

ORDINANCE NO. 945

**AN ORDINANCE AMENDING ORDINANCE NO. 942 HAVING TO DO WITH
REGULATING OF SOLID WASTE COLLECTION**

Be it ordained by the governing body of the City of Sedan, Kansas:

Ordinance NO. 942 is hereby amended and is restated in its entirety to read as follows:

SECTION 1. DEFINITIONS:

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

- (a) **Bulky waste** means any waste whose large size or shape, or for any other reason, precludes or complicates the handling by normal collection, processing, or disposal methods, and shall include, but not be limited to, refrigerators or other large household appliances, hot water tanks, building stones, large pieces of concrete, construction or demolition refuse, motor vehicles, and trees or limbs exceeding four feet in length and not tied in bundles of 65 pounds or less.
- (b) **City**, as used in this ordinance, means either the City of Sedan or its authorized solid waste contractor as the context implies.
- (c) **Garbage** means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.
- (d) **Hazardous waste** includes, but is not limited to, waste containing liquids of any kind in excess of 50 percent by weight; volatile waste, paint or paint waste, dry cleaning fluids, oil sludge, acids, caustics, poisons, drugs and like materials, pathological waste, biological waste, explosive material or waste, radioactive waste, pesticides, and septic tank cleanings or waste.
- (e) **Refuse** means all putrescible and nonputrescible solid wastes, except body wastes and other wastes ordinarily disposed of through a sewer system, and includes garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial wastes.
- (f) **Rubbish** means nonputrescible solid waste, excluding ashes, consisting of both combustible and noncombustible waste, such as paper, cardboard, tin cans, yard clippings, tree limbs, appliances, wood, glass, bedding, crockery and similar materials.
- (g) **Sanitation officer** means the person designated to serve in that capacity by the mayor.
- (h) **Tenant** means any person occupying property other than the owner.

SECTION 2. COLLECTION:

All residents of the city receiving city water services shall be required to receive city solid waste collection service, except as hereinafter provided. All refuse accumulated in the city, whether on private or public property, shall be collected, conveyed, and disposed of by the city. No other persons shall collect or convey over any of the streets or alleys of the city, or dispose of any refuse accumulated in the city, except that bulky wastes and hazardous wastes may be collected, transported, and disposed of by the producers or owners thereof, or by private contractors.

SECTION 3. EXCEPTIONS:

The following are exceptions to the requirement that all residents receiving city water service shall be required to receive city solid waste collection service:

- a. **Extended Absence:** If a customer receiving solid waste collection service who knows in advance that he will be absent for an extended period of 6 months or more, and that during the absence the customer plans to leave on his water service from the city, the customer may give notice to the city of start date and end date of the customer's anticipated absence, and during that time, the customer shall not be charged for solid waste collection service. The charge for solid waste collection service shall automatically resume on the end date given to the city by the customer. There will be no proration of the bill for partial month. Should the customer return earlier than anticipated, the customer shall promptly give the city notice so that the city may resume billing the customer for solid waste collection service. Should the customer fail to give the city notice of his early return, the city may at its option retroactively charge the customer for the entire period of time the customer was absent.
- b. **Common Ownership:** Commercial customers who have ownership of more than one building on one or more contiguous lots shall be permitted to have one centralized dumpster or dumpsters as opposed to individual containers for each building, and will be billed accordingly.
- c. **Nonprofits:** Any church or any 501 (c) (3) non-profit corporation shall be exempt from the mandatory requirement of having solid waste collection service at its location. However, if the church or non-profit desires to have solid waste collection service, it shall pay the usual fee associated with such service.
- d. **Other:** Any other customer who has reached agreement with the city's solid waste collection contractor to have solid waste collection service without a fee.

The above exceptions shall be subject to approval of city's solid waste collection contractor.

SECTION 4. COLLECTION, TRANSPORTATION, SUPERVISION:

All refuse accumulated in the city, including hazardous wastes and bulky wastes, shall be collected, transported, and disposed of under the supervision of the sanitation officer. The officer 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, transportation, and disposal

of refuse and solid waste as he shall find necessary, and to change and modify the same from time to time. The sanitation officer may classify certain wastes as hazardous wastes or bulky wastes which will require special handling, and which should be disposed of only in a manner acceptable to the sanitation officer.

SECTION 5. CONTAINERS:

Containers for residential and commercial refuse collection shall be provided and delivered to each customer. All refuse shall be placed in the containers provided. Any refuse not placed in the container provided may not be collected. Customers having custody and control of the containers are responsible for any cost associated with any damage caused to the container through their negligence or misuse, normal wear and tear excluded.

SECTION 6: STORING OF WASTES:

- (a) No person shall place or store any refuse in any street, alley, or other public place, or upon any private property, whether owned by such person or not, within the city, unless it is in proper containers approved by the city. Residential refuse containers shall be stored upon the residential premises. Commercial refuse containers shall be stored upon private property, unless the owner shall have been granted permission from the sanitation officer to use public property for such purposes.
- (b) The storage site shall be well drained and fully accessible to collection equipment, public health personnel, and fire inspection personnel.
- (c) All refuse containers shall be placed for collection at ground level on the property, and not more than 6 feet from the side of the street or alley from which collection is made; provided, the sanitation officer may grant approval for other collection and storage sites or areas.

SECTION 7: COLLECTION FREQUENCY:

- (a) All residential and commercial refuse, other than bulky wastes, shall be collected once each week on a day designated by the sanitation officer which may vary depending on the city holiday schedule, or at more frequent intervals as may be determined by the sanitation officer upon a finding that more frequent collections are necessary for the preservation of the health or safety of the public, and general appearance.
- (b) Hazardous wastes shall not be collected, transported, or disposed of by the city, but shall be disposed of as directed by the sanitation officer at the expense of the owner or possessor thereof.

