

ORDINANCE 2012-10-15

AN ORDINANCE REGARDING CONNECTION TO THE DWIGHT PUBLIC WATER SUPPLY; WATER, SEWER AND TRASH SERVICES; REPEALING ALL ORDINANCES OR SECTIONS OF ORDINANCE IN CONFLICT HEREWITH IN THE CITY OF DWIGHT, STATE OF KANSAS.

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

ARTICLE 1. WATER

Section 1. SEPARATE SERVICE CONNECTION FOR EACH PROPERTY. Each and every premise shall have its separate and distinct service connection to the Dwight Public Water Supply System. Each and every occupied residence shall be connected to the Dwight Public Water Supply System. In no case shall more than one premise be furnished with service from one such connection. Also, all private well supplies for each and every premise shall be disconnected from all buildings on the premise and shall not be connected to the Dwight Public Water Supply System. Private well supplies may be used for non-potable uses such as lawn watering, but all such supplies must be disconnected from all buildings and the Dwight Public Water Supply System.

Section 2. SERVICE FEES. The service fees shall apply as set by resolution:

- (a) Active water meter:
- (b) Inactive Meter (Locked):
- (c) No Meter:
- (d) Water Turned Off for Non Payment:
- (e) New Pit and Meter installation:
- (f) Meter Lids: If meter lid is broken due to negligence by property owner, property owner will pay replacement cost of new lid acquired by City
- (g) Revert-to-Owner: Tenant is responsible for connection fees and any fees incurred while renting the premises. Upon notice from the tenant that he has vacated the premises, billing shall revert to owner if a revert-to-owner contract is in place with the City Clerk.

ARTICLE 2. SOLID WASTE DISPOSAL

Section 1. DEFINITIONS. The following terms used in this article shall have the following meanings:

- (a) ~~%~~Commercial waste.+ All solid waste emanating from establishments engaged in business, including but not limited to stores, markets, office buildings, restaurants, theaters, hospitals, government buildings, government functions and nursing homes.
- (b) ~~%~~Dwelling unit.+ Any enclosure, building or portion thereof occupied by one or more persons as living quarters.

- (c) ~~%~~Garbage.+ Putrescible waste resulting from the handling, processing, storage, packing, preparation, sale, cooking and serving of meat, produce and other foods and shall include unclean containers.
- (d) ~~%~~Multi-family units.+ Any structure containing more than one residence or dwelling unit.
- (e) ~~%~~Refuse.+ All garbage and/or rubbish or trash.
- (f) ~~%~~Business.+ Any structure containing more than one individual dwelling unit, including rooming houses, mobile homes, motels, hotels and living facilities normally provided for public use or rent.
- (g) ~~%~~Rubbish or Trash.+ All non-putrescible material such as paper, tin cans, bottles, glass, crockery, rags, ashes, lawn and tree trimmings, tree branches, limbs, tree trunks and stumps, boxes and barrels, wood and excelsior, street sweepings, and mineral refuse. Rubbish or trash shall not include earth and waste from building operations or waste from industrial processes or manufacturing operations.
- (h) ~~%~~Solid Waste.+ All non-liquid garbage, rubbish and trash.
- (i) ~~%~~Regulations.+ Regulations shall mean all rules and regulations of the city and the Department of Health and Environment of the State of Kansas.

Section 2. CONTAINERS: DUTY OF OWNER OR OCCUPANT. The owner or occupant of every dwelling unit or business or commercial enterprise shall provide, at his own expense, a suitable container for the storage of solid waste as provided in this article. All refuse or other waste material shall be stored in approved containers in such a manner as not to create a health or fire hazard.

Section 3. RESIDENTIAL CONTAINERS.

1. Residential containers shall:
 - a. Not exceed ninety-six gallons.
 - b. Be of galvanized iron or other non-rusting material.
 - c. Be leak proof and fly tight.
 - d. Have handles or suitable condition to permit lifting.
2. Plastic bags not less than 1.5 mills in thickness may be substituted for the containers as set forth above. Plastic bags, when used, shall be securely closed. All garbage shall be drained of all liquids before being placed in bags or containers.

Section 4. MISCELLANEOUS WASTE.

- (a) Books, magazines and newspapers may be securely tied in bundles or placed in disposable containers in lieu of placing in an approved container. Such bundle or container and contents shall not exceed a weight of 50 pounds.

(b) Empty cardboard boxes shall be flattened. No trash other than books, papers, magazines, or lawn clippings shall be placed in cardboard containers.

Section 5. CONTROL OF CITY. Refuse materials, when placed in containers shall be subject to exclusive control of the city, its agent or contractors and no person shall meddle with refuse containers or in any way pilfer or scatter the contents thereof.

Section 6. IMPROPER CONTAINERS. Refuse placed in an improper container shall not be collected. Rocks, dirt, sod, concrete, or building materials are not considered normal household wastes and will not be removed.

Section 7. LOCATION OF CONTAINERS. All solid waste containers shall be stored upon private property unless the owner shall have been granted written permission from the city to use public property for such purpose.

Section 8. COLLECTION OF SOLID WASTE. The city shall provide for the collection of all solid waste in the city. The city may provide the collection service by contracting with a franchise holder for the entire city or portions thereof.

