

**ORDINANCE NO. 639**

**AN ORDINANCE AMENDING THE SOLID WASTE CODE OF THE CITY OF ST. FRANCIS, KANSAS BY REPEALING ARTICLE 5 OF CHAPTER 15 OF THE 2015 CODE OF THE CITY OF ST. FRANCIS, KANSAS AND ESTABLISHING A NEW ARTICLE 5 OF CHAPTER 15 OF THE 2015 CODE OF THE CITY OF ST. FRANCIS, KANSAS.**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ST. FRANCIS, KANSAS, that Article 5 of Chapter 15 of the 2015 Code of the City of St. Francis, Kansas is hereby amended to read as follows:

**ARTICLE 5     SOLID WASTE**

15-501

DEFINITIONS- Unless the context clearly indicates otherwise, the meaning of words and terms as used in this article shall be as follows:

- (a) Cart A refuse receptacle which has wheels and holds .5 cubic yards of refuse;
- (b) Commercial Waste 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;
- (c) Dumpster Any refuse receptacle with a capacity larger than a cart;
- (d) Dwelling Unit All enclosure, building or portion thereof occupied by one or more persons for and as living quarters;
- (e) Garbage Waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking and serving of meat, produce and other foods and shall include unclean containers;
- (f) Multi-Family Unit Any structure containing more than four individual dwelling units;
- (g) Refuse All garbage and/or rubbish or trash;
- (h) Refuse Container Any cart and/or dumpster;
- (i) Residential Any structure containing four or less individual dwelling units, rooming houses having no more than four persons in addition to the family of the owner or operator, and mobile homes;
- (j) Rubbish or Trash All non-putrescible materials such as paper, tin cans, bottles, glass, crockery, rags, ashes, lawn and tree trimmings, stumps, boxes, wood, street sweepings and mineral refuse. Rubbish or trash shall not include earth and waste from building operations or wastes from industrial processes or manufacturing operations;
- (k) Single Dwelling Unit An enclosure, building or portion thereof occupied by one family as living quarters.

(l) Solid Waste All non-liquid garbage, rubbish or trash.

(m) Yard Waste Grass trimmings, garden waste and leaves, not to include tree branches and/or tree limbs.

(Code 1978, 7-102; Code 1994; *Amended for* Code 2003; Code 2015)

15-502                    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.  
(Code 1994; Code 2003; Code 2015)

15-502A                 REQUESTS FOR SERVICE- A request for water and electric service or present connection with the city water and electric system shall constitute a request for a city refuse collection service. A termination of water and electric service shall terminate refuse service, provided, however, that the absence of public water service or electrical service shall not relieve any owner or occupant of any residence, multiple family dwelling or commercial or industrial enterprise from the responsibility of complying with provisions of this article.  
(Ord. 597, passed 8-24-2015)

15-502B                 LIMITED USE EXCEPTION- Upon written verified annual application being made to the City Clerk's office requesting either continuous or seasonal water and/or electric service to be utilized solely in the care of livestock or for irrigation purposes, the City Council for good cause shown, can waive the refuse collection fees. Additionally, upon written verified application to the City, the City Council can consider other special circumstances that might warrant waiver of the refuse collection fees. Any waiver of collection fees will be limited to one year, from March to March, and subject to renewal only upon written verified application being resubmitted.  
(Ord. 597, passed 8-24-2015)

15-503                    CONTRACTS- The city shall have the right to enter into a contract with any responsible person for collection and disposal of solid waste.  
(Code 1994; Code 2003; Code 2015)

15-504                    DUTY OF OWNER, OCCUPANT- No owner or occupant shall permit to accumulate quantities of refuse or other waste materials within or close to any structure within the city unless the same is stored in city provided containers and in such a manner as not to create a health or fire hazard.  
(Code 1978, 7-103, 110; Code 1994; Ord. 483, passed 2-18-1997; Code 2003; Code 2015)

15-505                    CONTAINERS- (a) Refuse containers shall be provided to the customer by the city in a size and capacity as determined by the city and said refuse containers shall remain the property of the city.

