

ORDINANCE NUMBER 3784

AN ORDINANCE ADDING, DELETING, AND AMENDING VARIOUS SECTIONS OF CHAPTER XV, ARTICLE 5. SOLID WASTE, OF THE CODE OF THE CITY OF OSAWATOMIE, KANSAS

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

Section 1. That Section 15.501 is hereby amended as follow.

SECTION 15.501 Definitions.

DELETIONS:

Deleted subsection (b) Dwelling Unit.

Deleted subsection (c) Garbage.

Deleted subsection (d) Multi-Family Unit.

Deleted subsection (e) Refuse.

Deleted subsection (f) Residential.

Deleted subsection (g) Rubbish or Trash.

Deleted subsection (h) Single Dwelling Unit.

Deleted subsection (i) Solid Waste.

ADDITIONS:

Added subsection (b) Construction and Demolition Waste. – Solid waste resulting from the construction, remodeling, repair and demolition of structures, roads, sidewalks and utilities; untreated wood and untreated sawdust from any source; solid waste consisting of motor vehicle window glass; and solid waste consisting of vegetation from land clearing and grubbing, utility maintenance, and seasonal or storm-related cleanup. Such wastes include, but are not limited to, bricks, concrete and other masonry materials, roofing materials, soil, rock, wood, wood products, wall or floor coverings, plaster, drywall, plumbing fixtures, electrical wiring, electrical components containing no hazardous materials, non-asbestos insulation and construction related packaging. “Construction and demolition waste” shall not include waste material containing friable asbestos, garbage, furniture, appliances, electrical equipment containing hazardous materials, tires, drums and containers even though such wastes resulted from construction and demolition activities. Clean rubble that is mixed with other construction and demolition waste during demolition or transportation shall be considered to be construction and demolition waste.

Added subsection (c) Contractor or Collector. – A contractor licensed/or contracted with the City under this Article to collect and transport waste, recyclable materials and/or yard waste.

Added subsection (d) Director. – The City Manager or his/her designee.

Added subsection (e) Recyclable Materials. – Any materials that will be used or reused, or prepared for use or reuse, as an ingredient in an industrial process to make a product, or as an effective substitute for a commercial product. “Recyclables” includes, but is not limited to, paper, glass, plastic, municipal water treatment residues, as defined by K.S.A. 65-163 and metal, but excludes materials rejected by licensed recycling contractors and yard waste.

Added subsection (f) Residence and Residential. – All single-family dwellings, duplexes, triplexes, townhomes and condominiums and all other types of dwelling units in the City except apartment buildings which shall be consider for purpose of this Article commercial buildings.

Added subsection (g) Solid Waste. – Unwanted or discarded waste materials in a solid or liquid state including but not limited to refuse, garbage, trash, rubbish and discarded appliances, furniture, tires, and equipment.

Added subsection (h) Yard Waste. – Consists of grass clippings, leaves, shrubs and tree trimmings.

Section 2. That Section 15.502. Collection. is hereby replaced with the following,

15.502. Solid Waste Management Utility; Residential Solid Waste and Recyclable Collection.

a. The City shall provide for the collection and disposal of all residential solid waste as a municipal function, and shall extend such service to all residential properties within the City, establish the conditions thereof, and fix the charges under which service will be rendered including designated containers provided by the contractor that every residential customer will use.. The City shall contract with one (1) or more private companies to perform such collection and disposal. All companies providing the service of collecting residential solid waste shall also provide a same-day curbside recycling service or other recycling program approved by the City and shall met all requirements and regulation set forth by the Governing Body.

b. Every resident of a residential property in the City shall be required to allow a collector contracted by the City on to his, her or its property for the purpose of collecting residential solid waste and recyclable materials.

Section 3. That Section 15.504. Duty of owner, occupant. is amended as follow,

Deleted Sub-Section 15.504 (a). and Sub-Section 15.504 (b) retitled to 15.504(a)

Section 4. That Section 15.505. Containers. is hereby replaced with the following,

15.505. Solid waste containers. –

a. The owner or occupant of every residence and of every institutional, commercial or industrial establishment or apartment building where solid waste is accumulated must provide sufficient and adequate containers for the deposit and collection of solid waste.

b. Residential solid waste containers **furnished by the contractor shall** have a tight-fitting lid or otherwise be tightly secured and/or enclosed to prevent solid waste from escaping or from allowing water to collect inside the container. The container shall be maintained so as to retain odors and prohibit insects or animals from entering the solid waste containers. Containers shall be ninety-five (95) or less gallons of capacity, lightweight to be easily emptied and shall not weigh over fifty (50) pounds when full.

