

ORDINANCE NO. 954

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 7 OF THE CODE OF THE CITY OF COTTONWOOD FALLS, KANSAS, PERTAINING TO THE COLLECTION OF MUNICIPAL SOLID WASTE AND ESTABLISHING REGULATIONS AND CHARGES IN RELATION THERETO; AND REPEALING ANY EXISTING ORDINANCES IN CONFLICT HEREWITH.

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

SECTION 1. Section 7-401 of Chapter 7 of the Code of the City of Cottonwood Falls, Kansas, is hereby repealed and the following provisions are hereby adopted in lieu thereof and in addition thereto:

7-401. DEFINITIONS.

For the purposes of this chapter, the following words and phrases shall have the following meanings:

A. Approved collection container shall mean the container, bin or dumpster provided by the city for the disposal and collection of garbage or refuse or recyclables, or other containers approved by the city for the disposal and collection under the terms of this chapter.

B. City means the City of Cottonwood Falls, Kansas.

C. Collection point means a point convenient to street along the parking or a point designated by the city for the collection of solid waste.

D. Commercial and Industrial establishment shall include, among others, the operation of storage, mercantile, industrial, business, public assembly, institutional and all other establishments commonly designated as commercial or as industrial, or as may hereafter be designated as such. The differentiation between Commercial and Industrial solid waste shall be determined on an individual basis at the discretion of the governing body of the City by weighing the factors of the type and content of the waste, as well as the quantity of the waste generated by the commercial or industrial establishment, as well as other factors deemed relevant by the City.

E. Construction and demolition waste shall mean solid waste resulting from the construction, remodeling, repair and demolition of structures, roads, sidewalks and utilities, and shall include (but not be limited to) the following: untreated wood and untreated sawdust from any source; motor vehicle window glass; vegetation from land clearing and grubbing, utility maintenance and seasonal or storm-related clean-up; bricks; concrete; masonry, materials; roofing materials; soil; rock; wood; and wood products.

F. Dwelling unit shall mean and include a room or group of rooms within a building or structure forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating. The term **dwelling unit** shall include each living unit within an apartment house, each apartment within a private home, each individual mobile home within a mobile home park or subdivision, and each living unit within a duplex, tri-plex or other structure designed for multi-family living in separate living units.

G. Gallon means form of liquid measurement of capacity equal to 231 cubic inches or 3.785 liters.

H. Garbage shall mean and include the putrescible animal and vegetable wastes resulting from the handling, preparing, cooking and consumption of food and shall also include bakery and market waste from the handling, storage or sale of bakery goods or produce.

I. Junk shall mean all worn out, broken or discarded materials not included within the definitions of garbage, rubbish, and trash or recyclable.

J. Person shall mean and include any person, firm, partnership, association, corporation, company or organization, or any kind of a governmental body or agency.

K. Polycart means a container provided by the City of Cottonwood Falls, Kansas, for the collection of solid waste. The polycart is typically made of plastic or rubber and can be of various capacities. The polycart is portable and has a lid that closes.

L. Premises shall mean and include a lot, plot or parcel of land, including the buildings and structures thereon.

M. Recycle shall mean the separation from other refuse and the preparation for disposal and collection of all materials designated as recyclables pursuant to the provisions of this chapter.

N. Recyclable shall mean any refuse designated from time to time by the governing body of the city by ordinance as being a recyclable material for purposes of separate disposal and collection under the provisions of this chapter.

O. Refuse shall mean and include all garbage, rubbish and trash.

P. Rubbish shall mean and include the nonputrescible wastes consisting of miscellaneous materials, and shall also include, among other things, paper, tin foil, broken crockery, fabrics, coffee grounds, utensils, excelsior, packing, wrappings, sweepings of dust and dirt, rubber and bits of metal

Q. Sanitation division shall mean the city department or division charged with the responsibility for providing municipal solid waste collection services under the provisions of this chapter.

R. Solid Waste means garbage, refuse and other discarded material including but not limited to solid and liquid waste materials resulting from industrial, commercial, agricultural and domestic activities.

