

AN ORDINANCE AMENDING ARTICLE 3. SOLID WASTE, CHAPTER XV, UTILITIES, OF THE CODE OF THE CITY OF BASEHOR, KANSAS.

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

Section 1: That *Article 3. Solid Waste of Chapter VI, Utilities*, be amended 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 four individual dwelling units;

(e) Refuse. All garbage and/or rubbish or trash;

(f) Residential. Any structure containing four 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 process 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.

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(j) Solid Waste. All non-liquid garbage or rubbish and trash.
(Code 1989)

- 15-301. **COLLECTION.** All solid waste accumulated within the city shall be collected, conveyed and disposed of by the city or by contractors specifically authorized to collect and dispose of solid waste. (Code 1989).
- 15-303. **CONTRACTS.** The city shall have the right to enter into a contract with any responsible person for collection and disposal of solid waste. (Code 1989).
- 15-304. **DUTY OF OWNER, OCCUPANT.** The owner or occupant of every dwelling unit or commercial enterprise shall provide at his or her own expense a suitable container for the storage of solid waste as provided in this article. 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. (Code 1989).
- 15-305. **CONTAINERS.** Residential containers shall have a capacity of not more than 30 gallons. They shall be of galvanized metal or other non-rusting material of substantial construction. Each container shall have a tight fitting lid and shall be leak-proof and fly-tight. All containers shall have handles of suitable construction to permit lifting. Plastic bags manufactured for garbage and refuse disposal may be substituted for residential containers. Plastic bags, when used, shall be securely closed. All garbage shall be drained of all liquids before being placed in bags or containers. (Code 1989).
- 15-306. **BULK CONTAINERS.** On premises where excessive amounts of refuse accumulates or where cans or bags are impractical bulk containers for the storage of refuse may be used. Containers shall have a capacity and shall be equipped with appurtenances for attaching mechanical lifting devices which are compatible with the collection equipment being used. 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. Doors and lids shall be constructed and maintained so they can be easily opened. Containers shall be watertight, leakproof and weather proof construction. (Code 1989).
- 15-307. **ENTER PRIVATE PREMISES.** 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 article. (Code 1989).

- 15-308. **OWNERSHIP OF SOLID WASTE.** Ownership of solid waste when placed in containers by the occupants or owners of premises upon which refuse accumulates, shall be vested in the city and thereafter shall be subject to the exclusive control of the city, its employees or contractors. No person shall meddle with refuse containers or in anyway pilfer or scatter contents thereof in any alley or street within the city. (Code 1989).
- 15-309. **WRAPPING GARBAGE.** All garbage shall be drained of all excess liquid, and wrapped in paper or other disposable container before being placed in solid waste containers. (Code 1989).
- 15-310. **HEAVY, BULKY WASTE.** Heavy accumulations such as brush, tree limbs, broken concrete, 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. (Code 1989).
- 15-311. **HAZARDOUS MATERIALS.** No person shall deposit in a solid waste container or otherwise offer for collection any hazardous garbage, refuse, or waste. Hazardous material shall include:
- (a) Explosive materials;
 - (b) Rags or other waste soaked in volatile and flammable materials;
 - (c) Chemicals;
 - (d) Poisons;
 - (e) Radio-active materials;
 - (f) Highly combustible materials;
 - (g) Soiled dressings, clothing, bedding and/or other wastes, contaminated by infection or contagious disease;
 - (h) Any other materials which may present a special hazard to collection or disposal personnel, equipment, or to the public.
- (Code 1989).
- 15-312. **PROHIBITED PRACTICES.** It shall be unlawful for any person to:
- (a) Deposit solid waste in any container other than that 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.
- (Code 1989).

