

ORDINANCE #587

AN ORDINANCE PROVIDING MUNICIPAL SERVICE FOR THE COLLECTION OF SOLID WASTE; SETTING FORTH THE AUTHORITY OF THE SANITATION OFFICER; PRESCRIBING REGULATIONS FOR THE STORING AND COLLECTION OF SOLID WASTE, PROVIDING FOR THE MAINTENANCE OF SANITARY CONDITIONS ON PUBLIC AND PRIVATE PREMISES; PROVIDING FOR THE IMPOSITION AND COLLECTION OF FEES, PROVIDING PENALTIES FOR VIOLATIONS AND REPEALING ORDINANCE NO. 341 and ORDINANCE NO. 528.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ALTAMONT, KANSAS.

SECTION 1: DEFINITIONS. For the purpose of this ordinance, the following terms, phrases, words, and their derivations will have the following meaning:

- a. "City" is the City of Altamont.
- b. "Garbage" is decayed animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food or biodegradable waste.
- c. "Sanitation Officer" is the Mayor of Altamont or his authorized representative.
- d. "Person" is any person, firm, partnership, association, corporation, company, or organization of any kind.
- e. "Refuse" is all decayed and non-decayed solid wastes, except body wastes and other wastes ordinarily disposed of through a sewer system, and includes garbage, rubbish, ashes, street cleaning, dead animals, solid market and industrial wastes, paper, cardboard, tin cans, yard clippings, tree limbs, appliances, wood, glass, and similar materials.
- f. "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 will 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 sixty five pounds; or less.
- g. "Hazardous Waste" will include, but not limited to waste containing liquids of any kind in excess of fifty percent by weight; volatile waste, paint or paint waste, dry cleaning fluids, oil sludge, acids, caustics, poisons, drugs and like materials, pathological wastes, biological wastes, explosive material or waste, radioactive waste, pesticides and septic tank cleanings or waste.
- h. "Commercial Waste" is 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.
- i. "Polycart" is for temporary storage of household trash.

SECTION 2. COLLECTION BY CITY. All refuse accumulated in the City will be collected, conveyed, and disposed of by the City, its agents or employees. No person will 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. COLLECTION AND TRANSPORTATION SUPERVISED BY SANITATION OFFICER. All refuse accumulated in the City, including hazardous wastes and bulky wastes, shall be stored, collected, transported, and disposed of under the supervision of the Sanitation Officer. Said officer will have the authority to make regulations concerning the days of collection, type and location of waste containers, and such other matters pertaining to the storage. Collection, transportation and disposal of refuse and solid wastes 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 4. FEES. The fees for collection, transportation, and disposal of solid wastes and refuse shall be as follows:

- a. Residential or home business. For each single-family household unit or home business, \$17.00 per month per unit for once a week pickup. Residents may request up to two (2) additional polycart(s) from the City of Altamont with a minimum of 3 months of service. Residents will be charged \$19.00 per month for 2 polycarts of trash. Residents will be charged \$21.00 per month for 3 polycarts of trash. If any trash (including leaves not during designated weeks) is placed outside the polycart a \$35 fee per pickup will be accessed.
- b. Commercial, Business, Industrial, Manufacturing and All other Persons. The monthly rate for all commercial, business, industrial, manufacturing and all other persons and establishments of every kind and nature, except for Churches and any thrift store whereby proceeds are designated for charity or non-profit purposes sponsored and opened by Churches within the City Limits of Altamont, Kansas, shall be as follows: \$17.00 per month for once a week pickup. Businesses may request up to two (2) additional

polycart(s) from the City of Altamont with a minimum of 3 months of service. Businesses will be charged \$19.00 per month for 2 polycarts of trash. Businesses will be charged \$21.00 per month for 3 polycarts of trash. If any trash (including leaves not during designated weeks) is placed outside the polycart a \$35 fee per pickup will be accessed.

c. Dumpsters will be provided upon request and availability and will be charged as follows: \$40.00 per month for once a week pickup. Any additional dumps shall be \$10.00 per dumpster for each pickup. All sites where a dumpster is placed must have a concrete pad 8 foot x 8 foot and 4 inches thick.

d. Rural residence that choose to deposit their refuse in the City Dumpster will be charged as follows: \$17.00 per month with a minimum of six months of service.

e. If resident remove(s) polycarts from the assigned residence or location, a \$60 fee will be applied to utility bill.

SECTION 5. Fees and charges for Sanitation Service will be collected by the City Clerk of the City of Altamont, and such fees and charges will be added to and noted on the monthly utility bills sent to all such customers and users of the City utilities, and shall be paid in the same manner at the same time as other utility bills. Persons and establishments not connected with municipal utilities shall be billed at the end of each month, and fees shall be paid on or before the 15<sup>th</sup> day of the following month. If any such fees and charges are not paid when due, a 10 percent penalty will be added to the amount due. If the fees and charges are not paid within 5 days after the day due the collection of wastes from the premise of the person thus failing to pay shall at the option of the City, be discontinued, and such collection shall not be resumed until all collection charges against the premises have been paid. The City may assess additional delinquent fees or charges for those who do not pay within the time prescribed. All fees and charges not paid in the time prescribed shall be assessed turned over to collections or against the lot or parcel of land from which the waste was removed, and City Clerk shall, at the time of certifying other City taxes, certify the unpaid portion of said fees and charges, including delinquent fees and the County Clerk shall extend the same on the tax rolls of the County against said lot or parcel of land.

SECTION 6. Providing polycart containers. The City of Altamont will provide each dwelling unit with one portable numbered polycart. Lost, stolen or damaged containers, or containers deemed no longer usable due to the placement of oversized items therein, will be replaced at the customer's cost by the City of Altamont. The customer will be responsible for clean-up of solid waste scattered or spilled by animals, wind, or other causes before arrival of the collection crew.

