

(First Published in the Columbus News Report _____, 2022)

ORDINANCE NO. 1493

AN ORDINANCE BY THE GOVERNING BODY OF THE CITY OF COLUMBUS, KANSAS, AMENDING CHAPTER 34 - SOLID WASTE, 2020 CODE OF ORDINANCES OF THE CITY OF COLUMBUS, KANSAS.

WHEREAS, the Solid Waste regulations shall be amended and updated.

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

SECTION 1. The 2020 Code of Ordinances for the City of Columbus, Kansas, Chapter 34 - Solid Waste, Ordinance Number 1469 and Ordinance Number 1484 shall be amended and updated as follows:

CHAPTER 34 - SOLID WASTE.

State Law reference - Solid and hazardous waste generally, K.S.A. 65-3401 *et. seq.*; municipal solid waste management plan required, K.S.A. 65-3405; authority for municipal collection of solid waste and imposition of fees therefor, K.S.A. 65-3410.

ARTICLE I. - IN GENERAL

Sec. 34-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial waste means 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.

Dwelling unit means any enclosure, building or portion thereof occupied by one or more persons for and as living quarters.

Garbage means waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking and serving of meat, produce and other foods and shall include unclean containers.

Multifamily unit means any structure containing more than four individual dwelling units.

Recyclable material means post-consumer residential solid waste and pre-consumer commercial solid waste, not including yard waste which can be recycled.

Refuse means all garbage or rubbish or trash.

Residential means 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.

Rubbish or *trash* means 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. The term "rubbish" or "trash" shall not include earth and waste from building operations or wastes from industrial processes or manufacturing operations.

Single dwelling unit means an enclosure, building or portion thereof occupied by one family as living quarters.

Solid waste means all non-liquid garbage, rubbish or trash.

(Code 2014, § 15-501)

Secs. 34-2—34-20. - Reserved.

ARTICLE II. - COLLECTION AND DISPOSAL

Sec. 34-21. - Authority of city officers and agents; appeals.

- (a) *City has exclusive control over solid wastes.* The city, its employees, agents, or contractors shall have exclusive control of the pick-up and disposal of all solid waste and recyclable materials placed at normal pick-up points, including street, curbside or alley, by residential and commercial owners or occupants.
- (b) *Collection to be supervised by Utilities Director.* All refuse accumulated in the city shall be collected, conveyed and disposed of by the city under the supervision of the utilities director. The director shall have the authority to make regulations concerning the days of collection, type and location of waste containers and such other matters pertaining to the collection, conveyance and disposal as he or she shall find necessary, and to change and modify the same after notice as required by law, provided that such regulations are not contrary to the provisions hereof.
- (c) *Collection to be supervised by the city administrator.* The collection and transportation of trash and waste materials shall be at all times under the general supervision of the city administrator or his or her duly authorized agent, who shall have the authority by and with the consent of the City Council to make additional rules and regulations not inconsistent with the terms and provisions of this article 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.
- (d) *Right of entry.* Solid waste collectors employed by the City or a solid waste collection agency operating under contract with the City, are authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this article.
- (e) *Appeals.* Any person aggrieved by a regulation of, or fee charged by, the Utilities Director shall have the right of appeal to the City Council who shall have the authority to

confirm, modify or revoke any such regulation or fee.

(Code 2014, §§ 15-502(b), 15-503, 15-507, 15-520, 15-526)

Sec. 34-22. - Collection services provided by City; exception for bulky wastes.

- (a) The City shall provide for the collection of all residential, institutional, commercial or business, industrial or agricultural establishment solid waste in the city; provided, however, that the city may provide the collection service by contracting with a person, county or other City, or a combination thereof, as deemed to be in the best interest of the City.
- (b) Bulky solid waste collection may or may not be provided; however, if not provided by the City, it shall be the occupant's responsibility to see that the bulky solid waste does not accumulate and to see that it is properly disposed of or processed.

(Code 2014, § 15-502(a))

Sec. 34-23. - Ownership of collected wastes.

All solid waste collected shall, upon being loaded into collection equipment, become the property of the collecting agency.

(Code 2014, § 15-502(a))

Sec. 34-24. - Hazardous accumulations prohibited; approved storage required.

