

ORDINANCE NO. 2056

AN ORDINANCE AMENDING SECTIONS 501, 504, 505, AND 508 OF ARTICLE 5, CHAPTER 15 OF THE CODE OF THE CITY OF AUGUSTA, KANSAS 2010 AND REPEALING ORDINANCE 2042: ESTABLISHING A STANDARD CONTAINER, CHARGES, AND PROCEDURES FOR THE COLLECTION AND DISPOSAL OF GARBAGE AND REFUSE WITHIN THE CITY OF AUGUSTA, KANSAS.

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

SECTION 1: Sections 501, 504, 505, and 508 of Chapter 15 of the Code of the City of Augusta, 2010, shall be amended to read as follows:

15-501 DEFINITIONS. For the purpose of this article, the following definitions shall apply:

(a) Contractor - shall mean a person with whom the city has a contract to collect and dispose of refuse and garbage.

(b) Person - shall mean any individual, firm, association, syndicate, copartnership, corporation, trust, other legal entity having proprietary interest in a premises, or other legal entity having responsibility for an act.

(c) Garbage - shall mean the solid or semisolid animal and vegetable waste resulting from the handling, preparation, cooling and serving of foods, including cans, bottles and cartons in which it was received and wrapping in which it may be placed for disposal.

(d) Refuse - shall mean all solid waste from residential, commercial or industrial premises. It shall include semi-liquid or wet wastes 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 evacuation, demolition, or remodeling work, or any construction work, nor shall it include stumps, grass clippings, yard waste, limbs, tree trunks, tree trimmings, and limbs, or the tree trimmings resulting from the cutting down, or the topping of any tree, regardless of who performs the work, nor shall it include refuse resulting from tornado, cyclone, extreme windstorms, ice storms, flood or other act of God, or the burning of any building.

(e) Standard Containers - shall mean the 96 gallon poly carts, numbered, and provided by the city.

15-504 ACCUMULATION; STORAGE OF REFUSE; GARBAGE. It shall be the duty of every person owning, managing, operating, leasing, or renting any premises or any place where garbage or refuse accumulates, to at all times maintain in good order and repair, on any 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 collection. Garbage and refuse shall be accumulated and handled for pickup or transported as follows, to wit:

(a) All refuse and garbage shall be bagged and placed in standard containers. Standard containers shall be stored behind the front building setback when not placed for pickup.

(b) Within the corporate limits of the city, all garbage or refuse, consisting of waste, animal and vegetable matter, which may attract flies, dogs, or rodents, shall be drained of all excess liquid, wrapped in paper or disposal containers and placed or stored, until collected, in covered standard containers.

(c) No person shall permit to accumulate on any premises, improved or vacant, or on any public place in the city, such quantities of garbage or refuse, either in containers or not, that shall in the opinion of the city, constitute a health or sanitation hazard.

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

(e) No person shall bury refuse and garbage at any place within the city or keep, place, or deposit refuse and garbage 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.

(f) No person shall accumulate and transport garbage and refuse upon any premises and transport the same to other premises within the city for the purpose of collection by the city, but collection shall be made only upon premises where such garbage and refuse shall have accumulated by use.

(g) No person shall create, cause, or add to any refuse accumulation not placed for regular haul, or cause unwholesome odors, or cause the attraction or collection of insects or rodents, or burn any garbage, leather, rubber, plastic, green or wet vegetation or organic material, or burn any other substance producing some problems within the city unless the operations are carried out in an approved type incinerator.

(h) 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 the contractor or is a sanitary landfill site approved by the Kansas State Department of Health; in addition to complying with all applicable health ordinances of the city.

(i) 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, responsible person or his or her agent, to a place of safe deposit or disposal as prescribed by the sanitation officer or his or her authorized representative. Hazardous material shall include: explosive materials, rags or other waste soaked in volatile and flammable materials, drugs, poisons, radioactive materials, highly combustible material and/or other wastes, contaminated by infection or contagious disease, and other materials which may present a special hazard to collection or disposal personnel or equipment or to the public.

15-505.

COLLECTION; GARBAGE, REFUSE. The city, or its authorized contractor, shall collect from the residential customers of the city and from the designated commercial customers and all food establishments of the city, not less than once weekly. It shall be the duty of any person in possession or in control of any premises to make available for collection all garbage and refuse as follows, to wit:

(a) Residential Customers. Standard containers shall be placed at the curb with at least 3 feet of separation between them, and clear of trees, shrubs, mailboxes, parked vehicles, etc. If the yard grade is too steep for the standard containers to stand upright they may be placed in the curb and gutter pan. Standard containers should be facing the street with the lid fully closed. Standard containers shall be placed at the curb between 5 p.m. the day before collection and 6 a.m. the day of collection. They shall be removed from the curb the same day after pickup.

