

ORDINANCE NO. 683

AN ORDINANCE AMENDING CHAPTER VII, ARTICLE 2, SECTIONS 7-201 THROUGH 7-223 INCLUSIVE OF THE CODE OF THE CITY OF WASHINGTON, KANSAS, 1985 RELATING TO MUNICIPAL COLLECTION, GARBAGE AND REFUSE AND SUBSTITUTING THEREFORE A NEW ARTICLE 2 CONSISTING OF SECTIONS 7-201 THROUGH 7-231 INCLUSIVE RELATING TO GARBAGE AND REFUSE COLLECTION, LICENSING OF COLLECTORS, COLLECTION AND STORAGE OF GARBAGE AND REFUSE AND PENALTIES IN THE CITY OF WASHINGTON, KANSAS.

WHEREAS, the Governing Body of the City of Washington, Kansas, has determined that it is necessary to provide for the licensing of collectors of garbage and refuse within the City of Washington, Kansas, and to make additions, corrections and deletions to Article 2 of Chapter VII of the Code of the City of Washington, Kansas, 1985;

NOW, THEREFORE, Be It Ordained By The Governing Body Of The City Of Washington, Kansas:

Section One. The current provisions of Chapter VII, Article 2, Sections 7-201 through 7-224 inclusive of the Code of the City of Washington, Kansas, 1985 are hereby deleted and repealed.

Section Two. The following provisions are substituted and adopted as Article 2, Sections 7-201 through 7-231 inclusive of Chapter VII of the Code of the City of Washington, Kansas, 1985:

ARTICLE 2. GARBAGE AND REFUSE COLLECTION

7-201. DEFINITIONS. The following terms are, for the purpose of this article, defined as follows:

- a. Authorized collector means any individual, partnership, corporation, or other legal entity authorized and licensed by the city to collect and dispose of refuse and garbage.
- b. Garbage means all putrescible wastes, except sewage and body wastes, but including vegetable and animal offal and carcasses of dead animals, and shall include food waste from homes, kitchens, apartments, hotels, restaurants, stores, markets and similar establishments.
- c. Refuse shall mean all solid waste from residential, commercial or industrial premises. It shall include semi-liquid or wet waste 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 remodeling work, or any construction work, however, all materials

must be of a type acceptable for disposal at the Washington County sanitary landfill.

d. Administrator means the city administrator or his designee.

7-202. COLLECTION: REFUSE, GARBAGE. All refuse and garbage accumulated within the City of Washington shall be collected, conveyed and disposed of by the authorized collectors specifically licensed to collect and dispose of refuse and garbage.

7-203. LICENSE.

a. Required. No person or entity shall engage in or carry on the business of an authorized collector of garbage and refuse within the city, for hire, unless such person has:

1. A current license issued pursuant to this article;
2. Any state or county permits which may, from time to time, be required.

b. Application. Application for a garbage and refuse collector license shall be made upon a form provided by the city clerk in accordance with the application procedures and the license fee required in Section 7-217 hereof. Such application shall disclose all information required to determine approval thereof. Prior to issuance, the completed application and all documents and fees required to be provided therewith shall be submitted to the city clerk's office a minimum of five days, Saturdays and Sundays excluded, prior to a regular meeting of the governing body.

c. Approval. The city clerk shall examine such application and documents, and when all requirements have been provided, shall submit such application to the governing body at the next regular meeting for approval or disapproval thereof.

d. Issuance. A garbage and refuse collector license shall be issued by the city clerk after approval thereof has been granted by the governing body.

7-204. INSURANCE REQUIRED. An authorized collector shall maintain general liability insurance in an amount of at least \$1,000,000.00 and automobile liability insurance covering all vehicles used by an authorized collector in the conduct of his business in an amount of \$500,000.00 combined single limits in full force and effect during the term for which the license is issued. A certificate of insurance showing evidence of such coverage shall be issued to the city.

7-205. TELEPHONE. Each authorized collector shall maintain a local telephone listed in his name.

7-206. CUSTOMER STATEMENT AND RECEIPT FORMS. Each authorized collector shall use, in the conduct of his business, customer statement and receipt forms which show

thereon the name of the authorized collector, his address, his home telephone number and vehicle number.

