

ORDINANCE NO. 668

AN ORDINANCE PROVIDING FOR COLLECTION OF GARBAGE AND REFUSE IN THE CITY OF SEDGWICK; PROVIDING FOR COLLECTION OF CERTAIN RECYCLABLE MATERIALS; PROVIDING RULES AND REGULATIONS THEREFORE, PROHIBITING THE DEPOSIT OF LITTER WITHIN THE CITY; PROVIDING PENALTIES FOR VIOLATION THEREOF, AND REPEAL OF ORDINANCES 548, 549 AND 634.

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

SECTION 1: For the purposed of this Ordinance the following definitions shall apply:

- A. "Garbage" will mean and include the putrescible animal and vegetable waste that attend the use and preparation of meat, fish, fowl, fruits, or vegetables.
- B. "Rubbish" shall mean and include the non-putrescible waste.
- C. "Trash" shall mean and include all other putrescible and non-putrescible waste, except body waste, but shall not include any excavation or building material and other wastes from any construction project and recyclable materials such as corrugated cardboard (except wax coated corrugated cardboard and corrugated riceboard) newspapers, aluminum can containers, steel can containers, clear, brown and green glass containers, and plastic containers designated number 1 and number 2.
- D. "Refuse" shall mean and include all garbage, rubbish, and trash.
- E. "Standard Refuse Containers" shall mean plastic or galvanized metal containers, water tight, with tight fitting covers, approximately 32 gallons or less in capacity, with cover, handle and side bails.
- F. "Recycling Containers" shall be as prescribed and furnished by contract.
- G. "Contractor" shall mean a person with whom the City has a contract to collect and dispose of refuse and/or recyclables.

SECTION 2: Collection of Refuse and Garbage. All refuse and garbage accumulated within residential areas of the City shall be collected, conveyed and disposed of by the City, whether by its employees or by contractors specifically authorized to collect and dispose thereof, or by persons authorized to dispose of their own refuse and garbage.

SECTION 3: Contracts. The Governing Body of the City shall have the right to enter into a contract or contracts with any responsible person or persons for the collection and disposal of garbage and refuse in the City, or any part thereof provided that such contract or contracts shall not conflict with the terms and conditions of this Ordinance. The City will make such contract(s) for the collection and disposal of refuse and garbage and/or recyclables in the residential area of the City as needed.

SECTION 4: For purposes of this ordinance, the following materials are hereby designated as recyclables:

- (a) Aluminum, Tin and Steel Cans, which shall include containers used for the packaging of food products and beverages.
- (b) Aluminum Packaging, which shall include containers used for the packaging of prepared foods, pie tins and foil.
- (c) Glass Bottles and Jars, which shall include containers used for the packaging of food products and beverages, and which shall include glass bottles and jars which are clear, green or brown in color. Broken glass is not included.
- (d) Plastic Bottles and Jars, which shall include containers used for the packaging of food products and beverages with a designation of "PETE #1" and "HDPE #2" in all colors.
- (e) Newsprint, which shall include newspapers and newspaper inserts. Printed materials such as magazines, catalogues, phone books and any books or other bound materials are not included.
- (f) Catalogues, Magazines and Phone Books, which shall include any other similarly bound printed material without a hardbound surface.
- (g) Cardboard, which shall include corrugated boxes, but which shall not include paste-board boxes (i.e. cereal boxes), but may include food storage boxes as defined by contractor.
- (h) Styrofoam, i.e., Styrofoam used in packing, Styrofoam picnicware, egg cartons.

