

**ORDINANCE NO. 1516**

**AN ORDINANCE PROVIDING FOR THE COLLECTION AND TRANSPORTATION OF SOLID WASTE EFFECTIVE WITH THE APRIL 1, 2013 BILLING, AND REPEALING ORDINANCE NO. 1399 DATED AUGUST 15, 2006.**

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

**SECTION 1. CITY SYSTEM OF SOLID WASTE COLLECTION AND TRANSPORTATION.** The City of Colby shall provide vehicles, equipment and personnel for the systematic collection and transportation of household and commercial solid waste, as defined herein, to an approved solid waste disposal site; the City may provide for the systematic collection and transportation of small quantity industrial solid waste and construction and demolition solid waste on a case-by-case basis as determined by the Mayor and Governing Body of the City. Residents and businesses are encouraged to recycle solid waste material to the extent possible.

**SECTION 2. DEFINITIONS.** For the purpose of this Ordinance certain terms used herein are defined as follows:

- (a) **Household Solid Waste** is garbage, trash, refuse, yard solid waste, and other discarded materials derived from single and multiple family residences.
- (b) **Industrial Solid Waste** is any solid waste resulting from manufacturing, commercial, and industrial processes which is not suitable for discharge to a sanitary sewer or treatment in the City sewage treatment plant or is not beneficially used in a manner that meets the definition of recyclables as set forth at K.S.A. 65-3402(r). Industrial Solid waste shall not include hazardous waste regulated under Subtitle C of the Resource Conservation and Recovery Act or by Kansas law. This term does not include mining waste or oil and gas waste.
- (c) **Yard Solid Waste** is grass, leaves, weeds, garden and flowerbed plants, bush and tree trimmings, fallen branches, and other plant waste.
- (d) **Construction and Demolition Solid Waste** is solid waste resulting from the construction, remodeling, repair, and demolition of structures,

roads, sidewalks and utilities; untreated wood and untreated sawdust from any source; treated wood from construction or demolition projects.

- (e) **Recyclables** are any materials that will be used or reused, or prepared for use or reuse as an ingredient in an industrial process to make a product, or as an effective substitute for a commercial product as defined by K.S.A. 65-3402(r), and amendments thereto.
- (f) **Commercial Solid Waste** is household solid waste derived from businesses, hotels, motels, campgrounds, picnic grounds, and day-use recreation areas.

### **SECTION 3. SOLID WASTE CONTAINERS.**

- (a) Residential household solid waste waiting for collection and transportation by the City, shall be kept in tipper cans appropriate for the intended use.
- (b) No residential household solid waste container, except approved tipper cans, shall be allowed. A fully-loaded tipper can shall not exceed 75 pounds.
- (c) Any small tree limbs to be picked up from a residential location must fit into the homeowner's household solid waste tipper can along with their household solid waste. The tree limbs must be less than 3" in diameter so as to not damage the compactor unit of the truck.
- (d) Residential yard solid waste shall be separated from household solid waste in a separate tipper can, as required by the Thomas County Landfill.
- (e) Commercial solid waste waiting for collection and transportation shall be kept in a closed tipper can, dumpster, or other solid waste container as approved by the City Manager or his/her designee.
- (f) Dumpsters shall be placed on a hard, flat surface (concrete preferred) with the following dimensions:
  - 3 yard bin - 10' x 10' pad
  - 6 yard bin - 13' x 10' padLocation of the dumpster shall be determined by the Director of Public Works.
- (g) Residential and Commercial solid waste containers shall not contain construction and demolition solid waste.

- (h) No object exceeding 50 pounds, or other substances that could damage a compactor unit on a garbage truck, shall be placed in a solid waste container.
- (i) City shall provide routine maintenance, excluding intentional damage by the customer, for a period of seven years on residential tipper cans purchased from the City and for an unlimited term on dumpsters supplied by the City; customers shall be responsible for all maintenance on pads, enclosures, etc., with easy access available for garbage trucks.
- (j) Industrial Solid Waste containers shall be determined by the City Manager or his/her designee on a case-by-case basis.

**SECTION 4. HOUSEHOLD SOLID WASTE COLLECTION.** The City shall collect from a curbside location all household solid waste, kept and maintained in a tipper can, once each week in residential areas. Tipper cans shall not be placed at curbside more than 12 hours prior to the day of scheduled collection.

**SECTION 5. COMMERCIAL SOLID WASTE COLLECTION.** The City shall collect commercial solid waste, kept and maintained in a solid waste container, Monday through Saturday, weather permitting, excluding holidays.