(b) All refuse containers shall be maintained in a clean and sanitary manner by the user thereof and the city reserves the right to replace any refuse container found to be defective, or to require the cleaning of any refuse container found to be unclean or unsanitary at the expense of the owner or occupant to which the city owned refuse container has been provided.

(Code 1978, 7-107:108, Code 1994; Ord. 483, passed 2-18-1997; Code 2003; Code 2015)

15-505A DISPOSAL OF LIQUIDS- All liquids shall be disposed of by the customer and shall in no case be kept or stored with the refuse as defined herein.

(Code 1978, 7-113; Code 1994; Code 2003; Code 2015)

15-506 BULK CONTAINERS- On premises where excessive amounts of refuse accumulates or where cans or bags are impractical, bulk containers for the storage of refuse may be used. Containers shall have a capacity and shall be equipped with appurtenances for attaching mechanical lifting devices which are compatible with the collection equipment being used. Containers shall be constructed of durable rust and corrosion resistant material which is easy to clean. All containers shall be equipped with tight fitting lids or doors to prevent entrance of insects or rodents. Doors and lids shall be constructed and maintained so they can be easily opened. Containers shall be watertight, leak-proof and weatherproof construction.

(Code 1994; Code 2003; Code 2015)

15-506A LOCATION OF CONTAINERS- The city reserves the right to designate the location of all refuse containers to be placed on each premise and in general, all refuse containers shall be located on private lots adjacent to the alley serving the premises and convenient for the collector so that a maximum number of containers may be emptied at each collection stop. Where alleys are not available for the collection of refuse, the refuse containers shall be placed on the parking along the street in front of such premises at such times as are specified for the collection of the refuse from such premises. In all cases, the location of all refuse containers, whether residential or commercial, shall be subject to the direction of any authorized representative of the city.

(Code 1978, 7-109; Code 1994; Code 2003; Code 2015)

15-507 ENTER PRIVATE PREMISES- Solid waste collectors, employed by the city or operating under contract with the city, are hereby authorized to enter in and upon private property for the purpose of collecting solid waste therefrom as required by this article.

(Code 1994; Code 2003; Code 2015)

15-507A COLLECTION SCHEDULE- (a) Garbage and trash shall be collected and disposed of from the residential section of the city at least once each week or as often as it is necessary to maintain proper sanitary conditions.

(b) Trash and refuse pickup located in the business district shall be collected and disposed of as often as the city finds the same to be necessary and practical to maintain proper sanitary conditions.

(Code 1978, 7-112; Code 1994; Code 2003; Code 2015)

15-507B REFUSAL OF COLLECTION- Solid waste collectors employed by city or operating under contract with the city may refuse to collect garbage and trash in the event the garbage or trash is not in the refuse container, the refuse container is not in the designated area prior to 7:00 a.m. on the designated collection day, or if garbage or trash is not bagged prior to being placed in the refuse container.

15-508 OWNERSHIP OF SOLID WASTE- Ownership of solid waste when placed in refuse containers by the occupants or owners of premises upon which refuse accumulates, shall be vested in the city and thereafter shall be subject to the exclusive control of the city, its employees or contractors. No person shall meddle with refuse containers or in any way pilfer or scatter contents thereof in any alley or street within the city.

(Code 1994; Code 2003; Code 2015)

15-509 WRAPPING GARBAGE- All garbage shall be drained of all excess liquid and wrapped in paper or other disposable container and bagged before being placed in refuse containers.

(Code 1994; Code 2003; Code 2015)

15-510 HEAVY, BULKY WASTE- Heavy accumulations such as brush, tree limbs, broken concrete, sand or gravel, automobile frames, dead trees, and other bulky, heavy materials shall be disposed of at the expense of the owner or person controlling same.

(Code 1994; Code 2003; Code 2015)

15-511 HAZARDOUS MATERIALS- No person shall deposit in a solid waste container or otherwise offer for collection any hazardous garbage, refuse, or waste. Hazardous material shall include:

- (a) Explosive materials;
- (b) Rags or other waste soaked in volatile and flammable materials;
- (c) Chemicals;
- (d) Poisons;
- (e) Radio-active materials;
- (f) Highly combustible materials;
- (g) Soiled dressings, clothing, bedding and/or other wastes, contaminated by infection or contagious disease;

(h) Any other materials which may present a special hazard to collection or disposal personnel, equipment, or to the public.