SECTION 7. POLYCARD CONTAINERS FOR COLLECTION. Place all household trash in a 1.5 mil minimum plastic trash bag tied to the top or properly sealed trash compactor bags. The Sanitation Officer shall have the authority to refuse collection service for failure to provide and maintain proper or adequate containers. Residents at any time can take their household trash to the dumpsters located under the water tower at 6<sup>th</sup> & Wells Streets. Polycart containers shall be placed in a clearly accessible and uncluttered area to minimize risk of injury to the collector. Dogs tethered near solid waste containers must be where they cannot interfere with the collection of solid waste. Containers shall be removed from street side within 24 hours after collection. The city shall not be responsible for the security of containers after the collection crew has departed. All polycarts must be placed at street side before 7 a.m. on the scheduled day of collection. All trash must be contained in the provided polycart so that the lid will close properly. Polycarts should be placed no more than 6 feet away from the edge of street and no closer than 5 feet from any vehicle, mailbox or fence for easy access for collector. However the Sanitation Officer may grant approval for other collection and storage sites or areas. All polycarts must be removed from street side within 24 hours. There is a limit of three (3) polycarts per residence or business.

SECTION 8. COLLECTION OF LEAVES AND GRASS. Options for all leaves, grass, clippings, and trimmings from bushes, trees, or shrubs *shall be transported to the burn site by the owner* or the City will designate times to pick-up bagged leaves. However, in the event a storm causes extensive or unusual damage to growing trees or shrubs the City may grant a moratorium on the enforcement of this provision and may permit, for a reasonable length of time, all persons, to store, collect, and dispose of trees, tree limbs, shrubs, and brush in some other manner not inconsistent with the public health, safety, and welfare. The City of Altamont has a burn policy for burning brush. The policy is available on the [altamontks.com](http://altamontks.com) website or a copy may be obtained at the City Office. Burning leaves is prohibited at any time.

SECTION 9. STORING OF WASTE. No person shall place or store any wastes in any street, alley, or other public place, or upon any private property, whether owned by such person or not, within the city, except it be in proper containers approved by the Sanitation Officer. Residential polycarts shall be stored upon the residential premises. Commercial waste 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. The storage site shall be well drained and fully accessible to collection equipment, public health personnel, and fire inspection personnel. All waste containers shall be placed for collection at ground level.

SECTION 10. SCATTERING OF WASTES; UNAUTHORIZED ACCUMULATION.

- a. It shall be unlawful for any person to throw, place, deposit, or allow to accumulate, leave, or cause to be placed or deposited on any parking, sidewalk, gutter, street, alley, park, or public grounds, any refuse or solid wastes, provided, however, that nothing will prevent persons with permission of the Sanitation Officer, from encumbering streets or alleys with building materials for purposes of construction, remodeling, or repairing any building, structure, or things, which materials shall be removed within a reasonable time of completion of said work.
- b. Every person, including the owner and occupant of any premises within the city limits of Altamont, Kansas, shall maintain his premises in a clean and sanitary manner, free from all refuse and solid waste.
- c. Every owner or occupant of any premises within the City of Altamont Kansas, shall dispose of all refuse in a clean and sanitary manner, placing the same in approved containers for collection and disposal by the City, its agents or employees.
- d. It shall be unlawful to accumulate refuse, solid waste or garbage in any manner not approved by the Sanitation Officer, and any such unauthorized accumulation is hereby declared to be a nuisance, and is prohibited.

SECTION 11. ENFORCEMENT PROVISIONS. The Sanitation Officer is hereby authorized to exercise such powers as may be necessary to carry out the purposes and provisions of this ordinance. Included in said powers is the right to inspect all phases of waste management within the City. The Sanitation Officer has the right to enter upon the premises for the purposes of making examinations and inspections provided that such entry shall be made in such manner as to cause the least possible inconvenience to the persons in possession. In all instances where inspections by the Sanitation Officer reveal violations of this ordinance, the sanitation Officer shall issue notice to the violating persons for each such violation stating the violation or violations found, the time and date of said violations, and corrective measure to be taken, together with the time in which said correction will 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 of the City of Altamont, charging said person or persons with a violation or violations 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 12. COLLECTION FREQUENCY. All residential wastes other than bulky wastes, shall be collected once each week. All commercial wastes shall be collected at least once each week, or at more frequent intervals as may be fixed by the Sanitation Officer upon a determination that more frequent collections are necessary for the preservation of the health or safety of the public and general appearance. Additional fees may apply.

SECTION 13. WASTE BECOMES PROPERTY OF THE CITY. All solid waste and refuse, upon collection and removal from the premises, shall be owned by the City, and no person shall retain any right, title, or interest therein.

SECTION 14. BURNING OF WASTE. The burning of waste, rubbish, or refuse of any kind shall be prohibited at all times.

SECTION 15. PENALTY. Any person who shall violate any of the terms and provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding Two Hundred Fifty Dollars (\$250.00) or sentenced to confinement for a term not exceeding thirty (30) days, or both so fined and imprisoned, and each day that any such violations exists and continues shall be and constitute a separate offense.

SECTION 16. All Ordinances or parts of ordinances of the City of Altamont, Kansas relating to Sanitation utility rates in conflict with this ordinance or any part hereof are hereby repealed.

SECTION 17. This ordinance shall take effect and be in force from and after its passage, approval and publication once in the Official City Newspaper.

PASSED AND APPROVED by the Governing Body and signed by the Mayor of the City of Altamont, Kansas on March 9, 2017.

  
Herbert C. Bath

ATTEST  
  
Peggy S. Ybarra, Deputy City Clerk