- 15-313. **OBJECTIONABLE WASTE.** Manure from cow lots, stables, poultry yards, pigeon lofts and other animal or fowl pens, and waste oils from garages or filling stations shall be removed and disposed of at the expense of the person controlling the same and in a manner consistent with this article. (Code 1989).
- 15-314. **UNAUTHORIZED DISPOSAL.** No person shall haul or cause to be hauled any garbage, refuse or other waste material of any kind to any place, site or area within or without the limits of the city unless such site is a sanitary landfill, transfer point or disposal facility approved by the Kansas State Department of Health and Environment. (Code 1989).
- 15-315. **COMMERCIAL PROPERTY.** That buildings containing three or more living units shall be regarded as commercial property and that garbage and trash therefrom shall be disposed of at the expense of the owner thereof by use of contractors licensed by the city to perform such services. (Ord. 99, Sec. 1)
- 15-316. **PRIVATE COLLECTORS; CONTRACT REQUIRED.** No person shall collect or haul over the city streets of the city any garbage or refuse from commercial or industrial locations unless such person shall have a contract with or a permit from the city. (Ord. 99, Sec. 2)
- 15-317. **SAME; PERMIT; INSURANCE REQUIRED.** Any person may obtain a permit from the city clerk to haul garbage and refuse from commercial and industrial properties providing that such person shall have hauling equipment meeting Kansas State Department of Health requirements, furnish evidence that all equipment is covered by liability insurance in a company authorized to do business in the State of Kansas for \$100,000 for each person and \$300,000 each accident and property damage coverage of \$25,000 – \$50,000 and show that the place and method of disposal is in accordance with Kansas State Department of Health requirements and pay an annual license fee. (Ord. 99, Sec. 3)
- 15-318. **SAME; APPLICATION.** Any person desiring to collect or transport solid waste from commercial or industrial property within the city shall make application for a license to the city clerk. The application shall set forth the name and address of the applicant, the make and type of vehicle to be operated for collecting and transporting solid waste. The application shall be accompanied by a certificate of inspection and approval of said vehicle by the county health officer issued not more than 15 days prior to the date of application. (Code 1989)
- 15-319. **SAME; FEE.** No license shall be issued unless the applicant shall pay to the city clerk the sum of \$25 per annum for each vehicle used in the collection and transportation of solid waste. The permit shall be effective

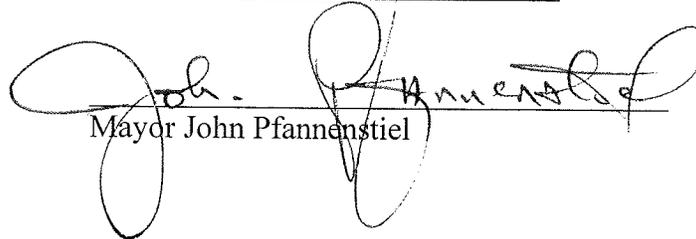
only for the calendar year and shall expire on December 31st of the calendar year in which said permit is issued. (Ord. 99, Secs. 3:4; Code 1989)

- 15-321. **CLOSED VEHICLE.** Any vehicle used by any person for the collection and transportation of solid waste shall be maintained in a good mechanical condition. Any vehicle shall be equipped with an enclosed covered body to prevent the contents leaking or escaping therefrom. A closed vehicle shall be required for hauling any commercial or industrial waste. Only tree trimmings or brush may be transported in open-bodied vehicles provided the material is securely tied in place to prevent scattering along the streets and alleys. Any person hauling solid waste under a private disposal permit as set out in 15-325a shall use a tarp to cover the material. (Code 1989)
- 15-324. **CHARGES.** The city shall establish and collect a service charge to defray the cost and maintenance of the collection and disposition of solid waste within the city. (Code 1989).
- 15-325. **SAME; FEE SCHEDULE.** Monthly service charges for solid waste collector shall be as follows:
- (a) A monthly service assessment of \$8.00 for each residential unit unless the owner/occupant has obtained a private disposal permit from the city clerk. Such permit shall be in the amount of \$25 per calendar year, per dwelling unit, and shall be renewed on or before December 31 of each year.
- (b) A business customer shall be charged a monthly service assessment of \$8.00 for each business unit if the business customer utilizes the services of the city contractor.
(Ord. 193, Secs. 1:3; Code 1989)
- 15-326. **BILLING.** Solid waste charges shall be billed monthly and shall be included on water or utility bills. No payment shall be accepted on utility bills except for the full amount billed for all services. Delinquent solid waste bills shall carry the due dates, grace periods and penalties as water bills or utility bills. (Code 1989)
- 15-327. **SAME; DELINQUENT ACCOUNT.** In the event the owner or occupant of any property shall fail to pay the solid waste bills within 60 days following the date upon which it becomes due, the city clerk shall annually certify such unpaid bills to the county clerk as a lien upon the property. The lien shall be collected subject to the same regulations and penalties as other property taxes are collected. (K.S.A. 65-3410; Code 1989).

Section 2: This Ordinance shall be in full force and effect from and after its passage, publication in the official city newspaper, to-wit: *The Basehor Sentinel*, but in no event shall it have a legal effect until December 31, 1998.

Passed by the Governing Body this 21 day of December, 1998.

Approved by the Mayor this 21 day of December, 1998.



Mayor John Pfannenstiel

Attest:



Mary Ann Mogle, City Clerk

Reviewed For Content:

John F. Thompson, City Attorney