

(Summary Published in the Butler County Times-Gazette
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THE CITY OF AUGUSTA, KANSAS

ORDINANCE NO. 2088

AN ORDINANCE AMENDING ARTICLE 5, CHAPTER 15
OF THE CODE OF THE CITY OF AUGUSTA, KANSAS
2010 AND REPEALING ALL OTHER CONFLICTING
ORDINANCES AND/OR PARTS THEREOF.

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

SECTION 1: Article 5 of Chapter 15 of the Code of the City of Augusta, 2010, is hereby renamed "Solid Waste".

SECTION 2: Article 5 of Chapter 15 of the Code of the City of Augusta, 2010, is hereby amended to read as follows:

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

(a) Approved Containers - shall mean the 96 gallon poly carts, numbered, and provided by the city, dumpsters provided by the city, and roll-off containers provided by or approved by the city prior to usage.

(b) Collection Point - Shall mean the gutter pan or in the parking area directly in front of the dwelling or establishment or where the solid waste division deems necessary for the collection of refuse

(c) Construction and demolition waste - shall mean solid waste resulting from the construction, remodeling, repair and demolition of structures, roads, sidewalks and utilities. 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.

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

(e) Dwelling unit - shall mean and include a room or group of rooms within a building or structure forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating. The term "dwelling unit" shall include each living unit within an

apartment house, each apartment within a private home, each individual mobile home within a mobile home park or subdivision, and each living unit within a duplex, triplex or other structure designed for multi-family in separate living units.

(f) 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.

(g) Hazardous Waste - shall mean waste under the jurisdiction of the secretary of the state department of health and environment pursuant to K.S.A. 65-3430—65-3447. Such waste shall include but not be limited to 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 represent a special hazard to collection or disposal personnel or equipment or to the public.

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

(i) Refuse - shall mean all garbage, recyclables and 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.

(j) Recyclable - shall mean any refuse designated from time to time by the governing body and of the city, by ordinance as being a recyclable material for purposes of separate disposal and collection

The City of Augusta, by ordinance may limit or extend these definitions and may give interpretations to words or phrases.

15-502.

DUTY TO REQUEST SERVICE. To assist in maintaining the general sanitation of the city, it shall be the duty of every person occupying or having control of the occupancy of any premises located on a regularly established garbage and refuse route to notify the city clerk of the city at the beginning of such occupancy and request, accept and use the garbage and refuse pickup and collection service; provided, that the failure of any owner, rental agent or occupant of such premises to make such request shall not prevent nor in any way impair or impede the city from adding the address of such premises to the proper garbage and refuse collection route records and providing such

service and otherwise enforcing by appropriate action the regulatory measures herein prescribed and causing the fees or charges therefore to be paid. (Code 1975, 14-109; Code 1991, 14-509)

- 15-503. **COLLECTION; REFUSE, GARBAGE BY CITY.** All refuse and garbage accumulated within the city shall be collected, conveyed and disposed of by the city or by the employees of the city or by contractors specifically authorized by the city to collect and dispose of refuse and garbage or by persons collecting and disposing of their own refuse and garbage. The city is not responsible for any damages that may be caused to private property by the delivery, use, or retrieval of any container.
- 15-504. **CONTRACTS.** The governing body of the city shall have the right to enter into a contract with any responsible person or persons; provided, that the contractor shall collect and dispose of all, or any part of refuse or recycling, within the city, the terms of the contract to be arranged and determined by the governing body of the city and the contract to be awarded to a responsible person or persons after proper negotiation; provided further, that the contract for the collection and disposal of refuse as herein defined shall in no way conflict with the terms and conditions of this article.
- 15-505. **AUTHORIZED PERSONS.** Nothing elsewhere contained in this article shall be construed as prohibiting other city departments, construction contractors, tree surgeons, roofers and other private contractors, whose operations result in the accumulations of refuse, from hauling and disposing of accumulations of garbage and refuse resulting from their own operations; provided, that they shall at all times comply with the regulations and provisions of this article.
- 15-506. **ACCUMULATION; STORAGE OF REFUSE; GARBAGE AND RECYCLING.** It shall be the duty of every person owning, managing, operating, leasing, renting to at all times maintain in good order and repair, on any premises an approved collection 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 approved containers with the lids closed tight. All recyclables shall be placed in an approved container and shall not be bagged. Any refuse or recyclables which are not in an approved container will not be picked up.
- (b) The 96 gallon poly carts shall be stored behind the front building setback when not placed for pickup. Any person who fails to remove the cart(s) from the collection point and return it to behind the front set back on their private property the day of collection may be cited and a notice to

appear may be issued if not abated. Dumpster or roll-off containers will be placed in a suitable location, determined in consultation with the city's solid waste division, which is readily accessible to city collection vehicles and to maintain access for city collection vehicles.

