ORDINANCE NO. 2194

AN ORDINANCE AMENDING CHAPTER 17, ARTICLE 5, SOLID WASTE, OF THE CODE OF THE CITY OF BELOIT; PROVIDING FOR THE COLLECTION OF SOLID WASTE IN THE CITY OF BELOIT, KANSAS; PROVIDING RULES, REGULATIONS, AND CHARGES THEREFORE.

Be it Ordained by the Governing Body of the City of Beloit, Kansas:

Section 1. Chapter 17, Article 5, Solid Waste, of the Code of the City of Beloit, Kansas, is hereby amended and restated as follows:

17-501. 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) 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, cardboard, metal, but excludes materials rejected by recycling contractors and yard waste.
(f) Refuse. All garbage and/or rubbish or trash.
(g) 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.
(h) Rubbish or Trash. All non-putrescible materials such as paper, tin cans, bottles, glass, crockery, rags, ashes, lawn and tree trimmings, stumps, boxes, wood, street sweepings and mineral refuse. Rubbish and trash shall not include earth and waste from building operations or wastes from industrial processes or manufacturing operations;
(i) Single Dwelling Unit. An enclosure, building or portion thereof occupied by one family as living quarters.
(j) Solid Waste. All non-liquid garbage, rubbish or trash.

17-502. COLLECTION. All residential solid waste accumulated within the city shall be collected, conveyed and disposed of by city contractors specifically authorized to collect and dispose of waste under contract with the city.

The disposal of commercial waste and bulk containers shall be contracted privately. All private contractors collecting and disposing of commercial solid waste and bulk containers within the city shall be bonded and insured and shall provide annual proof of such to the city clerk.

The disposal of recyclable materials shall be contracted privately at the discretion of the property owner. All private contractors collecting and disposing of recyclable materials shall be bonded and insured and shall provide annual proof of such to the city clerk.

17-503. CONTRACTS. The city shall have the right to enter into a contract with any responsible person for collection and disposal of residential solid waste. It shall be unlawful for any

person to collect or haul over the city streets in the city any residential trash, garbage or refuse unless such person shall have a contract with the city. This section shall not apply to departments of city government, provided that nothing in this section shall be construed to prevent a person from hauling or disposing of his or her own trash accumulated at his or her residence or business, in such a manner as not to endanger the public health or safety, not to create a nuisance to the inhabitants of the city and not to litter the streets and alleys of the city.

17-504. SAME; TIME OF COLLECTION. Garbage and trash shall be collected from each residence once per week. The collection schedule shall be mutually agreed upon by the contractor and city. Residential solid waste shall be collected between the hours of 7:00 a.m. and 5:00 p.m.

17-505. SAME; METHOD OF DISPOSAL. The contractor shall collect all refuse and dispose of it by a sanitary landfill method or by other approved method at a place provided by the contract and approved by the governing body and Kansas Department of Health and Environment.

17-506. 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.

17-507. CONTAINERS. Residential containers shall have a capacity of not more than 32 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. Plastic bags, manufactured for garbage and refuse disposal may be substituted for residential containers. Plastic bags, when used, shall be securely closed and enclosed so as to prevent access to animals at all times. All garbage shall be drained of all liquids before being placed in bags or containers.

17-508. BULK CONTAINERS. On premises where excessive amounts of refuse accumulate 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, leak-proof and weather proof construction. Disposal of bulk containers shall be at the expense of the owner or occupant of the premises.

17-509. ENTER PRIVATE PREMISES. Solid waste collectors, operating under a 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.

17-510. 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.

17-511. 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.

17-512. HEAVY, BULKY WASTE. Heavy accumulations such as brush, tree limbs, broken concrete, sand or gravel, automobile frames, automobile tires, dead trees, furniture, appliances, televisions, construction waste, and other bulky, heavy materials shall be disposed of at the expense of the owner or person controlling same.

17-513. CONSTRUCTION AND DEMOLITION. Nothing in this article 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 construction, erection, adding to, remodeling, or repairing of any building or structure or resulting improvements. However, in the event of such encumbering of the streets or alleys, the contractor, owner, or occupant shall remove any and all materials remaining within 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.

Nothing else contained in this article shall be construed as prohibiting construction contractors, tree surgeons, roofers, and other private contractors, whose operations result in 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 article.

17-514. 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) Radioactive 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.

17-515. 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 the city's 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.

17-516. OBJECTIONABLE WASTE. Manure from cow lots, stables, poultry yards, pigeon lofts and other animal or fowl pens, and waste oils from garage 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.

17-517. 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.

17-518. UNUSUAL SITUATIONS. In situations which are not contemplated or considered by the terms and conditions of this article, the governing body, or its designee, shall have the power and the authority to grant special rights and privileges on a temporary basis for the collection, hauling, and disposal of trash and garbage where such special privileges are required in order to maintain the health and sanitation of the city and its inhabitants or such right and privilege is required to avoid the creation of a public nuisance.

17-519. ADMINISTRATION FEE AND LANDFILL FEES. The city may establish and collect an administration fee to cover costs of administration, billing, and collection of the charges. Any landfill fees assessed to the city's contractor for the disposal of the city's solid waste are the responsibility of the contractor.

17-520. FEE SCHEDULE. The fees and charges as provided in this article shall be as follows:
(a) The trash collection fee shall be $5.78 per month.
(b) The county landfill disposal fee shall be $6.90 per month.
(c) The city administration fee shall be 10%, or $1.27 per month.
(d) The total of the foregoing rates, $13.65, shall be included on each monthly bill and assessed against each property at all times when such property is billed for water and sewer usage by the city, except for commercial properties which privately contract for disposal by bulk container. These charges shall take effect January 1, 2017 and continue thereafter until changed by city ordinance.

17-521. BILLING. Solid waste bills shall be rendered monthly as provided in Article 1 of this chapter and shall be collected as a combined utility bill.

Section 2. This ordinance shall take effect and be in force from and after its passage and publication in the official city newspaper.

Passed by the Governing Body of the City of Beloit, Kansas, this 1st day of November, 2016.

Tom Naasz
Tom Naasz, Mayor

ATTEST: Amanda Lomax
Amanda Lomax, City Clerk

(SEAL)