No owner or occupant shall license 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 2014, § 15-504)

Sec. 34-25. -City issued poly carts; preparation and placement of waste for collection

- (a) *City to issue poly-carts.* Residential and business owners and occupants will be issued a city-owned, 35-gallon or 95-gallon, poly-cart. Additional poly-carts can be requested to City Hall for an additional fee.
- (b) *Preparation of waste for disposal.* All garbage shall be drained of excess liquids and wrapped in paper or other disposable material before being placed in garbage bags. All trash must be bagged and must be placed inside the City issued poly-cart. The poly-cart lid must be properly closed. Overflow garbage placed in non-city issued trash container or causing the poly-cart to overflow will be collected with a penalty assessed on the current utility bill in the amount of \$20.00. Customers have the option hold additional trash that does not fit in the poly- cart until the next trash pick-up day. Continued overflow may lead to City issuing an additional poly-cart to the address and additional fee added to the monthly utility bill.

- (c) *Collecting spillage.* Owners and occupants shall be responsible to pick-up and clean up garbage that has been disturbed or scattered, creating loose trash or litter in the city. Solid waste collectors employed by the City or operating under contract with the City are not responsible for picking up loose garbage and litter.
- (d) *Waste to be placed at alley or curb.* City issued poly-carts shall be placed adjacent to the alley, or where no alley exists, at the curb, by 7:00 a.m. on collection day to a location approximately ten (10) feet from vehicles; no more than three (3) feet from the curb or street; approximately five (5) feet from other objects (mailboxes, poles, other carts, etc.); oriented with the handle and wheels facing away from the street. Customers should remove empty carts no later than 7:00 p.m. on collection day.
 - (1) Trash fees are listed below in section 34-51 and reflect fees for fire zone customers using 35- or 95-gallon poly-carts.
 - (2) Additional poly-carts may be rented for \$6.00 per month with a three cart maximum.
 - (3) The customer will not be charged for cart repair or replacement due to normal wear and tear or contractor handling. The customer will be charged a fee for replacement carts due to damage caused by the customer.
- (e) *Maximum weight and capacity of containers.* Containers to be manually lifted shall not exceed 95 gallons in capacity nor weigh more than 65 pounds when full.
- (f) *Bundling of tree limbs required, maximum bundle size.* Tied bundles of tree limbs may be placed for collection. Bundles shall not exceed three feet in length or one foot in diameter.

(Code 2014, §§ 15-502(a), 15-502(c), 15-502(d), 15-505, 15-509, Ord. Number 1469, Ord. Number 1484)

Sec. 34-26. City-issued Dumpsters

On premises where excessive amounts of refuse accumulate or where cans or bags are impractical, city-issued dumpsters for the storage of refuse may be used. Dumpsters shall be equipped with appurtenances for attaching mechanical lifting devices which are compatible with the collection equipment being used. Dumpsters shall be constructed of durable rust- and corrosion-resistant material which is easy to clean and 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. Dumpsters shall be of water-tight, leak-proof and weather-proof construction.

(Code 2014, § 15-506)

Sec. 34-27. - Wastes not suitable for collection.

- (a) *Certain heavy, bulky wastes.* Heavy accumulations such as brush, tree limbs, broken concrete, sand or gravel, automobile frames, mattresses, home improvement waste, furniture, dead trees, and other bulky, heavy materials shall be disposed of at the expense of the owner or person controlling the same.
- (b) *Manure; waste oils.* 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 in a manner consistent with this article.

- (c) *Hazardous material* No person shall deposit in a solid waste container or otherwise offer for collection any hazardous garbage, refuse, or waste. Hazardous material includes the following:
- (1) Explosive materials, chemicals and poisons;
 - (2) Rags or other waste soaked in volatile and flammable material
 - (3) Radio-active materials and highly combustible materials;
 - (4) Soiled dressings, clothing, bedding or other wastes, contaminated by infection or contagious disease;
 - (5) Any other materials which may present a special hazard to collection or disposal personnel, equipment, or to the public.

(Code 2014, §§ 15-510, 15-511, 15-513)

Sec. 34-28. - Corrugated cardboard to be separated from other refuse. All businesses within the corporate city limits shall separate its refuse such that all corrugated cardboard is separated from all other refuse for collection by the city.