(Code 1994; Code 2003; Code 2015)

- 15-511A            YARD WASTE- Due to the substantial increase in and the continuing high cost associated with solid waste disposal and environmental concerns, the city will not pick up yard trimmings, leaves, and limbs along with the regular household trash but rather, the disposal of the same will be the responsibility of the owner and/or occupant of the property from which the yard waste is taken.
- 15-511B            YARD WASTE COLLECTION SITE- From time to time, as determined at the sole discretion of the governing body, the city may designate a specific location to which persons may haul, or cause it to be hauled, their yard waste for composting and recycling.
- 15-511C            YARD WASTE ONLY AT COLLECTION SITE- No person shall haul, or cause to be hauled, and deposited at a yard waste collection site, any materials other than yard waste as defined hereinbefore by 15-501(m).  
(Ord. 453, Sec. 7-120; Ord. 466, passed 6-20-1995; Ord. 483, passed 2-18-1997; Code 2003; Code 2015)
- 15-512            PROHIBITED PRACTICES- It shall be unlawful for any person to:
- (a) Deposit solid waste in any refuse container other than that owned or leased by him or under his control without written consent of the owner and/or with the intent of avoiding payment of the refuse service charge;
  - (b) Interfere in any manner with employees of the city or its contractors in the collection of solid waste;
  - (c) Burn solid waste except in an approved incinerator and unless a variance has been granted and a written permit obtained from the city or the appropriate air pollution control agency;
  - (d) Bury refuse at any place within the city except for lawn and garden trimmings that may be composted.
- (Code 1994; Code 2003; Code 2015)
- 15-513            OBJECTIONABLE WASTE- Manure from cow lots, stables, poultry yards, pigeon lofts and other animal or fowl pens, and waste oils from garages or filling stations shall be removed and disposed of at the expense of the person controlling the same and in a manner consistent with this article.  
(Code 1994; Code 2003; Code 2015)
- 15-514            UNAUTHORIZED DISPOSAL- No person shall haul or cause to be hauled any garbage, refuse or other waste material of any kind, excepting those materials that can be recycled, to any place, site or area within or without the limits of the City, to specifically include any recycling facility, unless such site

is a sanitary landfill, transfer point or disposal facility approved by the Kansas State Department of Health and Environment.

(Code 1994; Ord. 511, passed 1-22-2002; Code 2003; Code 2015)

15-514A               PENALTIES- Any person, firm, or corporation found guilty of a violation of Section 15-509, 15-511C, and/or 15-514 of the Code of the City of St. Francis, Kansas, shall be subject to a fine of at least \$100 and not more than \$500.  
(Ord. 511, passed 1-22-2002; Code 2003; Code 2015)

15-515               PRIVATE COLLECTORS; LICENSE REQUIRED- (a) It shall be unlawful for any person, except an employee of the city specifically authorized for that purpose, to collect or transport any solid waste within the city, without securing a license from the city.

(b) Nothing herein shall be construed to prevent a person from hauling or disposing of his or her own solid waste providing it is done in such a manner as not to endanger the public health or safety or not to become an annoyance to the inhabitants of the city, and not to litter the streets and alleys of the city.

(Code 1978, 7-114; Code 1994; Code 2003; Code 2015)

15-516               SAME; APPLICATION- Any person desiring to collect or transport solid waste within the city shall make application for a license to the city clerk. The application shall set forth the name and address of the applicant, the make and type of vehicle to be operated for collecting and transporting solid waste. The application shall be accompanied by a certificate of inspection and approval of said vehicle by the county health officer issued not more than 15 days prior to the date of application.

(Code 1994; Code 2003; Code 2015)

15-517               SAME; FEE- No license shall be issued unless the applicant shall pay to the city clerk the sum of \$100 per annum for each vehicle used in the collection and transportation of solid waste. The permit shall be effective only for the calendar year and shall expire on December 31st of the calendar year in which said permit is issued.

(Code 1994; Code 2003; Code 2015)

15-518               SAME; NUMBER TO BE DISPLAYED- The city clerk shall issue a license receipt together with a number, which shall be painted on each vehicle. Said number shall be conspicuously placed upon the vehicle in a place and position to be clearly visible and in a condition to be clearly legible. The number shall be used only on the vehicle for which it is issued.