Section 5. That Section 15.506. Reserved. is hereby replaced with the following,

15.506. Maintenance of solid waste containers. – The owner or occupant of every structure from which solid waste collection is made shall place all solid waste in solid waste containers, except as otherwise provided, and shall maintain a such solid waste container and the area surrounding them in a clean, neat and sanitary condition at all times. The contents thereof shall be kept in such condition that they can be readily and fully removed by licensed contractor.

Section 6. That Section 15.509. Reserved. is hereby replaced with the following,

15.509. Residential recyclable containers. – Containers for recyclable materials in residential areas shall be open rectangular bins furnished by the contractor(s) with a minimum of eighteen (18) gallons in capacity. The Director may provide other specific requirements for the containers.

Section 7. That Section 15.510. Bulky item pickup program. be amended as follows,

NEW TITLE -- 15-510. Bulky Item Pickup Program Rules and Procedures.

Deleted Sub-Section 15.510 (a). and Sub-Section 15.510 (b) retitled to 15.510(a)

Section 8. That Section 15.516. Rules and Regulations. be amended as follows,

That the phrase “city manager or his or her duly authorized agent” be replaced with “director.

Section 9. That Section 15.517 Fees. Is hereby replaced with the following,

15.517. Recyclable Collection. – The owner or occupant of any residence where recyclable materials shall be generated by separate recyclable materials from all other solid waste and place such recyclable materials at the location designated by the contractor in a recyclable materials container for collection on collection day and shall maintain such recyclable containers and the area surrounding them in a neat, clean and sanitary condition at all times.

Section 10. That Section 15. 518. Billing. Is hereby replaced with the following,

15.518. Collection frequency. –

a. Residential and apartment building collection of solid waste and recyclable materials shall be not less than one (1) collection each calendar week.

b. Institutional, commercial and industrial solid waste collection shall be as required to protect the health, welfare and safety of the City and maintain the premises in a sanitary and unlettered condition so as to avoid the creation of a nuisance.

Section 11. That Section 15.519. Penalty. Is hereby replaced with the following,

15.519. Collection hours. – All contractors shall engage in collection and transportation of solid waste and recyclable materials between the hours of 7:00 A.M. and 7:00 P.M.

Section 12. That Section 15.520. Telephone required. be added,

15.520. Telephone required. – All contractors shall maintain an office with adequate telephone service to provide for service requests and complaints. The Director shall be furnished immediately any change in telephone or address if such office changes.

Section 13. That Section 15.521. Disposal of recyclable materials. be added,

15.521. Disposal of recyclable materials. – All recyclable materials shall be disposed of at a recycling processing or disposal facility approved by and in compliance with all local, State and Federal regulations.

Section 14. That Section 15.522. Collection and payment of charges. be added,

15.522. Collection and payment of charges. –

a. Annual charges for solid waste and recycling collection for residential property shall be collected with ad valorem real estate taxes annually.

b. The City will make available residential bulky waste pick up at least monthly.

c. Charges by contractors for solid waste collection for institutional, commercial and industrial establishments and apartment building shall be the responsibility of the owner or occupant of the establishment or apartment building.

Section 15. That Section 15.523. Schedule of fees and charges. be added,

Section 15.523. Schedule of fees and charges. – The charges to be assessed and paid by the property owner for the collection, transportation and disposal of solid waste and recyclable materials shall be as fixed from time to time in the city's schedule of fees, available in the office of the City Clerk.

Section 16. That Section 15.524. Contestation and abatement of fees and charges.

Section 15.524. Contestation and abatement of fees and charges – That any charges and fees assessed or paid incorrectly in accordance with this Article maybe abated by the Director.

Ordinance No. 3784 Summary

On August 13, 2020, the City Council passed Ordinance No. 3784. The Ordinance requires that every residential property have solid waste and recyclable collection service; and specifies the containers to be used; outlines the type of trash and recycling that will be collected; and the method for fee collection which will be through an annual fee included on the residential

property's ad valorem real estate property tax bill. A complete copy of the Ordinance can be found at www.osawatomieks.org or in the office of the City Clerk, 509 5th Street, This summary is certified by the City Attorney.

Introduced: August 13, 2020

Passed: August 13, 2020

L. Mark Govea, Mayor

[SEAL]

ATTEST:

Tammy Seamands, City Clerk

The publication summary set forth above is certified this 13th day of August, 2020.

Richard Wetzler, City Attorney