(Code 2014, § 15-527(a))

Sec. 34-29. - Removal of construction, demolition and excavation waste.

A permit shall not be required for the removal, hauling or disposal of earth and rock material from grading or excavating activities, nor shall they be required for the transportation of demolition and construction wastes; however, all such material shall be conveyed in tight vehicles, trucks or receptacles, so constructed and maintained that none of the material being transported shall spill upon the public rights-of-way.

(Code 2014, § 15-502(f))

Sec. 34-30. - Collection areas and pick-up frequency; dumpster rental and pick-up service.

- (a) *Pick-up for residential or home business customers; fire zone.* Residential, business or home business customers situated outside the designated fire zone shall receive garbage pick-up service one time per week. Residential, business or home business customers situated within the fire zone area shall receive daily pick-up services. The fire zone is defined as the downtown business district in the area between Walnut and Elm Streets on the north and south, and the area between Tennessee and Minnesota Streets on the east and west.
- (b) *Dumpster rental and collection services are available.* Any resident, business, organization, apartment complex, manufactured home park or individual desiring to use a dumpster for the collection of garbage shall secure a dumpster from the City. Customers shall contact City Hall to arrange additional dumping services and schedules. Each

dumpster shall have a basic monthly charge of Sixty Dollars (\$60.00) that includes one dump per week, effective Jan. 1, 2020. A customer renting a dumpster may request additional dumping service at a rate of Ten Dollars (\$10.00) per dump, per dumpster. Customers shall call City Hall to arrange additional dumping services and schedules.
(Code 2014, § 15-522(b); Ord. No. 1469, § 1, 8-3-2020 Ord. No. 1484, §1, (c))

Sec. 34-31. - Prohibited acts and practices.

- (a) *Tampering with waste placed for collection.* It is unlawful for any person not authorized by the City to remove, meddle with, pilfer or scatter any portion of the contents of any refuse container placed out by customers, residents, owners or occupants of any residential or commercial property, for collection by the City. Tampering with waste placed for collection shall be deemed a violation of this article.
- (b) *Transporting of waste to sites other than authorized landfill.* 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 outside the limits of the City unless such site is a sanitary landfill, transfer point or disposal facility approved by the State Department of Health and Environment. Transferring waste to unauthorized locations shall be deemed a violation of this article.
- (c) *Unauthorized accumulation.* Any unauthorized accumulation of refuse on any premises is declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse shall be deemed a violation of this article.
- (d) *Scattering of refuse.* No person shall cast, place, sweep or deposit anywhere within the City, any refuse in such a manner that it may be scattered, carried or deposited by animals, pests, rodents or weather conditions and the elements upon any street, sidewalk, alley, sewer, parkway or other public place, or into any premises within the City. Scattering refuse shall be deemed a violation of this article.
- (e) *Bringing refuse into the City for disposal.* It is unlawful for any person to bring to the City any refuse and to place the refuse in any dumpster in the City limits or to place the refuse for collection by the City.
- (f) *Deposit of waste in another's container without consent.* It is unlawful for any person to deposit solid waste in any container other than that owned or leased by him or her under his or her control without written consent of the owner or with the intent of avoiding payment of the refuse service charge.
- (g) *Interference with city collection workers.* It is unlawful to interfere in any manner with employees of the City or its contractors in the collection of solid waste.
- (h) *Burning solid waste.* It is unlawful to burn solid waste.
- (i) *Burying solid waste; exception.* It is unlawful to bury refuse at any place within the City except that lawn and garden trimmings may be composted.
- (j) *Penalties for certain violations.* Violation of subsections (a) through (i) of this section may result in an administrative penalty of \$20.00 assessed through the customers utility bill and may result in a citation being issued for a hearing before the Municipal Court, with a minimum fine assessed in the amount of \$100.00 plus court costs. All other violations of this section are subject to penalties as provided in section 1-13.

(Code 2014, §§ 15-508, 15-512, 15-514, 15-527(b)—(d))

Secs. 34-32.

- a) *Holiday pickup*- The week after Independence Day, Thanksgiving, Christmas and New Years, the Sanitation Department will pick up additional trash placed outside of the City poly-cart with no assessed penalty. Trash should be bagged and should only include household trash (see Sec 34-27- 34-28)

Secs. 34-33—34-50. - Reserved

ARTICLE III. - FEES AND BILLING

Sec. 34-51. - Service fees.