S. Trash shall mean and include all other putrescible and nonputrescible wastes other than garbage and rubbish, except body wastes, and shall include, among other things, wood, nonpliable crating, boxes or cartons, shrubbery and tree trimmings, discarded furniture, bedding, small appliances, clothing and shoes.

T. Type 1 service shall mean a collection service or technique at single dwelling units, and at multiple dwelling units where individual collection can be established, and utilizes a city-provided roll-out polycart for refuse and recycling bins for recyclables.

U. Type 2 service shall mean a collection service or technique used at multiple dwelling units under common ownership or management where individual collection cannot be established, and generally utilizes one or more dumpsters for the collection of refuse, and one or more roll-out polycarts for the collection of recyclables at a single collection point servicing several dwelling units.

V. Yard waste shall mean all grass trimmings, leaves, weeds and all other vegetation or portions, trimmings or wastes thereof or therefrom, except for food wastes included within the definition of garbage, and except from shrubbery and tree trimmings included within the definition of trash. Yard waste may be disposed of free of charge at the City burn site.

The governing body may, by ordinance, limit or extend these definitions and may give interpretations to words and phrases.

SECTION 2. Section 7-414 of Chapter 7 of the Code of the City of Cottonwood Falls, Kansas, is hereby repealed and the following provisions are hereby adopted in lieu thereof and in addition thereto:

7-414. FEES.

A. Fees for the collection and disposal of refuse and recyclables by the City from inside the City shall be as follows:

1. Type 1 Service (Polycarts) - Once per week:

- Single family dwelling unit - \$11.25 per month
- Trailer & mobile home park - \$11.25 per month
(each single family unit)

Additional polycarts for Type 1 Service - \$11.25 per month (each)
◦ One-time extra dump (occasional) \$10.50 each dump

2. Type 2 Service (Polycarts) - once per week:

- Multiple family dwelling units (one polycart) - \$14.25 per month

Additional polycarts for Type 2 Service \$14.25 per month (each)
◦ One-time extra dump (occasional) \$10.50 each dump

B. Fees for the collection and disposal of refuse and recyclables by the City from "Out of City Limits" residential (non-commercial/non-industrial) accounts, when and if agreed to by the City, shall be as follows:

Type 1 Service (Polycarts): Once per week

- Out of City Limits (one mile radius) \$14.25 per month
- Out of City Limits (one to ten mile radius) \$16.00 per month

Additional Polycarts for Type 1 Service:

- Within 1 mile of the City Limits: \$14.25 per month (each cart)
- From 1-10 miles of the City Limits: \$16.00 per month (each cart)

- One-time extra dump (occasional) \$10.50 each dump

C. Fees for the collection of garbage, refuse, and rubbish by the City from Commercial/Industrial establishments "In the City Limits" in approved containers provided by the City shall be as follows:

1. Commercial Service:

- Non-Compacted dumpsters (prices per dumpster)

| Pickups per week | 2 cu. yds | 3 cu. yds | 4 cu. yds | 6 cu. yds | |
|------------------|-----------|-----------|-----------|-----------|-----------|
| One per week | \$65.75 | \$90.75 | \$130.75 | \$171.75 | per month |
| Two per week | \$87.75 | \$120.75 | \$170.75 | \$235.75 | per month |
| Three per week | \$105.75 | \$150.75 | \$210.75 | \$295.75 | per month |
| Five per week | \$149.75 | \$202.75 | \$272.75 | \$377.75 | per month |

- One-time extra dump any size (occasional) \$50.00 each dump of a dumpster

2. Industrial Service:

- Non-Compacted dumpsters (Price per dumpster)

| Pickups per week | 2 cu. yds | 3 cu. yds | 4 cu. yds | 6 cu. yds | |
|------------------|-----------|-----------|-----------|-----------|-----------|
| One per week | \$109.75 | \$134.75 | \$164.75 | \$215.75 | per month |
| Two per week | \$131.75 | \$164.75 | \$204.75 | \$265.75 | per month |
| Three per week | \$153.75 | \$194.75 | \$244.75 | \$315.75 | per month |
| Five per week | \$192.75 | \$254.75 | \$364.75 | \$415.75 | per month |

- One-time extra dump (occasional) \$50.00 each dump of a dumpster

D. Fees for the collection of garbage, refuse, and rubbish by the City from Commercial and Industrial establishments "Out of the City" in approved containers provided by the City shall be as follows:

1. Commercial Service and Industrial Service:

- Non-Compacted dumpsters (prices per dumpster)

Commercial service and Industrial service for those customers outside of the City limits shall be based upon on 6 cubic yard dumpsters at the rate for Commercial or Industrial service for customers in the City Limits, which is called the "base rate."