SECTION 5: Containers Required and Specifications. Requirements and specifications for suitable containers shall be as follows:

- A. Residential Areas. It shall be the duty of every person in possession, charge, or control of any place, premise, building or structure in the residential area from which garbage or refuse accumulates to provide or cause to be kept, standard containers as herein defined for holding such garbage and refuse as defined in Section One of this ordinance.
- B. Commercial, Industrial, and other areas. It shall be the duty of every person in possession, charge or control of any place, [premise, building or structure from which garbage or refuse accumulates in the commercial, industrial or areas other than residential in the City to provide or cause to be kept or provided suitable containers or enclosures for holding such garbage and refuse as defined in Section One of this ordinance. Where excessive amounts of garbage or refuse accumulates or where individual standard containers are impractical, bulk containers for the on-premise storage of garbage and refuse may be provided by the occupant. Such container will be constructed of durable, rust and corrosion resistant materials and of watertight, leak proof and weatherproof construction and design, equipped with tight fitting lids or doors to prevent the entrance of insects or rodents. Such doors and lids shall be constructed and maintained so that they can easily opened and closed.
- C. All of the above described containers or enclosures shall be kept closed at all times except when depositing material in the container or removing the contents thereof.

SECTION 6: Placing, Maintaining, and General Use of Containers. Containers shall be placed and maintained as follows:

- A. On the day designated for collection service in the residential areas, all containers shall be placed by the occupant at the side of the curb in the front of the residential unit. Subject to contractor approval, occupants of corner lots may place containers or bundles at the curb of the adjoining side street for pickup. At all other times said containers or bundles shall be placed and kept by the occupant in an on-premise enclosed building or garage; or in a rear or side yard location. Front yard or front porch storage of containers or bundles on non-pickup day is specifically prohibited. Containers may be placed for collection by 6:00 p.m. on the day immediately prior to collection. All containers must be removed from the curb by 6:00 a.m. on the day immediately following scheduled collection.
- B. All containers or enclosures shall be maintained in a clean and sanitary manner by the person or persons in possession, charge or control thereof, and all garbage shall be drained and wrapped in paper before being placed in any container or enclosure. Both garbage and rubbish may be placed into the same container or enclosure.

SECTION 7: Frequency of Removal. Collection of garbage and refuse shall be as follows:

- A. Garbage and refuse shall be collected and removed once each week from residential areas by the City through its contractor.
- B. Recyclables shall be collected and removed as prescribed by contract.
- C. In commercial and industrial areas the occupant or owner of the premises shall provide for the collection and disposal of garbage and refuse accumulations from said premises at such frequent intervals as will prohibit the accumulation of garbage or refuse in such quantities which would constitute a health or sanitation hazard. Such collection and disposal shall be by contract with a licensed collector.

SECTION 8: Prohibited Acts. It shall be unlawful for any person to commit the following acts:

- A. 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 constitute health or sanitary hazard.
- B. No person shall permit to accumulate quantities of refuse, paper, trash, ashes or other waste materials within or close to any building in the City unless the same is stored in containers in such manner as not to create a health or fire hazard.
- C. No person shall bury refuse at any place within the City or keep, place or deposit refuse on any public or private grounds or premises whatsoever except in containers or receptacles for collection upon the premises owned, occupied, or under possession and control of such person, provide however that lawn and garden trimmings may be composted.
- D. No person shall create, cause or add to any refuse accumulation not placed for regular or special haul or to cause unwholesome odors or to cause the attraction or collection of insects or rodents or burn any garbage, leather, rubber, plastic, green or wet vegetable

or organic matter material, or burn any other substance producing emissions of air contaminants or odor problems within the City unless the operations are carefully carried out in an incinerator of the design and type approved by the State of Kansas.

- E. No person shall deposit in container or enclosure or otherwise offer for collection any hazardous garbage, refuse or waste. Hazardous material shall be transported by the owner, responsible person or his agent, to a place of safe deposit or disposal as prescribed by the City or its authorized representative. Hazardous material shall include; explosive materials; drugs; poison; radioactive materials; highly combustible materials; soiled dressings, clothing and bedding or other waste contaminated by infection or contagious disease; and other material which may present a special hazard to collection or disposal personnel or equipment or to the public.
- F. No person other than the authorized collector shall remove the contents or other portion thereof, of a container or enclosure holding garbage and refuse.
- G. No person shall upset, turn over, remove or carry away any container or mutilate or damage such container in any manner.
- H. No person shall permit placement or maintenance of bundles or containers in violation of the regulations, except such placement may be allowed if residential occupant is unable to comply with regulation due to physical infirmity.
- I. No person shall commingle refuse with recyclables as defined herein. Any such commingling may result in refusal to accept the commingled refuse by the contractor. A notice will be left to identify the infraction.