- 7-207. BASIC FEE. Every authorized collector shall establish a basic fee to be charged for residential collections.
- 7-208. FREQUENCY OF COLLECTIONS-RESIDENCES. An authorized collector shall collect and remove garbage and refuse from dwellings, apartments and flats not less than once weekly during the entire year. Each customer shall be notified by his collector of the designated days of the week that the customer's garbage and refuse will be collected.
- 7-209. FREQUENCY OF COLLECTIONS-BUSINESS ESTABLISHMENTS. An authorized collector shall collect and remove garbage from business establishments not less than once per week and refuse not less than once per week; provided, that the City Administrator may require and direct more frequent pickup of garbage and refuse from a business after taking into consideration the following factors:
- a. The nature of the garbage or refuse;
  - b. The odor of the garbage or refuse;
  - c. Attractiveness to insects, rodents or other pest;
  - d. Nature of the storage container;
  - e. Such other factors that the city administrator may, from time to time, consider.
- 7-210. VEHICLES-EQUIPMENT. It is unlawful for any authorized collector to transport refuse or garbage over the streets, alleys or other public places of the city except by means of a vehicle designed, constructed or operated with a watertight compartment, which is completely covered or enclosed with a fly-tight cover or door. Refuse and garbage shall be carried only within such compartments and such compartment shall be kept closed except when garbage and refuse are actually being loaded or unloaded.
- 7-211. VEHICLES-SIGNS. Both sides of every vehicle used by an authorized collector shall be provided with a sign which displays the name of the authorized collector and his address, telephone number and number of his vehicle. Letters and numerals of the sign shall be distinct and a minimum of two inches in height.
- 7-212. VEHICLE-MAINTENANCE GENERALLY-INSPECTION. All vehicles used by an authorized collector shall be maintained in a clean and sanitary condition and shall be subject to inspection and approval by the city administrator. All vehicles shall be washed at least once a week. Every vehicle shall be maintained in good mechanical repair and pass a police inspection at the time the collector applies for or renews his license.
- 7-213. VEHICLES-PAINTING OF BED. The bed of each vehicle used by an authorized collector shall be painted and shall be repainted when deemed necessary by the city administrator.

7-214. DISPOSAL OF REFUSE AND GARBAGE. All refuse and garbage transported upon any street or alley of the city by authorized collectors shall be delivered to any solid waste disposal facility approved and licensed by the state of Kansas.

7-215. CONDUCT OF COLLECTIONS. Every authorized collector shall handle all collections in such a manner as to avoid the spilling of garbage and refuse on the ground and shall be responsible for cleanup of any garbage and refuse spilled in the course of such collection.

7-216. REVOCATION OR SUSPENSION OF LICENSE. When written complaints are filed with the city clerk or city administrator specifying the details of any failure of a licensee to comply with the provisions of this chapter, the city administrator shall cause an investigation to be made and a written report of such investigation shall be submitted to the governing body for action thereon. If the governing body determines that the violations as stated in such report may be cause for revocation or suspension of such license, the governing body shall set a date for hearing on such revocation or suspension and give notice, in writing, not less than fifteen days prior to the date set for such hearing, to the licensee at his address as shown by the records of the city. Failure of licensee to receive such notice shall not be a condition preventing the governing body from making a final decision on such revocation or suspension.

7-217. LICENSE FEES, TERM, AND RENEWALS.

a. The license fee for an authorized collector shall be the sum of \$50.00 per yearly period, or any part thereof beginning on January 1<sup>st</sup> and ending on December 31<sup>st</sup> of each year. Any party desiring a license to be an authorized collector shall at the time of making application for such license pay a fee of \$50.00 which shall not be refundable whether such license is approved or not. Said \$50.00 payment shall be payment for the first year or part thereof in which it is paid and for which the license is issued.

b. No license fee shall be prorated.

c. Application for renewal of any license must be filed by December 1<sup>st</sup> in the year preceding the year for which renewal is made and the yearly license fee of \$50.00 shall be paid at the time of filing the application for renewal.

d. All authorized collector licenses shall terminate as of December 31<sup>st</sup> each year unless renewed as herein provided.

7-218. STORAGE. It shall be the duty of every person, partnership, corporation or other entity owning, managing, operating, leasing or renting any premises or any place where garbage or refuse accumulates, to provide, and at all time to maintain in good order and repair, on each of the 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.