(c) Standard maintenance of the physical condition of the approved container due to normal usage will be performed by the city. The user shall be responsible for the cleaning and storage of the approved container and ensuring the approved container shall retain all lids in operational condition. If an approved container is damaged due to abuse, placement of hazardous materials, or extremely heavy materials within the container, the user will be charged for the replacement of the container at a cost set by the governing body by resolution.

(d) In the event that the approved container is lost or stolen, the resident will notify the police department and file a stolen property report. Upon the filing of such report, the container will be replaced at no additional cost.

(e) The users or responsible party shall maintain the area surrounding the collection point and the approved container in a clean, neat sanitary condition at all times.

(f) Approved containers shall only be used for the collection of refuse as described herein. All other uses are strictly prohibited. Privately owned containers shall not be used with city owned refuse trucks unless the container is a roll-off or compactor style container approved by the city.

(g) It shall be unlawful for any person to:

(1) Burn garbage anywhere in the city;

(2) Burn any substance in an approved container which is used as a refuse receptacle;

(3) Permit refuse to be accumulated on, buried in or upon any private premises or public grounds of the city, except as refuse may be accumulated, made ready for collection and disposed of as provided in this chapter;

(4) Permit refuse to be accumulated in a manner or quantity that, in the opinion of the City, constitutes a health or fire hazard;

(5) Sweep, deposit or place any refuse or debris in the streets, alleys, gutters or public right of ways of the city or into any open place on such premises;

(6) Deposit refuse in any approved container other than that under his or her control and then only refuse which is generated at such person's premise or business;

(7) Deposit in any approved container any hazardous waste. Hazardous waste 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 solid waste division;

(8) Haul or convey refuse over the streets, alleys or public right of ways of the city except in a vehicle with a covering or in a covered receptacle or otherwise so confined that refuse cannot escape

therefrom or be scattered upon the streets, alleys or public right of ways of the city;

(9) Interfere in any manner with employees of the city in the performance of their duties under this chapter.

15-507. **COLLECTION; GARBAGE, REFUSE, RECYCLING.** 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 or as deemed necessary by the solid waste division. 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) 96 Gallon Poly Cart Garbage and Recycling Customers. Approved containers shall be placed at the curb or other approved collection point as deemed necessary by the solid waste division 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 approved containers to stand upright they may be placed in the curb and gutter pan. Approved containers should be facing the street with the lid fully closed. Approved containers shall be placed at the curb between 5 p.m. the day before collection and 6 a.m. the day of collection.

(b) Recycling Customers. It shall be unlawful for any person to cause, allow or permit any material or matter whatsoever other than recyclables to be deposited in any approved collection container designated for the collection of recyclables. If non-recyclables are found in recycling container than the customer will have to remove the recyclables or will need to pay an additional pick up fee. Recyclables shall be prepared by the customer for collection in accordance with city requirements.

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, hereby establishes the following service charges, rates and/or fees 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. It is the duty of the customer to notify the Utility Billing Office of any changes to their collection services.

(a) There shall be a charge, assessed and collected from each poly cart customer within the City the sum of \$14.50 per month.

(b) There shall be a charge, assessed and collected from each occupant of a residential unit within a multi-unit dwelling in the City the poly cart rate of \$14.50 per month, unless one of the following apply:

(1) If the property owner chooses to pay for said collection and disposal instead of allowing the occupants, who pay separate utilities, to

pay the residential rate, then the property owner will be responsible for the residential rate of \$14.50 per month multiplied by the number of residential units for the property.

(2) If the property owner pays all utilities for the residential units on the property, then the property owner may elect to pay the commercial dumpster rate listed in section (e) of this section based on the size of the dumpster and number of pickups necessary in lieu of the residential rate multiplied by the number of residential units for the property as set forth in subpart (1) above.