SECTION 8: SCATTERING REFUSE; ACCUMLATION; USE OF CONTAINERS .

- (a) It shall be unlawful for any person to place, deposit, cast, or sweep any garbage, refuse or rubbish upon any street, sidewalk, alley, parkway, or other public place.
- (b) It shall be unlawful for any person to place, deposit, cast, sweep, or accumulate anywhere within the city any garbage, refuse, or rubbish in such a manner that it may be carried or

deposited by the elements upon any street, sidewalk, alley, parkway, or other public place, or into or upon any private premises within the city.

- (c) It shall be unlawful for any person to place, put, or deposit any garbage, refuse, or rubbish in any container not belonging to such person; provided, it shall not be unlawful for any person to use any refuse container owned by the city and placed for public use.
- (d) It shall be unlawful for any person to accumulate, or allow to be accumulated, any garbage, rubbish, or refuse in any manner not approved by the sanitation officer, and any such accumulation is hereby declared to be a nuisance.

SECTION 9: *NON-RESIDENT COLLECTION:*

Any non-resident who receives city water service shall be required to sign an agreement in which they agree to be bound by the terms and conditions set forth in this ordinance regarding solid waste collection. Any non-resident who refuses to do so may be disconnected from city water service.

SECTION 10: *BILLING:*

A customer's bill for solid waste collection services may be billed by the city in combination with other utility bills issued by the city such as for water and/or sanitary sewer services. A late fee of 10% of the total bill owed shall be assessed for any payment made after the due date.

SECTION 11: *RENTAL PROPERTY:*

In the event that solid waste collection service is provided to a property occupied by a tenant, the responsibility for the bill may be delegated between the tenant and the landlord/property owner by an agreement between them. However, in the event the bill for solid waste collection becomes delinquent, the landlord/property owner shall be responsible to the city for payment of the bill notwithstanding any agreement to the contrary with the tenant, and the provisions of Section 11 shall be applicable to the landlord/property owner.

SECTION 12: *DELINQUENT ACCOUNTS:*

In the event any customer fails or neglects to pay the fee charge for solid waste collection, the city clerk shall certify to the county clerk the legal description of the real estate to which solid waste collection services is provided with the amount of any charges remaining unpaid, and such amounts shall be placed on tax role for collection from the customer subject to the same penalties and collected in an alike manner as other taxes are collected by law, and shall become a lien on the real estate of the customer.

SECTION 13: *TERMINATION OF SERVICE:*

If the monthly bill for solid waste collection shall remain unpaid after the due date specified in the bill, the bill shall become delinquent, and a delinquency and termination notice shall be

issued which may result in termination of the service. The termination of service procedure for solid waste collection shall be the same as for termination of service for water and sewer.

SECTION 14: ENFORCEMENT PROVISIONS:

The sanitation officer is hereby authorized to exercise such powers as may be necessary to carry out and effectuate the purposes and provisions of this ordinance. Included in the powers is the right to inspect all phases of refuse management within the city. The sanitation officer has the right to enter upon the premises for the purpose of making examinations and inspections; provided, such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession thereof. In all instances where inspections by the sanitation officer reveal violations of this ordinance, the sanitation officer shall issue notice to the violating person for each such violation, stating the violation or violations found, the time and date of the violation, and the corrective measures to be taken, together with the time in which such correction shall be made. When corrective measures have not been taken within the time specified in the notice, the sanitation officer shall execute a complaint in the municipal court, charging the person with a violation of this ordinance. In those cases where an extension of time will permit correction, and there is no public health hazard created by the delay, one extension of time, not to exceed the original time period, may be granted by the sanitation officer before he executes the complaint.

SECTION 15: PENALTY:

Violation of any provision of this ordinance shall be an infraction and upon conviction shall be punishable by a fine of not less than \$25.00 and no more than \$500.00.

SECTION 16: SOLID WASTE COLLECTION RATES:

Residential and commercial rates shall be applicable to residence of the city:

Residential Rate:

Poly cart per month charge	\$19.50
Additional poly cart per month charge	\$ 8.00

Commercial Rate:

Commercial poly cart per month with weekly pick up	\$20.00
Additional commercial poly cart per month with once per week pick up	\$10.00
Commercial 2-yard poly cart per month with once per week pick up	\$55.04
Commercial 3-yard poly cart per month with once per week pick up	\$68.55
Commercial 4-yard poly cart per month with once per week pick up	\$79.11

Commercial 8-yard poly cart per month with once per week pick up	\$121.55
Roll off container per pull	\$225.00
Miscellaneous disposal rate per ton	\$42.00

Beginning in the third year following adoption of this ordinance, the above rates shall increase 2% per year.

SECTION 17: EFFECTIVE DATE:

This ordinance shall take effect upon its publication in the official city newspaper.

Adopted by the governing body of the City of Sedan, Kansas on the 20th day of February 2024.

CITY OF SEDAN



Bryan Blankinship, Mayor

ATTEST:



Lana Robinson, City Clerk

SUMMARY OF ORDINANCE NO. 945

On February 20, 2024, the Governing Body of the City of Sedan adopted Ordinance No. 945 which contains certain amendments to the previously adopted ordinance No. 942 which set forth rules and regulations dealing with solid waste collection in the City of Sedan. A complete copy of the Ordinance can be located on the City's website: www.cityofsedan.com or can be viewed at no charge at the office of the City Clerk. The City Attorney has reviewed this summary and certifies that it is accurate.



Lana Robinson, City Clerk