The City has established service fees to defray the cost and maintenance of the collection and disposition of solid waste within the City, as follows:

Solid Waste Collection Rates—Effective January 1, 2020

Residential, including individual residential manufactured home units and individual apartment units and businesses	
Customers outside fire zone (one pick-up per week) - per month	\$12.50
Additional Poly-cart (three cart maximum)	\$6.00
Customers within fire zone (daily pick-up) - per month	\$22.00
Dumpsters, one collection per week:	
Customers outside fire zone:	
Base rental fee - per month with 1 dump per week	\$60.00
Additional for each customer requested collection	\$10.00
Customers within fire zone:	
Base rental fee - per month with daily, weekday service	\$71.00

(Code 2014, §§ 15-522, 15-523; Ord. No. 1440, § 1, 6-3-2019, Ord. Number 1469, Ord. Number 1484)

Sec. 34-52. - Billing.

Solid waste charges are billed monthly and shall be included on water or utility bills. All water service customers within the city limits shall be billed for solid waste collection services and are not allowed to opt out of solid waste collection services and fees. No payment shall be accepted on utility bills except for the full amount billed for all services. Solid waste bills have

the same due date, grace period and delinquency penalties as water bills. Lack of full payment will lead to discontinued utility services

(Code 2014, § 15-524)

Sec. 34-53. - Delinquent amounts assessed as lien on property.

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 send the unpaid bill to the City's contracted collection agency.

(Code 2014, § 15-525)

Secs. 34-54—34-79. - Reserved.

ARTICLE IV. - PRIVATE WASTE COLLECTORS

Sec. 34-80. - License.

- (a) *Required; exception.* It is 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, without securing a license from the City; provided, however, that this subsection (a) shall not be construed as preventing a person from hauling or disposing of his or her own solid waste, provided that such disposal does not endanger the public health or safety, become an annoyance to the inhabitants of the City, or litter City streets and alleys. Licenses are required for each vehicle used in the collection and transport of waste within the City.
- (b) *Application; certificate of inspection and approval of vehicles.* Any person desiring to collect or transport solid waste 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 and 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 the vehicle by the county health officer issued not more than 15 days prior to the date of application.
- (c) *Fees.* No license shall be issued unless the applicant shall pay to the City Clerk the license fee established by the City Council.
- (d) *Term.* The license shall expire on December 31 of the calendar year in which it is issued.

(Code 2014, §§ 15-515—15-517)

Sec. 34-81. - License number to be displayed.

Upon issuance of a license under this article, the City Clerk shall issue a license receipt together with a license number. The license number shall be conspicuously painted on the collection vehicles in a place and position, and in manner, that renders it clearly visible and legible. The number shall be used only on the vehicle for which it is issued.

(Code 2014, § 15-518)

Sec. 34-82. - Maintenance of collection vehicles; closed vehicles required; exception.

Collection vehicles shall be maintained in a good mechanical and safe, clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. Vehicles shall be equipped with an enclosed, covered body to prevent the contents leaking or escaping therefrom; provided, however, that 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.

(Code 2014, §§ 15-502(e), 15-519)

Sec. 34-83. - Failure to secure license.

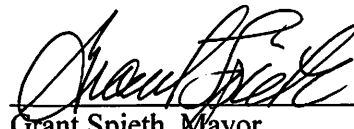
Any person who shall conduct or operate within the City limits any vehicle for the purpose of collecting and transporting solid waste without first obtaining a license as required by this article or who shall violate the terms and provisions of this article shall be deemed guilty of a violation of this Code and upon conviction thereof shall be punished as provided in section 1-13.

(Code 2014, § 15-521)

SECTION 2: All ordinances and resolutions and parts thereof in conflict are hereby expressly repealed in so far as they conflict herewith.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after publication in the official City newspaper of the City of Columbus, Kansas. This ordinance may be changed at any time as prescribed by State statute and bind present and future City Administrators.

SECTION 4. PASSED AND APPROVED. Passed by the Governing Body of the City of Columbus, Kansas, this 7th day of March, 2022.



Grant Spieth, Mayor

ATTEST:



Cherri Chancellor, City Clerk