SECTION 9: Fees. Fees for collection of refuse and garbage in the residential area of the City shall be established and amended from time to time by City Resolution.

SECTION 10: Residential Unit Garbage and Refuse 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 in the residential unit, to notify the City Clerk of such occupancy and to request, accept and use the garbage and refuse pickup collection service, provided however the failure of any owner, rental agent or occupant of such premises to make such request shall not prevent nor in anyway impair or impede the City from adding the address of such premises to the proper garbage and refuse collection route record and to provide such service and otherwise enforce by appropriate action the regulatory measures herein prescribed and causing the fee or charges thereof to be paid.

SECTION 11: Commercial, Industrial and Non-residential Areas, Garbage and Refuse Service. To assist in maintaining the general sanitation of this City, it shall be the duty of every person, occupying or having control of the occupancy of any premises in the Commercial, Industrial and Non-residential areas of the City, to make provision for the collection and disposal of garbage and refuse accumulated from and upon such premises in accordance with the requirements of this ordinance.

- A. Licensed Collector. No persons shall collect and dispose of garbage and refuse in the Commercial, Industrial, and Non-residential areas of the City for hire without being duly licensed which must meet the requirements of the Kansas State Department of Health. Contractors shall provide evidence of insurance policy or certificate of insurance of

public liability in an agreed upon amount up to \$1,000,000 for any one person, \$3,000,000 for more than one person, and \$1,000,000 property damage insurance on each vehicle to be used in such service, and the place of disposal.

- B. **Manner of Hauling.** No person shall haul garbage and refuse in such a manner as to endanger the public safety or health of the City, nor create a nuisance, nor litter the streets, alleys, and public places of the City.

SECTION 12: Exempt Haulers. This ordinance shall not be construed to prohibit construction contractors, tree surgeons, roofers, and other private contractors, whose operations result in the accumulation of refuse, from hauling and disposing of accumulation of trash and refuse resulting from their own operations, providing that they shall at all times comply with the provisions of this ordinance applicable to the health, safety and welfare of the City.

SECTION 13: Repeal. Ordinances 548, 549 and 634 are hereby repealed and all other ordinances in conflict herewith are hereby repealed.

SECTION 14: Enforcement. Primary responsibility for enforcement will reside with the Authority for Ordinance Enforcement. Officers will be alert to observe any violation during routine patrol activity. A warning summons will be issued to first time offenders and delivered by certified mail. Follow-up will be conducted 5 days after receipt of warning, and the Police Department will serve a summons if the offender is still violation.

SECTION 15. Penalties. Any person who shall violate any of the provisions of this ordinance shall upon conviction be punished by a fine of not less than \$10.00 nor more than \$100.00 and each day's failure to comply with any such provision shall constitute a separate violation.

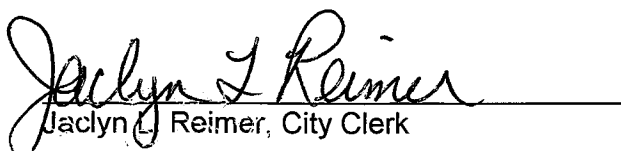
SECTION 16. Savings Clause. If any section, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, the remainder of this ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 17. This ordinance shall take effect and be in force form and after its publication in the official City newspaper.

PASSED AND ADOPTED this **18th** day of **March**, 2002.


Donald K. DeHaven, Mayor

ATTEST:


Jaclyn L. Reimer, City Clerk

[SEAL]