the city limits.

Section 10: Unauthorized Disposal. No person shall haul or cause to be hauled any garbage, refuse or other waste material of any kind, to any dumping place or site or area, within or without the corporate limits of the city, unless such place, or site is operated by the contractor, the city, or is a sanitary landfill site transfer point or disposal facility approved by the Kansas State Department of Health; in addition said site or facility must comply with all applicable health and zoning ordinances of the city, if within the city.

Section 11: Hazardous Materials. No person shall deposit in a garbage or refuse container or otherwise offer for collection any hazardous garbage, refuse, or waste. Hazardous materials shall be transported by the owner, responsible person or his agent, to a place of safe deposit or disposal as prescribed by the sanitation officer or his authorized representative. Hazardous material shall include: explosive materials, rags or other waste soaked in volatile and inflammable materials; drugs, poisons; radioactive materials, high combustible materials; soiled dressings, clothing, bedding and/or other wastes, contaminated by infection or contagious disease, and other materials which may present a special hazard to collection or disposal personnel or equipment or to the public.

Section 12: Use of Public Property Prohibited. No person shall throw, rake, deposit, dump, drop or spill litter, waste material or foreign material upon

the streets, sidewalks, or other public right-of-way within the city. Provided, the Mayor may at his descretion proclaim a period when leaves may be placed in street right-of-ways for collection. Provided further, that nothing in this Ordinance shall prevent any person under a permit from the City of Basehor, Kansas, from encumbering the streets or alleys with building materials or earth as may be necessary for the purpose of construction, erection, adding to, remodeling, or repairing any building or structure or resulting from demolition operations, provided, however that in the event of such encumbering of the streets, or alleys, the contractor, owner or occupant shall remove any and all materials remaining within ten (10) days from the completion of the work, and shall leave the said street or alley in the same condition that they were in prior to such use thereof.

Section 13: Enter Private Premise. Solid waste collectors, employed by the city or operating under contract with the city, are hereby authorized to enter in and upon private property for the purpose of collecting solid waste therefrom as required by this Ordinance.

Section 14: Collection of Garbage and Rubbish. The City of Basehor, Kansas or its authorized contractor, shall collect from the residential areas of the city not less than weekly as directed by the City Sanitation Officer, all garbage and refuse; provided, that it shall be the duty of any person in possession or control of any premises to place the storage containers required in Section 4 in a convenient location for collection, as designated by the city and the contractor whereby collectors can obtain same without going into buildings, garages, locked gates or fenced yards with dogs. All containers and grounds immediately around same shall be kept in a safe and sanitary condition at all times.

14.1 The places having rubble and excessive accumulations of garbage and refuse shall not be included for minimum or nominal service, but may be excluded from additional service provided by the city the option resting with the city and such accumulations shall then be removed and disposed of at the expense of the owner or person having same in charge; provided, that the owner or person having such accumulations

in charge, or collecting agent shall secure from the city clerk a written permit for the scheduled removal and disposal of same; unless the removals are performed by arrangement with the contractor.

14.2 Heavy accumulations such as brush, broken concrete, ashes, sand, or gravel, automobile frames, dead trees, and other bulky, heavy materials shall be disposed of at the expense of the owner of person controlling same under the direction of the sanitation officer.

14.3 Manure from cow lots, horse stables, poultry yards, pigeon lofts, and other animal or fowl pens, and waste oils from garages or filling stations or materials considered hazardous and/or dangerous, shall be removed and disposed of at the expense of the person controlling same in the manner and by the method directed by the sanitation officer.

Section 15: Permits. No person shall collect or haul over the city streets in the City of Basehor, Kansas, any garbage or refuse unless such person shall have a contract with or a permit from the City of Basehor, Kansas; provided that this section shall not apply to departments of city government of the City of Basehor, Kansas; provided that nothing in this section shall be construed to prevent a person from hauling or disposing of his own refuse accumulated at his residence or business establishment, in such manner as not to endanger the public health or safety, not to create a nuisance to the inhabitants of said city and not to litter the streets and alleys of said city and after having obtained a permit from the city clerk to so haul and dispose of his own refuse. Provided further that such person shall have hauling equipment meeting Kansas State Department of Health requirements and that the place and method of disposal used is in accordance with Kansas State Department of Health requirements.

15.1 Every person desiring to haul his own refuse or to engage in the collection and/or disposal of refuse shall make written application to the city clerk, setting forth the name of such person, the residence address thereof or the address of the place of business, a description of the equipment to be used in the collection and/or disposal of such refuse, the place of disposal and the method of disposal to be practiced.

