

Ordinance No. 2016-2

An Ordinance pertaining to the accumulation of refuse, trash or garbage; regulating and licensing of persons who collect and remove refuse, trash or garbage from within the City of Liebenthal, Kansas, and requiring City trash hauling service and establishing charges for trash hauling services.

Section 1. DEFINITION: Definitions of the following terms used in this article shall have the meanings respectively ascribed to them in this section:

- a. Trash shall be construed to mean refuse such as paper, cartons, excelsior, tin, cans, bottles, rags. Leaves, paper sacks, packing materials, grass, shrubbery trimmings and household rubbish, but excluding following: garbage or offal, sewage, dirt, rocks, concrete, concrete or masonry materials, cement, steel, iron and large tree branches, dead animals or excrement.
- b. Garbage shall be construed to mean all organic waste or residue of animal fats, fruit, and vegetable or food material from kitchens and dining rooms or from the preparation of dealing in or storage of meats, fowl, fruits, grains or vegetables.
- c. Person shall mean any person, firm, partnership, association or corporation of any kind.
- d. Authorized Private Trash Hauler shall mean any person duly qualified and operating under a license issued by the City in accordance with the provisions of this article or the licensee's duly authorized employee.

Section 2. ACCUMULATION OF REFUSE, GARBAGE AND TRASH: No owner or lessee or any public premises shall permit to accumulate upon his or her premises any refuse, garbage or trash except in containers of a type approved by the governing body. Such container shall have a capacity of not more than 30 gallons nor in excess of 100 pounds in weight when full. They shall be of galvanized metal or other non-rusting material of substantial construction. Each container shall have airtight fitting lid and shall be leak-proof and fly-tight. Neither owner nor lessee shall have more than three containers.

Section 3. COLLECTION: All solid waste accumulated within the City shall be collected, conveyed and disposed of by the City or by contractors specifically authorized to collect and dispose of solid waste.

Section 4. SERVICE REQUIRED; CHARGES THEREFORE:

- A. Every person who has contracted with the City for water service or sewer service shall be required to contract for trash hauling services with the City. Trash service fees for residents and business service customers will be set by the governing body as needed. In the event that water services are disconnected from a water service customer trash hauling services will be stopped.
- B. In the event a good standing trash service customer allows a trash service customer that has had their trash service discontinued to use their residence for unloading trash, another minimum trash pickup charge will be assessed to the supplying trash service customer.

Section 5: CONTRACTS: The City shall have the right to enter into a contract with any responsible person for collection and disposal of solid waste and to limit the number of licenses granted, and may issue only one such license if deemed in the best interest of the City by the governing body.

Section 6: PRIVATE TRASH HAULERS; LICENSE REQUIRED:

- A. It shall be unlawful for any person to collect, transport or dispose of any refuse, trash or garbage accumulated in the City without first having obtained a private trash hauler's license in accordance with the terms of this article.
- B. The licensing requirement of this section shall not apply to the following:
 - a. Any department of the City;
 - b. Builders, wrecking or demolition contractors or other persons engaged in construction or similar occupations;

- c. Persons, firms or corporations engaged in occupation known as tree trimmers or surgeons, landscaping or nursery work;
- d. Persons engaged in automobile repair, heavy machinery repair, machine work and body shops;
- e. Owners and lessees in the residence who need to remove large items of furniture and large tree limbs to large for the 30 gallon drum.

Section 7: SAME; APPLICATION: Any person desiring to collect or transport trash or garbage within the City shall make application for a license to the City clerk on a form prescribed by the governing body. The application shall set forth the name, address and phone number of the applicant and the make and type of vehicle to be operated for collecting and transporting trash or garbage.