**SECTION 6. COLLECTION; SERVICE CHARGES.** The charges for collecting and transporting solid waste by the City shall be included in monthly statements for electricity, water, and sewer furnished by the City. The monthly charges shall be as follows:

- (a) Residential Household Solid Waste
  - (1) Normal household solid waste shall be deemed to be the equivalent of two (2) 95-gallon tipper cans per living unit per week. The charge for collecting and transporting household solid waste shall be a minimum of \$14.50 per month, per living unit, when billed to the occupant.
  - (2) For structures containing three or more living units in one building, the charge shall be either (1) \$14.50 per month per living unit, or (2) a charge based on the number or type of containers required by the City Manager or his/her designee.
  - (3) For household solid waste, in excess of normal household solid waste, an additional charge shall be determined by the City Manager or his/her designee. The additional charge for occasional excess household solid waste may be based on the

current vehicle and equipment rates and labor costs, subject to a two-hour minimum.

- (4) Collection and transportation outside the City Limits shall be twice the above rates.

(b) Commercial Solid Waste

- (1) Normal commercial solid waste shall be deemed to be the equivalent of two (2) 95-gallon tipper cans. Commercial users may purchase and use up to two (2) 95-gallon tipper cans in lieu of a dumpster for once-a-week collection. Commercial users creating more than the normal commercial solid waste or requiring more than once-a-week collection may be charged additional fees as provided in Section 6(b)(3), or required to use a dumpster as determined by the City Manager or his/her designee.
- (2) Monthly container charges for one commercial sanitation collection per week will be: two 95-gallon tipper cans – \$20.00; 3-yard dumpster – \$30.00; 6-yard dumpster – \$50.00.
- (3) For each additional commercial sanitation collection per week (over the one collection as provided in Section 6(b)(2), the charges will be: two 95-gallon tipper cans – \$7.00; 3-yard dumpster – \$13.00; 6-yard dumpster – \$24.00.

The “Monthly Collection Charge” will be based on the additional weekly collection(s) as outlined above. For example, if you request three collections per week of a 3-yard dumpster: You get one collection per week for a total monthly charge of \$30.00. If you request two additional collections per week for a total of three collections per week, your charges will be:

$\$13.00$  (2<sup>nd</sup> collection per week)+  $\$13.00$  (3<sup>rd</sup> collection per week) x 4.333 weeks per month =  $\$112.66$  +  $\$30.00$  (monthly charge for one collection per week) =  $\$142.66$  per month.

- (4) Collection outside the City Limits shall be twice the above rates.

**SECTION 7. FUEL COST ADJUSTMENT.** The rates for collection and transportation of solid waste shall be adjusted whenever the average cost of fuel purchased (during the previous month after the effective date of this Ordinance) exceeds \$3.00 per gallon. This adjustment shall be added to the solid waste charge

on the next utility bill. Implementation of the fuel cost adjustment shall be at the discretion of the City.

**SECTION 8. ILLEGAL DISPOSAL OF REFUSE.** It shall be illegal to place solid waste in a container owned, or used, by another person or business in an attempt to avoid a solid waste collection and transportation charge or landfill charge.

**SECTION 9. FRANCHISE AGREEMENT.** It shall be unlawful for any person, firm, or corporation to take and carry away and remove solid waste from within the City Limits as a business without first obtaining a franchise agreement or a written exception from the Governing Body of the City of Colby, Kansas.

**SECTION 10. RULES; RESOLUTIONS.** The Governing Body of the City of Colby shall have power to make such regulations by resolution as may be deemed necessary to carry into effect the provisions of this Ordinance.

**SECTION 11. SAVINGS CLAUSE.** If any provisions of this Ordinance shall be found to be invalid, for any reason, such invalidity shall not be deemed to affect the other provisions hereof.

**SECTION 12. PENALTIES.** Any person, firm, or corporation who shall violate any provision of this Ordinance shall upon conviction thereof be punished by a fine of not more than \$500.00 or by imprisonment for not more than three months, or by both such fine and imprisonment. Each day's violation shall be deemed a separate offense.

**SECTION 13.** Ordinance No. 1399 passed August 15, 2006 by the Governing Body of the City of Colby, Kansas is hereby repealed.

**SECTION 14.** The charges for collecting and transporting solid waste by the City shall become effective with the March, 2013 billing cycle charges.

**SECTION 15.** This Ordinance shall take effect after publication in the official City newspaper.

**PASSED by the Governing Body and approved by the Mayor** this 5<sup>th</sup> day of February, 2013.

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Gary L. Adrian, Mayor

ATTEST:

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Joni L. Ketchum, City Clerk

(Seal)