Upon approval of such application, the city clerk shall issue a permit to the applicant. The permit fee shall be $ Monthly rate X 12., payable in advance to the city clerk.

15.2 A permit issued under this Ordinance shall expire on the 31 day of December, in each year. Permits shall be renewable annually, in the same manner and upon payment of the same annual fee as provided in Subsection 15.1 of this Section.

Section 16: Any person authorized by the contractor to remove or haul garbage or refuse shall be considered to have met the provisions of Section 15, and no further permit or license shall be required by the city. Nothing in this Ordinance shall be construed as prohibiting construction contractors, tree surgeons, roofers and other private contractors, whose operations result in the accumulations of refuse, from hauling and disposing of accumulations of trash and rubbish resulting from their own operations, provided they shall at all times comply with the regulations and provisions of this Ordinance.

Section 17: Charges for Collection and Disposal. The City of Basehor, Kansas in providing the service of collecting and disposing of all refuse accumulated within the city for the purpose of preventing insanitary, unsightly, hazardous, unhealthful and dangerous conditions caused by the accumulation of garbage and refuse, shall establish and collect a service charge or fee to defray the cost and maintenance of service and to pay any person contracting with the city for the collection and disposal of garbage and refuse, the fees and charges provided by the contract for the collection and disposal thereof. Such service charges and fees shall be computed, based and charged to the owners or occupants of dwelling units or commercial establishments as nearly as practicable upon the basis of volume or time expended in the collection and disposal thereof.

The following schedule of charges is hereby established as reasonable and in accordance with the volume of garbage and refuse handled from the following classifications of residences and dwellings. There shall be charged, assessed and collected from each residential unit within the city limits, the monthly amount of $ 3.50.

17.1 Special haul service - collection as specially requested by occupants or owners of amounts of refuse in excess of those normally collected and at pickup time other than normally scheduled.

Cost per cubic yard of refuse for total quantities up to five cubic yards $_____

Costs per cubic yard of refuse for total quantities exceeding five cubic yards $_____

Section 18: Duty to Request Garbage Service. To assist in maintaining the general sanitation of the City of Basehor, Kansas, it shall be the duty of every person occupying or having control of the occupancy of any premises on a regularly established garbage and refuse route to notify the City Clerk of said city at the beginning of such occupancy or on the effective date of this ordinance and request, accept and use the garbage and refuse pickup and collection service; provided, however, the failure of any owner, rental agent or occupant of such premises to make such request shall not prevent nor in any way impair of impede the city from adding the address of such premises to the proper garbage and refuse collection route records and providing such service and otherwise enforcing by appropriate action the regulatory measures herein prescribed and causing the fees or charges therefore to be paid.

Section 19: Charges to be on ~~Water Bill~~ Sewer or ~~Utility Bill~~ Separate: All bills for sanitary (refuse) service charges shall be billed monthly in accordance with refuse collected under Section 17, and delinquent refuse bills shall carry the due dates, grace periods and penalties of 5% of each month delinquent bill.

Section 20: Prohibited Practices. It shall be unlawful for any person, firm or corporation to:

(a) Deposit refuse or garbage in any container other than that owned or leased by him or under his control without written consent of such 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 contractor in the collection of refuse or garbage.

(c) Burn refuse or garbage unless a variance has been granted and a written permit obtained from the city or the appropriate air pollution control agency.

(d) Dispose of refuse or garbage in an unapproved site.

Section 21: Adopt Regulations. The Sanitation Officer is hereby authorized to formulate reasonable rules and regulations including point and hours of collection, subject to the approval of the governing body, necessary to carry out the provisions of this Ordinance.

Section 22: Repeal. This Ordinance shall be cummulative of all other sanitary ordinances or regulations of the City of Basehor, Kansas, unless in conflict with the terms of said ordinances and regulations, in which case the terms of this Ordinance shall prevail.

Section 23: Penalties. Any person who shall violate any provision of this Ordinance, shall, upon conviction, be punished by a fine of not less than $ 10.00, or by imprisonment for not less than 10 days, and each day's failure to comply with any such provision shall constitute a separate violation, as provided in Section 1 to 23, inclusive, of this Ordinance.

Section 24: Savings Clause. If any section, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional or invalid for any reason, the remainder of this Ordinance shall not be affected thereby.

Passed on this the 4 day of ~~March~~ June, 1974, by City Council.

Approved on this the 4 day of ~~March~~ June, 1974, by

Bernard R. Eberth
Mayor

ATTEST:

Sylvia Lorrard
City Clerk