(Code 1994; Code 2003; Code 2015)

15-519               CLOSED VEHICLE- Any vehicle used by any person for the collection and transportation of solid waste shall be maintained in a good mechanical condition.

Vehicle shall be equipped with an enclosed covered body to prevent the contents leaking or escaping therefrom. Only tree trimmings or brush may be transported in open-bodied vehicles provided the material is securely tied in place to prevent scattering along the streets and alleys.

(Code 1994; Code 2003; Code 2015)

15-520

RULES AND REGULATIONS- The collection and transportation of trash and waste materials shall be at all times under the general supervision of the mayor or his or her duly authorized agent, who shall have the authority by and with the consent of the governing body to make additional rules and regulations not inconsistent with the terms and provisions of this article requiring that the collection and transportation of trash and waste materials shall be conducted in such manner as not to endanger the public health, or to become an annoyance to the inhabitants of the city, and providing for a proper fee to be charged to the customer.

(Code 1994; Code 2003; Code 2015)

15-521

FAILURE TO SECURE LICENSE- Any person who shall conduct or operate within the city limits any vehicle for the purpose of collecting and transporting solid waste without first obtaining a license as required by this article or who shall violate the terms and provisions of this article shall be deemed guilty of a violation of this code and upon conviction thereof shall be punished as provided in Section 1-116.

(Code 1994; Code 2003; Code 2015)

15-522

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.

(Code 1994; Code 2003; Code 2015)

15-523

SAME; FEE SCHEDULE- The charges to be assessed and paid by the customer for collection, hauling and disposal of refuse and garbage as defined herein shall be as follows:

(a) The charge for the first cart for each account shall be \$16.25 per month, payable monthly.

(b) The charge for the first cart for each account located outside the city limits, but on city utilities, shall be \$26.50 per month, payable monthly.

(c) The charge for any account which has one or more dumpsters shall be calculated based on the cubic yardage of such refuse containers utilized by such customer as well as the number of times such refuse containers are emptied each week. This formula and the amounts shall be kept at City Hall and made available upon request.

(d) For each additional cart utilized at a pickup, there will be assessed an additional \$12.00 monthly charge.

(e) If more than one weekly pickup is required for an account which utilizes one or more carts, but no dumpster, additional pickups will be charged at the rate of \$13.00 per cart, times the number of weekly pickups.

(f) There shall be assessed to each solid waste billing account a monthly recycling and compost management fee of \$1.50.

(g) Solid waste bills shall be rendered monthly along with, if applicable, the water and electricity bills and the penalty provisions for late payment as established by Section 15-222 will apply.

(Ord. 444, Sec. 7-111; Code 1994; Ord. 582, passed 12-29-2011; Code 2015)

15-524

BILLING- Solid waste charges shall be billed monthly and shall be included on water or utility bills. No payment shall be accepted on utility bills except for the full amount billed for all services. Delinquent solid waste bills shall carry the due dates, grace periods and penalties as water bills.

(Code 1978, 7-105; Code 1994; Code 2003; Code 2015)

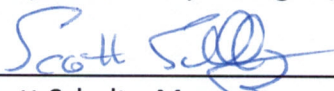
15-525

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 it 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 to the same regulations and penalties as other property taxes are collected.

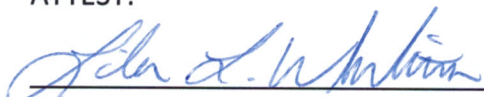
(K.S.A. 65-3410; Code 1978, 7-106; Code 1994; Code 2003; Code 2015)

This amendment to the 2015 Code of the City of St. Francis, Kansas shall be effective as of August 15, 2022 and shall be enforced as of such date following its publication in the *St. Francis Herald and Bird City Times*.

ADOPTED AND APPROVED by the governing body, this 8<sup>th</sup> day of August, 2022.

  
\_\_\_\_\_  
Scott Schultz, Mayor  
City of St. Francis, Kansas

ATTEST:

  
\_\_\_\_\_  
LILA L. WHITMORE, City Clerk  
City of St. Francis, Kansas