

## Chapter 240

### SOLID WASTE AND GARBAGE REGULATIONS

Cross References — Licenses for trash hauling, see §§605.270 et seq.; health standards, see ch. 220; burning trash, see §§210.545 — 210.550.

#### ARTICLE I

##### General Provisions

**Section 240010. Definition.** [CC 1985 §7-701; Ord. No. 521, 6-21-1976]

For the purpose of this Article, the term "*solid waste*" shall mean garbage, refuse and other discarded materials including, but not limited to, solid, semi-solid, sludges, liquid and contained gaseous waste materials resulting from industrial, commercial, agricultural and domestic activities. Solid waste does not include hazardous wastes as defined by subsection (f) of K.S.A. 65-3430, and amendments thereto, recyclables or the waste of domestic animals as described by subsection (a)(1) of K.S.A. 65-3409, and amendments thereto.

**Section 240020. Storage.** [CC 1985 §7-702; Ord. No. 526, 7-6-1976]

- A. Every person, firm or corporation owning, managing, operating, leasing, renting or occupying any premises in the City where solid waste accumulates shall at all times provide and maintain in good condition on said premises a portable container or containers for the storage of solid waste. Said containers shall be constructed either of heavy plastic or of galvanized metal and shall be rodent-proof, fly-proof and watertight with tight fitting lids which shall not be removed except when depositing or removing the contents. The containers to be provided shall be of sufficient size and number to accommodate the solid waste accumulated on the premises for a period of one (1) week. Each of said containers shall have a capacity of not less than twenty (20) nor more than fifty-five (55) gallons, and the total weight of a filled container shall not exceed sixty (60) pounds; provided however, any new customer of any duly authorized solid waste collector or in the event the City elects to collect said waste and in the event that any existing trash collecting barrel is replaced, said trash barrels of said new customers or replacement barrels shall have a capacity of not less than twenty (20) nor more than thirty-five (35) gallons and the total weight of a filled container shall not exceed sixty (60) pounds.
- B. Persons, firms or corporations owning or occupying commercial or industrial premises where large amounts of solid waste accumulate shall provide bulk storage containers compatible with the collection vehicles.
- C. All solid waste shall be placed in containers of the type above described; provided however, that books, magazines and newspapers, if securely tied or completely contained in disposable boxes not larger than 24 x 24 x 36 inches, and tree limbs and brush securely

tied in bundles not larger than forty-eight (48) inches long and eighteen (18) inches in diameter and grass trimmings and leaves in disposable plastic trash bags need not be placed in said containers.

- D. All solid waste consisting of animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods, including cans, bottles and cartons in which it was received, shall be drained of all excess liquid, wrapped in paper or disposable containers and placed or stored, until collected, in containers of the type above described.

**Section 240.030. Methods of Collection.** [CC 1985 §7-703; Ord. No. 521, 6-21-1976]

- A. The citizens of the City of Mulvane, Kansas, may contract with any City authorized and licensed waste hauler and collector for disposal of solid waste in accordance with the conditions of this Article. It shall be the joint duty of the citizen and the waste hauler and collector to furnish the City of Mulvane with a certificate of waste disposal, prepared by the City Clerk and signed by the hauler or the citizen, verifying the contract for services between the parties.
- B. Any citizen may dispose of solid waste accumulated on premises occupied by him/her provided such solid waste shall be transported in enclosed containers or in vehicles equipped with closed compartments or covers so as to eliminate spillage, leakage or littering from said vehicle. Said solid waste shall be disposed of weekly and only in the Sumner County Landfill or any other authorized and approved sanitary landfill approved by the State of Kansas.
- C. The Governing Body of the City of Mulvane shall, at its option, have the right to enter into a contract with any responsible person for the collection and disposal of solid wastes in said City, the terms of which contract shall not be in conflict with any of the provisions of this Article or any other ordinance of the said City pertaining to the collection and disposal of solid waste.

**Section 240.040. Collection.** [CC 1985 §7-704; Ord. No. 521, 6-21-1976]

- A. The City of Mulvane, the private citizen hauling his/her own solid waste or the duly authorized solid waste collector or hauler shall collect solid waste from all premises in the City not less than once each week, and from commercial and industrial premises more frequently, if necessary, to adequately dispose of the solid waste accumulated by such business or industry and to keep such premises in a clean and sanitary condition.
- B. Storage containers for said solid waste shall be kept in a convenient location for said collection, as designated by the City, in order that collection may be made without the collectors entering buildings, garages, locked gates or fenced yards with dogs.
- C. In the event the City elects to enter into an exclusive or non-exclusive contract for the collection of solid waste operating a collection service as a public utility, then the employees of the City or its authorized contractor are hereby authorized to enter in and upon private property for the purpose of collecting solid waste pursuant to the provisions of this Article or any other Article of said City having to do with the collection of solid waste.
- D. All solid waste placed in containers by the owner or occupant of premises upon which the

solid waste accumulates shall be owned by the City and shall be subject to the exclusive control of the City or its authorized contractor, and no person shall meddle with storage containers or in any way pilfer or scatter the contents thereof.

