

# SOLID WASTE ORDINANCE NO. 1034

## AN ORDINANCE REPLACING ORDINANCE 863 AND CHAPTER XV, ARTICLE 5 OF THE CODE OF THE CITY OF ST. JOHN, KANSAS REGARDING SOLID WASTE

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ST. JOHN, KANSAS:

**Section 1. DEFINITIONS.** Unless the context clearly indicates otherwise, the meaning of words and terms as used in this ordinance shall be as follows:

- a) Commercial Receptacle. A container for the storage of solid waste by commercial establishments of such size and capacity as shall be approved by the City Superintendent
- b) 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.
- c) Domestic Receptacle. A container for the storage of solid waste by a single family unit or multi-family unit constructed of substantial, leak proof material, with a tight fitting lid or cover.
- d) Dwelling Unit. Any enclosure, building or portion thereof occupied by one or more persons for and as living quarters;
- e) Family. One or more individuals living as a single housekeeping.
- f) 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;
- g) Multi-Family Unit. Any structure containing more than four individual dwelling units; including but not limited to apartment houses, rooming houses, motels and hotels.
- h) Person. Individual, partnership, corporation, institution, political subdivision or state agency.
- i) Refuse. All garbage and/or rubbish or trash;
- j) 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;
- k) 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;
- l) Single Dwelling Unit. An enclosure, building or portion thereof occupied by one family as living quarters.
- m) Solid Waste. All non-liquid garbage, rubbish or trash.

**Section 2. COLLECTION.** All solid waste accumulated within the city shall be collected, conveyed and disposed of by the city or by contractors specifically authorized by the city to collect and dispose of solid waste.

**Section 3. CONTRACTS.** The city shall have the right to enter into a contract with any responsible person for collection and disposal of solid waste. This contract will be governed by the laws and regulations of a franchise agreement. The City may grant any one contractor exclusive right to collect and dispose of solid waste for hire within the city limits of the City of St. John, Kansas.

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**Section 4. 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 ordinance. 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.

**Section 5. CONTAINERS.** Residential containers shall have a capacity of not more than 100 gallons. They shall be of 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. All garbage shall be drained of all liquids before being placed in containers.

**Section 6. 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, except roll off dumpsters, 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, leak-proof and weather proof construction.

**Section 7. 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 ordinance.

**Section 8. 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 any way pilfer or scatter contents thereof in any alley or street within the city.

**Section 9. 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.

**Section 10. 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 or person controlling same.

**Section 11. 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 but is not limited to:

- a) Explosive materials;
- b) Rags or other waste soaked in volatile and flammable materials;
- c) Chemicals;
- d) Poisons;
- e) Radio-active materials;

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- 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.

**Section 12. 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/her or under his/her 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.

**Section 13. OBJECTIONABLE WASTE.** Manure from cow lots, stables, poultry yards, pigeon lofts, and other animal or fowl pens, and waste/used 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 ordinance.

**Section 14. 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.

**Section 15. PRIVATE COLLECTORS; LICENSE REQUIRED.**

- (a) It shall be unlawful for any person, except an employee of the city specifically authorized for that purpose, to collect or transport any solid waste within the city, unless by approval of the city council and under agreement with the city to provide said service.
- (b) Nothing herein shall be construed to prevent a person from hauling or disposing of his or her own solid waste providing it is done in such a manner as not to endanger the public health or safety or not to become an annoyance to the inhabitants of the city, and not to litter the streets and alleys of the city.

**Section 16. CLOSED VEHICLE.** Any vehicle used by any person for the collection and transportation of solid waste shall be maintained in a good mechanical condition and follow all State of Kansas regulation or guidelines. Vehicle shall be equipped with an enclosed covered body to prevent the contents leaking or escaping therefrom.

**Section 17. RULES AND REGULATIONS.** The collection and transportation of trash and waste materials shall be at all times under the general supervision of the mayor or his or her duly authorized agent, who shall have the authority by and with the consent of the governing body to make additional rules and regulations not inconsistent with the terms and provisions of

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this ordinance requiring that the collection and transportation of trash and waste materials shall be conducted in such manner as not to endanger the public health, or to become an annoyance to the inhabitants of the city, and providing for a proper fee to be charged to the customer.

**Section 18. FAILURE TO SECURE LICENSE.** Any person who shall conduct or operate within the city limits any vehicle for the purpose of collecting and transporting solid waste without obtaining approval as required by this ordinance or who shall violate the terms and provisions of this ordinance shall be deemed guilty of a violation of this ordinance and upon conviction thereof, be fined no less than \$100.00 and no more than \$500.00 with each day being a separate violation of the ordinance.

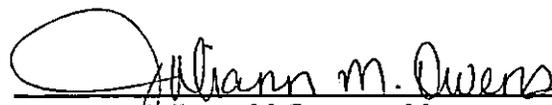
**Section 19. CHARGES.** The city shall establish and collect a service charge to defray the cost and maintenance of the collection and disposition of solid waste within the city.

A fee schedule shall be adopted by the city for residential and commercial solid waste disposal from time-to-time. Such fee schedule can be on a per residence or per business basis.

**Section 20. BILLING.** Solid waste charges shall be billed monthly. Delinquent solid waste bills shall carry the due dates, grace periods and penalties as water bills.

**Section 21. 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)

This ordinance shall take effect upon approval of the city council and its publication in the official city paper. Passed this 16<sup>th</sup> day of February, 2016.

  
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Juliann M Owens, Mayor

ATTEST:

  
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La Dona S Garcia, City Clerk