

ORDINANCE NO. 1024

AN ORDINANCE ESTABLISHING THE PROCEDURES, REQUIREMENTS, BILLING,
AND OPERATION OF THE MUNICIPAL SEWER SYSTEM.

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

Section 1. New Ordinance. The following shall be incorporated as new Chapter 15, Article 4 of the Code of the City of Manchester, Kansas, and shall be worded as:

CHAPTER XV. UTILITIES

ARTICLE 4. SOLID WASTE

15-401. 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) Refuse - All garbage and/or rubbish or trash;
- (f) 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;
- (g) 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 or trash shall not include earth and waste from building operations or wastes from industrial processes or manufacturing operations;
- (h) Single Dwelling Unit - An enclosure, building or portion thereof occupied by one family as living quarters.

(i) Solid Waste - All non-liquid garbage, rubbish or trash.

15-402. Disposal.

(a) All solid waste generated by residential and commercial units within the city shall be disposed of in the Dickinson County sanitary landfill or transfer station either by the individual resident or through contract with a private hauler.

(b) The city shall have no liability or responsibility for the collection and disposal of such solid waste.

15-403. Collection fees.

All fees for collection of solid waste within the city shall be arranged between the individual resident and the private hauler.

15-404. 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.

15-405. Containers.

Residential containers shall have a capacity of not more than 30 gallons. They shall be of galvanized metal or other 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. All garbage shall be drained of all liquids before being placed in bags or containers.

15-406. Bulk containers.

On premises where excessive amounts of refuse accumulates or where cans or bags are impractical bulk containers, dumpsters, 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.

15-407. Scattering of solid waste.

No person shall meddle with refuse containers or in any way pilfer or scatter contents thereof in any alley or street within the city.

15-408. 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.

15-409. Heavy, bulky waste.

Heavy accumulations such as brush, tree limbs, broken concrete, 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.

15-410. 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) Radio-active 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.

15-411. 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 waste company employees in the lawful collection of solid waste;
- (c) Burn solid waste except in a Kansas Department of Health and Environment licensed incinerator. This shall not apply to burning of tree limbs, leaves, and other lawn waste, provided there is no county issued burn-ban in effect.

(d) Bury refuse, junk, structural demolition waste or debris at any place within the city except that lawn and garden trimmings may be composted.

15-412. Abate nuisance.

(a) Whenever any solid waste is stored or accumulates in such a manner as to create a health hazard or nuisance to residents of the city or surrounding property owners or occupants, the city shall give notice to the owner or occupant of the property where such hazard or nuisance exists giving them 10 days to dispose of such solid waste as provided in this article.

(b) Should such owner or occupant fail to dispose of said solid waste within the time allotted, the city may proceed to remove such unsightly or hazardous solid waste as provided in this article and assess the costs as provided in said section.

15-413. Objectionable waste.

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 and in a manner consistent with this article and applicable state or federal laws.

15-414. Unauthorized disposal.

No person shall haul or cause to be hauled any garbage, wrecked or disabled vehicles or machinery, debris, refuse, structure demolition waste, or other waste material of any kind to any place, or area within 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 or is permitted through the city.

15-415. Closed vehicle.

Any vehicle used by any person for the collection and transportation of solid waste shall be maintained in a good mechanical condition. Vehicle shall be equipped with an enclosed covered body to prevent the contents leaking or escaping therefrom. Only 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.

15-416. Rules and regulations.

The collection and transportation of trash and waste materials shall be at all times under the general supervision of the mayor or his or her duly authorized agent, who shall have the authority by and with the consent of the governing body 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.

15-417 Penalty.

Any violation of this article shall be considered a class C misdemeanor and punishable by a fine of up to \$500 and incarceration in the county jail for up to 30 days or a combination of both fine and incarceration. Each day a violation occurs shall be considered a separate and distinct offense. Abatement of a nuisance shall not be a defense to prosecution for the offense.

Section 2. Any prior ordinance found to be in conflict with this ordinance shall be void, insofar as it is in conflict.

Section 3. This ordinance shall become effective upon passage by the governing body and publication as provided by statute.

Passed and Approved this 8th day of January, 2024

Maggie Slick, Mayor
Maggie Slick, Mayor

ATTEST:

Ashley Tatro
Ashley Tatro, City Clerk