- E. Irrespective of the method of the collection of solid waste, every resident of the City is hereby required to keep his/her premises occupied by him/her in a clean and sanitary condition so as not to endanger the public health or safety and not to create a nuisance to the inhabitants of the City.

**Section 240.050. Additional Prohibited Acts.** [CC 1985 §7-705; Ord. No. 521, 6-21-1976]

In addition to Subsection (E) of Section 240.040, the following acts shall be deemed to be unlawful, to-wit:

Throwing, placing, depositing or leaving or causing to be thrown, placed, deposited or left in any public street, highway, alley, parks or public ways of the City any solid waste.

**Section 240.060. Disposal.** [CC 1985 §7-706; Ord. No. 521, 6-21-1976]

All solid waste collected by the City or its authorized contractor shall be disposed of at such sanitary landfills as the Governing Body of the City may from time to time designate by resolution.

**Section 240.070. Collection by City.** [CC 1985 §7-707; Ord. No. 521, 6-21-1976]

In the event the Governing Body of the City of Mulvane, Kansas, deems it advisable to commence solid waste collection or to contract for said waste collection, said Governing Body shall prepare a schedule for payment of the reasonable charges for collection and disposal of solid waste.

**Section 240.080. Solid Waste Containers — Placement at Curb.**

Solid waste containers as required by this Chapter for the storage of residential solid waste shall be placed at the curbside for collection but shall not be so placed until after 6:00 P.M. on the day next preceding the regularly scheduled collection day. Containers shall be removed from the curb no later than 8:00 P.M. on the day of collection. No alley service shall be allowed under the terms of this Chapter, except as approved by the City Council.

**Section 240.090. Exemptions and Hearings.** [CC 1985 §7-709; Ord. No. 526, 7-6-1976]

Any owner required by this Article to receive and pay for solid waste collection services and disposal fee may, when they or their tenant or occupant are not, in fact, producing solid waste requiring the collection and disposal of solid waste as herein required, petition the Solid Waste Committee in writing to provide relief from such fees and/or services. The said owner shall supply the Committee with such information and complete such forms as said Committee may require. The Solid Waste Committee shall, after hearing such grievance, make its recommendation to the City Council for final determination. If the Solid Waste Committee determines that the collection of solid waste from the subject's premises is not necessary or not required as frequently as provided for herein, it may recommend to the Council cessation of such

collection, or it may recommend such partial relief as may be determined from the circumstances involved. If any aggrieved person is not satisfied with the Solid Waste Committee's recommendation, he/she may, within thirty (30) days after said determination appeal in writing to the City Council. No collection services may be ceased or limited until thirty (30) days after the City Council makes its determination as herein above provided.

## ARTICLE II Removal of Garbage

### **Section 240.100. Clean Premises.** [CC 1985 §7-801; Ord. No. 475, 11-18-1974]

It shall be the duty of the owner of each premises in the City of Mulvane, or of the occupant of the same if held by another than the owner to keep all buildings, barns, stables, sheds, outbuildings, cellars, caves, sinks and the grounds upon which located in a clean and sanitary manner and free from all offensive odors, things, conditions or substances as provided hereinafter.

### **Section 240.110. Garbage Accumulation and Disposal.** [CC 1985 §7-802; Ord. No. 475, 11-18-1974]

All garbage accumulated in any household or business establishment in the City shall be placed in suitable metal containers on the premises of the owner or occupant of each premises. Said container, when outside a building, shall be tightly closed and covered at all such times except when removing or depositing garbage. It shall be the duty of the owner or occupant of such premises to remove all such garbage and filth so accumulated from the City at reasonable intervals; provided, that nothing herein shall prevent the disposal of properly shredded garbage by means of the sanitary sewer in accordance with the regulations therefor nor other disposal of garbage on private grounds by burying under conditions not amounting to a nuisance.

### **Section 240.120. Unlawful Garbage Burning.** [CC 1985 §7-803; Ord. No. 475, 11-18-1974]

It shall be unlawful for any person or persons to burn or permit or cause to be burned any garbage deposited in a garbage container or any refuse burner in the City. It shall be further unlawful to burn any garbage in any trash or refuse container in connection with any combustible trash, materials or tin cans.

### **Section 240.130. Trash Accumulation — Unlawful Acts.** [CC 1985 §7-804; Ord. No. 475, 11-18-1974]

All combustible trash and discarded materials may be accumulated on private premises in accordance with ordinances relating to the prevention of fires and the prevention of nuisances. It shall be unlawful to deposit combustible materials in any garbage container for the purpose of destroying the same by burning or to burn any such combustibles in connection with any garbage or putrescible wastes.

### **Section 240.140. Hauling Over Streets — Unlawful Acts.** [CC 1985 §7-805; Ord. No. 475, 11-18-1974]

It shall be unlawful for any person or persons to haul any garbage, trash or loose waste materials of any kind over the streets or public ways of the City except when such substances are in a tight

vehicle so closed and covered as to prevent the escape of the same from such conveyance or except in enclosed and covered containers loaded on such vehicle.

**Section 240.150. City System of Refuse Collection.** [CC 1985 §7-806; Ord. No. 475, 11-18-1974]

This Article may be supplemented by other ordinances and rules and regulations for the collection and removal of garbage, trash or refuse in the event a municipal refuse system shall be established as provided by law.