(c) If a multi-unit dwelling has six (6) or more residential units that receive separate bills for city utilities (water, sewer, or electric), then when practical the City of Augusta may provide a dumpster in lieu of poly carts for the property at no additional charge to the property owner and/or the occupant(s).

(d) Up to one additional poly cart may be requested by customers for an additional monthly charge to be set by the governing body by resolution.

(e) Dumpster customers will be charged the following monthly fees based on the size of the dumpster and the number of weekly pickups.

| Collections Per Week | | | | | |
|-----------------------------|----------|----------|----------|----------|----------|
| Dumpster Size | 2 | 3 | 4 | 5 | 6 |
| 2 Yards | \$105.00 | \$133.00 | \$161.00 | \$189.00 | \$217.00 |
| 3 Yards | \$129.00 | \$171.00 | \$213.00 | \$255.00 | \$297.00 |
| 4 Yards | \$153.00 | \$208.00 | \$263.00 | \$318.00 | \$373.00 |
| 6 yards | \$201.00 | \$284.00 | \$367.00 | \$450.00 | \$533.00 |

(f) The City will charge, assess and collect 125 percent of the above-stated charges, rates and/or fees from residential and/or commercial customers located outside of the corporate limits of the City of Augusta, Kansas.

15-509. **COMMERCIAL DUMPING AT COMPOST/LIMB SITE.** (a) All Commercial Businesses operating within the City of Augusta that include Tree Services and/or Mowing Services will be required to obtain a permit to allow for the dumping of grass clippings, yard waste, and limbs at the City compost/limb site during its normal hours of operation. Permits will be monitored by City of Augusta employees at the compost/limb site.

(b) USD 402 will not be required to obtain a permit allowing the dumping grass clippings, yard waste, and limbs a the City compost/limb site as long as they do not hire commercial operators for these types of services. (Ord. 1998; Code 2010)

- 15-510. SAME; PERMIT. Permits can be purchased at the Community Development Office located in City Hall at 113 East 6th Avenue. The permit fee shall be established from time to time by Resolution of the Governing Body of the City of Augusta, Kansas. Permits will be valid from the date of purchase until December 31st if the year of purchase. Permit fees will not be pro-rated based on the date of purchase. (Ord. 1998; Code 2010)
- 15-511 ROLL-OFF CONTAINER SERVICES. The city may provide roll-off containers for customers who elect to use them. The fees shall be established by resolution of the governing body. The city is not responsible for any damages that may be caused to private property by the delivery, use, or retrieval of any container whether or not the container is city owned.
- 15-512 BULKY ITEM PICKUP. Bulky items such as furniture and appliances that cannot be reduced to fit approved containers will not be collected by routine collection as provided herein but the same could be collected by the city, or by persons acting under the authority or by contract with such city upon notification by any person or persons that such items are to be collected. A fee established by resolution of the governing body shall be charged for such collection. All Items to be collected shall be placed at the curb or at another collection point as deemed necessary by the solid waste division. The city is not responsible for any damages done to private property as a result of the bulky item pickup.
- 15-513 AUTHORITY OF CITY MANAGER. The city manager shall have the authority to establish policies, rules and regulations regarding the operation of the city's solid waste collection and disposal activities which are not inconsistent with the provisions of this chapter or with any other adopted ordinances or policies of the governing body. The city manager shall also have the authority to establish from time to time additional solid waste collection services for items not included as part of the city's regular services, including the right to modify and suspend such services and the terms and conditions thereof, all as the staffing and resources of the city may permit; provided, however, that the rates for any such services must be approved by the governing body by resolution.

SECTION 3. Article 5 of Chapter 15 of the Code of the City of Augusta, 2010 as it existed prior to this amendment is hereby repealed and set aside. All other ordinances and/or parts of other ordinances in conflict herewith are repealed.

SECTION 4. This ordinance shall take effect on September 28, 2015 after its publication in the official City newspaper.

Adopted by the City Council this 21st day of September, 2015.

Approved by the Mayor this 21st day of September, 2015.

/s/Matt C. Childers, Mayor

(SEAL)

ATTEST:

/s/Erica L. Jones, City Clerk