Section 8: LICENSE: No license shall be issued until:

- A. The vehicle or vehicles to be registered and operated under the license applied for shall first be inspected and approved by a representative of the governing body or the City as being free from mechanical or other defects which would render its operation unsafe and hazardous.
- B. The vehicle or vehicles to be registered and operated under the license applied for shall first be inspected and approved by a representative of the governing body of the City as being properly equipped and conditions for the hauling of trash and garbage in the City.
- C. The applicant must furnish a certificate of vehicle insurance covering minimum limits of bodily injury liability of \$100,000.00 per person and \$300,000.00 per occurrence together with property damage liability of \$50,000.00 for each accident.
- D. The applicant shows proof of Kansas Worker's Compensation Insurance coverage.
- E. A surety bond is executed and delivered to the City in the amount of \$5,000.00 issued by a company authorized to do business in Kansas, conditioned that the principal, his or her heirs, devisees, and personal representatives shall duly observe, perform, carry out and comply with all provisions of this article at the time and in the manner so specified and shall save, defend keep harmless and indemnify the City from all loss, damage, cost, charges liability or expense thereby suffered or sustained and shall promptly pay over, make good and reimburse the above named obligee by reason of the failure or default on the part of the principal.

Section 9. TRANSFERABILITY OF LICENSE: No license issued hereunder shall be assigned or transferred by the person, firm or corporation holding the same as licensee. Any licensee may, however, change the registration of the vehicle or vehicles to be operated under this license upon the following conditions:

- A. The registration of the vehicle theretofore operated under such license to surrender.
- B. The vehicle or vehicles sought to be newly registered shall first be inspected and approved in the manner approved as provided above.

Section 10. LICENSE FEE: A licensee fee shall be paid in advance by the applicant for such license in the amount of \$.0 for a period of one year or any fractional part thereof. A license shall be issued annually commencing on January 1, or thereafter and expiring December 31st of the same year.

Section 11. VEHICLES FOR COLLECTION; TYPE OF CONSTRUCTION AND EQUIPMENT: All vehicles registered for operation under a license issued pursuant to this article shall meet the following requirements:

- A. The collection of refuse shall be by means of vehicles or metal construction fully enclosed and substantially liquid-proof.
- B. Construction of the vehicles shall be such that garbage, trash or rubbish loaded therein or transported thereby shall be securely confined.

- C. All vehicles must be equipped with loading facilities, such that when closed, the contents therein shall be securely confined.
- D. All vehicles operated under this article shall at all times when such vehicles are in motion, have the rear hipper or access firmly secured and closed in such a manner that no garbage, trash or rubbish may escape the vehicle.
- E. All vehicles operated under this article shall be cleaned as often as necessary to prevent odors and attraction of flies and vermin.
- F. All vehicles operated under this article shall be kept well painted, clean and in good repair.

Section 12. DISPOSAL OF REFUSE: A license shall deliver trash or garbage to such place as designated by the governing body of the City.

Section 13. REVOCATION OF LICENSES: All licenses issued pursuant to the provisions of this article are subject to revocation upon the following grounds:

- A. The violation by the licensee of any of the provisions of this ordinance.
- B. The violation by the licensee of any of the laws of the State of Kansas pertaining to the operation of a motor vehicle.
- C. Violation of any law or regulation of any governmental entity having jurisdiction.

Section 14. COLLECTION OF REFUSE INTERVAL: All refuse shall be disposed of at least once weekly to prevent nuisance or public health hazard. This interval of collection shall be more frequent in commercial and industrial locations if determined necessary by the governing body.

Section 15. CHARGES: The City shall establish and collect a service charge to defray the cost and maintenance of the collection and disposition of solid waste within the City.

Section 16: BILLING: Bills for solid waste service shall be rendered monthly.

Section 17: SAME; DELINQUENT ACCOUNT: In the event the owner or occupant of any property shall fail to pay the solid waste bills within 60 days following the date upon which becomes due, the City clerk shall annually certify such unpaid bills to the County clerk as a lien upon the property. The lien shall be collected subject the same regulations and penalties as other property taxes are collected.

Section 18: This ordinance shall take effect upon the day of its publication in the official City newspaper.

Passed by the governing body of the City of Liebenthal, Kansas this 9th day of January 2017.