In addition to the base rate, there shall be charged a mileage fee computed as follows: Multiply the round-trip miles driven to the customer by the number of trips made in a four week period; the product shall be multiplied by an amount equal to three times the standard mileage rate as established by the Internal Revenue Service each January to calculate the deductible cost of operating an automobile for business purposes. The result is the mileage fee.

If requested by the customer, the City may re-evaluate the "Out of the City" fee, considering the number of miles driven, content of the waste, and whether other customers are in the vicinity of the requesting customer.

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| One-time extra dump (occasional) with no additional trip to premises | \$50.00 each dump of a dumpster |
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SECTION 3. Section 7-415 of Chapter 7 of the Code of the City of Cottonwood Falls, Kansas, is hereby repealed and the following provisions are hereby adopted in lieu thereof and in addition thereto:

7-415 COMMERCIAL AND INDUSTRIAL SERVICE, FREQUENCY OF COLLECTION.

Collection from commercial and industrial establishments inside the City limits may be provided once, twice, or three times per week, based upon the needs of the customer as established in consultation with the City. Collection from commercial and industrial establishments outside of the City limits shall be negotiated between the customer and the City as per an agreement signed by the parties.

SECTION 4. Section 7-416 of Chapter 7 of the Code of the City of Cottonwood Falls, Kansas, is hereby repealed and the following provisions are hereby adopted in lieu thereof and in addition thereto:

7-416 COMMERCIAL AND INDUSTRIAL SERVICE CONTAINERS.

A. Containers used by commercial establishments shall be provided by the City. The container size shall be agreed upon by the commercial customer and the City and not exceed a total capacity of six (6) cubic yards.

B. Containers used by industrial customers shall be limited to those having a total capacity of six (6) cubic yards.

SECTION 5. Section 7-417 of Chapter 7 of the Code of the City of Cottonwood Falls, Kansas, is hereby repealed and the following provisions are hereby adopted in lieu thereof and in addition thereto:

7-417 COMMERCIAL AND INDUSTRIAL SERVICE, PLACING, MAINTAINING AND GENERAL USE OF CONTAINERS.

It shall be the responsibility of the owner or management of any commercial or industrial establishment receiving service under this chapter to adhere to the following:

A. To place or cause to be placed the collection container or containers at a suitable location, determined in consultation with the sanitation division, which is readily accessible to City collection vehicles.

B. To maintain the collection containers in a serviceable and sanitary condition, which shall be used exclusively for the placement of approved refuse and recyclables for collection and disposal by the City.

C. To remove or cause to be removed any refuse or litter remaining at the collection point which is not collected because of any failure to adhere to the provisions of this chapter.

SECTION 6. Section 7-418 of Chapter 7 of the Code of the City of Cottonwood Falls, Kansas, is hereby repealed and the following provisions are hereby adopted in lieu thereof and in addition thereto:

7-418. REFUSE NOT IN CONTAINERS.

The sanitation division shall be under no obligation to collect any refuse or recyclables which are not in an approved collection container. If the sanitation division does collect such refuse from a Type I or Type II service, the customer shall pay an additional charge as establishment under the rules and regulatory function of the City described in this Chapter, but not to exceed one-half the monthly collection charge for that customer. If the sanitation division does collect such refuse, a commercial or industrial establishment shall pay an additional charge equal to the minimum monthly charge for each increment in volume of such refuse or recyclables, equal to or less than the volume of the containers for which the commercial or industrial establishment's monthly minimum charge is determined.

SECTION 7. This Ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED AND ADOPTED this 20 day of Oct, 2014.


Boyce Baumgardner, Mayor

ATTEST:


Tiffany Bohren, City Clerk