(b) Commercial Customers. Unless placement is otherwise assigned by the collector, those commercial customers with a standard container shall be placed at the curb with at least 3 feet of separation between them, and clear of trees, shrubs, mailboxes, parked vehicles, etc. If the yard grade is too steep for the standard containers to stand upright they may be placed in the curb and gutter pan. Standard containers should be facing the street with the lid fully closed. Standard containers shall be placed at the curb between 5 p.m. the day before collection and 6 a.m. the day of collection. They shall be removed from the curb the same day after pickup.

(c) Heavy accumulations such as brush, broken concrete, ashes, 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.

(d) Manure, waste oils from garages or filling stations, tire rubber or materials considered hazardous and/or dangerous, shall be removed and disposed of at the expense of the person controlling same in the manner and by the method directed by the sanitation office.

15-508.

CHARGES; COLLECTION; DISPOSAL. The City in providing the service of collecting and disposing of all refuse and garbage accumulated within the City for the purpose of preventing unsanitary, unsightly, hazardous, unhealthful and dangerous conditions caused by the accumulation of garbage and refuse, shall establish and collect a service charge or fee to defray the cost and maintenance of service and to pay any person contracting with the City for the collection and disposal by the contractor for the collection and disposal thereof. Such charges and fees shall be computed, based and charged to the owners or occupants of dwelling units or commercial establishments as nearly as practicable upon the basis of volume or time expended in the collection and disposal thereof.

(a) There shall be a charge, assessed and collected from each residential unit within the City the sum of \$14.50 per month. This includes multiple or group dwellings, other than motels or boarding houses. Where all of the living units are on a single meter the charges for the number of occupied units will be billed to the owner.

(b) There shall be charged, assessed and collected from each commercial institution, establishment, office, including but not limited to

motels, restaurants, boarding houses, office buildings, stores, etc. a minimum charge of \$14.50 per month.

(c) There shall be a charge of \$7.25 per month for up to one additional standard container for both residential and commercial customers.

(d) For the collection of garbage, refuse and rubbish by the City where approved attachable containers rented from the City are utilized, the following monthly fees shall be charged:

Dumpster Size	Collections Per Week				
	2	3	4	5	6
2 Yards	\$58.81	\$81.13	\$103.53	\$125.86	\$147.92
2.5 Yards	\$67.80	\$94.86	\$121.53	\$148.63	\$174.90
3 Yards	\$71.04	\$100.99	\$130.60	\$160.48	\$190.43
4 Yards	\$83.34	\$119.06	\$158.02	\$196.95	\$234.05
5 Yards	\$104.17	\$148.81	\$197.52	\$246.20	\$292.57
6 Yards	\$125.01	\$178.58	\$237.03	\$295.44	\$351.09

(e) Rental fees for attachable containers rented from the City shall be computed on a monthly basis as follows:

<u>Dumpster Size</u>	<u>Rental</u>
2 Yards	\$23.09
2.5 Yards	\$28.22
3 Yards	\$32.07
4 Yards	\$38.48
5 Yards	\$48.74
6 Yards	\$57.72

(1) Privately owned containers shall not be charged the rental fee established hereby. The owner of the private containers indemnifies and holds harmless the City for damages and maintenance of the container.

(2) City owned containers rented for use shall only be used for collection of refuse described herein. Other uses are strictly prohibited. All containers, either privately or City owned shall retain all lids in operable condition. Properly sized containers must be used, all refuse must be contained inside the container, with the lid closed tight.

(3) If for any reason that the City is required to add a lock to secure the lids of a container for a customer, there will be an additional charge of \$2.00 per month per container.

(f) Persons or establishments above located outside the City, shall be charged 125 percent of the in-city rate.

SECTION 3. Ordinance 2042 is hereby repealed and set aside. Sections 501, 504, 505, and 508 of Chapter 15 of the Code of the City of Augusta, 2010 as they existed prior to this amendment are hereby repealed and set aside.

SECTION 4. This ordinance shall take effect on April 1, 2014 after its publication in the official City newspaper.

APPROVED AND ADOPTED by the Governing Body of the City of Augusta, Kansas, this 7th day of April, 2014.



Kristey Williams, Mayor

ATTEST:



Erica Jones, City Clerk