- 7-219. CONTAINERS. Refuse containers and garbage containers shall not be more than thirty-five (35) gallons nor less than ten (10) gallons in nominal capacity; except where only one (1) container is used, in which case this container may be less than ten (10) gallons in capacity. Containers shall be waterproof, ratproof, 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. They shall be of light weight and sturdy construction. 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.
- 7-220. BULK CONTAINERS. On premises where excessive amounts of refuse accumulates 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 or refuse. The container shall have a capacity and shall be equipped with appurtenances for attaching mechanical lifting devices which are compatible with the collection equipment. 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 watertight, leakproof and weatherproof construction and design.
- 7-221. COVERS, LIDS, DOORS. 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:
- a. 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, that they are securely tied in bundles or completely contained in disposable boxes not larger than twenty-four by twenty-four by thirty-six inches (24"x24"x36").
  - b. Baskets, boxes and noncomplying refuse or garbage cans or containers shall be considered disposable refuse and may be removed by the collector if they are the proper size and otherwise acceptable for collection, or shall be left uncollected if they are larger than the allowable size or unacceptable for collection.
  - c. Large bulky items as such as furniture, large tree limbs and appliances that cannot be reduced to fit approved containers will be collected only by prior special arrangement with the city or the collector.
- 7-222. ACCUMULATION: REFUSE, 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 waste or solid wastes in violation of this section shall be considered to be a public nuisance.

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

- 7-223. BURYING REFUSE, GARBAGE. No person shall bury refuse at any place within the city 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, that lawn and garden trimmings may be composted.
- 7-224. BURNING REFUSE, GARBAGE. No person shall burn any garbage, refuse, leather, rubber, plastic, green or wet vegetation or organic material, or burn any other substance producing dense smoke or unpleasant odor within the city.
- 7-225. OWNERSHIP OF REFUSE MATERIALS. Ownership of refuse materials, when placed in the containers by the occupants or owners of premises upon which refuse accumulates, shall be vested in the city and shall thereafter be subject to the exclusive control of the city, its employees or collectors and no person shall meddle with refuse containers or in any way pilfer or scatter contents thereof in any alley or street within the city limits.
- 7-226. 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 a collector, the city, or is a sanitary landfill site transfer point or disposal facility approved by the Kansas State Department of Health; in addition the site or facility must comply with all applicable health and zoning ordinances of the city.
- 7-227. 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 or his agent, to a safe deposit or disposal as prescribed by the city administrator or his authorized representative. Hazardous materials shall include:
- a. Explosive materials;
  - b. Rags or other waste soaked in volatile and inflammable materials;
  - c. Drugs;
  - d. Poisons;
  - e. Radio-active materials, high combustible materials;
  - f. Soiled dressings, clothing, bedding and/or other wastes contaminated by infection or contagious disease;
  - g. Any other materials which may present a special hazard to collection or disposal personnel or equipment to the public.

- 7-228. USE OF PUBLIC PROPERTY PROHIBITED. No person shall throw, rake, deposit, dump, drop or spill litter, waste material or foreign material upon the street, sidewalks, or other public right of way within the city; provided, that the mayor may at his discretion proclaim a period when leaves may be placed in street right of ways for collection; provided further, that nothing in this articles shall prevent any person under a permit from the city from encumbering the streets or alleys with building materials or earth as may be necessary for the purpose of construction, erections, adding to, remodeling, repairing any building or structure, or resulting from demolition operations; provided further, 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 street or alley in the same condition that they were in prior to such use thereof.
- 7-229. ENTER PRIVATE PREMISE. Authorized collectors operating under license for 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.
- 7-230. PROHIBITED PRACTICES. It shall be unlawful for any person, firm or corporation to:
- a. Deposit solid waste 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 collectors in the collection of solid wastes;
  - c. Burn solid waste unless a written permit has been obtained from the city or the appropriate air pollution control agency.
- 7-231. PENALTY. Any person who shall violate any provision of this article shall upon conviction, be punished by a fine of not less than One Hundred Dollars (\$100.00) or by imprisonment for not less than thirty (30) days, and each day's failure to comply with any such provision shall constitute a separate violation.

Section Three. This Ordinance shall take effect and be enforced from and after its approval and publication once in the Washington County News, the official city paper.

Passed by the Council and approved by the Mayor this 2<sup>nd</sup> day of June, 2003.

SEAL

/s/ Travis L. Kier, Mayor

/s/Denise Powell, City Clerk