Section 9. RIGHT OF ENTRY. Solid waste collectors, employed by the city or operating under a 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 ordinance.

Section 10. FREQUENCY OF COLLECTION. Solid waste in residential areas shall be collected not less than once weekly. All commercial or business solid waste shall be collected at intervals as may be fixed by the city council.

Section 11. COLLECTION EQUIPMENT. All vehicles used for the collection and transportation of solid waste shall be constructed with watertight bodies and shall be fully enclosed or capable of being securely covered. All such vehicles shall be maintained in a safe, clean and sanitary condition and shall be operated in such a manner as to prevent spillage therefrom. All vehicles will also be subject to such regulations as may be provided or determined by the Kansas Department of Health and Environment.

Section 12. DISPOSITION OF WASTE. All solid waste shall be disposed of at a designated disposal site approved by the city council. Such disposal site shall be operated in a manner consistent with regulations adopted by the city council and standards fixed by the State of Kansas and the federal government.

Section 13. ROCKS; DIRT. Rocks, dirt, sod, concrete and building materials, trees and other such items shall be disposed of only in sites and in a manner approved by the city.

Section 14. PERIODIC CLEANUP. Any person who from time to time may desire to dispose of unwanted objects, furniture, appliances, trash, litter or other solid waste shall dispose of such refuse by delivering it to an approved disposal site to be disposed of in the same manner as provided for ordinary residential or commercial waste.

Section 15. PERMIT REQUIRED. No person shall engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the city without first obtaining a permit from the city which shall cover all employees of said person.

Section 16. SAME: APPLICATION. Each applicant for a permit shall file an application on forms to be approved by the city clerk. Such application shall show:

- (1) The number of vehicles to be operated;
- (2) The make, model and identification number of each vehicle;
- (3) Satisfactory proof that the equipment and vehicles used meet the regulations of the city and the Kansas State Department of Health and Environment;
- (4) Such other information as may be designated by the governing body.

Section 17. SAME: NOT TRANSFERABLE. All permits issued as provided in this article are nontransferable. However, one vehicle may be substituted for another by filing the description and identification number with the city clerk. Additional vehicles may be added by filing a proper application, insurance and permit fee.

Section 18. SAME: PERMIT FEE. Each application for a permit shall be accompanied by an annual fee or \$100.00. All application fees shall be refunded if the application for a permit is denied.

Section 19. SAME: INSURANCE REQUIRED. No permit shall be issued to any person until said applicant shall have filed a certificate of insurance written by a company licensed to do business in Kansas providing public liability insurance covering all operations and all vehicles operated by the applicant. Such policy shall provide not less than \$100,000 for any injury to or death of any one person, and \$300,000 for the injury or death of any number of persons in any one accident and with a property coverage of not less than \$100,000 for each accident. Such policy may be written to allow the first \$100 of property damage to be deductible. Said certificate of insurance shall provide that it cannot be canceled until ten (10) days after written notice of such cancellation has been filed with the city clerk.

Section 20. TERM OF PERMIT. All permits issued under this article shall expire on December 31. A permit may be renewed for a period of one (1) year upon

payment of annual license fees and filing a certificate of insurance as provided in Section 19.

Section 21. DISPLAY PERMIT NUMBER. All vehicles operating under a permit issued under this article shall display upon such vehicle the permit number.

Section 22. REVOCATION OF PERMIT. A permit issued under this article may be revoked for the violation of any terms of this article or regulations of the city or the Kansas Department of Health and Environment. No permit shall be revoked until the holder of such permit has been given notice in writing of the violation and given a reasonable opportunity to comply with the provisions of this article or regulations issued by the Department of Health and Environment.

Section 23. SERVICE FEES. Residential refuse service fees shall be set by resolution.

Section 24. REQUEST FOR SERVICE. A request for water service shall automatically constitute a request for refuse service for all dwelling units. The absence of public water service shall not relieve any owner or occupant of any residence, business or commercial enterprise from the responsibility of complying with the provisions of this article concerning the disposal of refuse or solid waste.

Section 25. BILLING. Bills for refuse service shall be rendered monthly at the same time as bills for water service rendered to all dwelling units. Such bills shall be collected as a combined bill for refuse, sewer and water service.

Section 26. PROHIBITED PRACTICES. It shall be unlawful for any person to:

- (a) Interfere in any manner with employees of the city or its contractor in the collection of solid wastes.
- (b) Burn solid waste unless permission has been obtained from the city clerk and the fire department notified..
- (c) Dispose of solid waste in an unapproved site or manner.

Section 27. REGULATIONS. The city is hereby authorized to formulate reasonable rules and regulations, subject to approval by the governing body, necessary to carry out the provisions of this article.

Section 28. STANDARDS OF COLLECTION, TRANSPORTATION AND DISPOSAL OF SOLID WASTE. All solid waste produced in the city shall be collected, transported and disposed of in conformity with this article and regulations of the city and of the Kansas State Board of Health and Environment unless exemptions may have been granted as provided herein. A franchise holder is not required to collect and removed deal animals, bulky wastes, hazardous wastes, burned waste or ashes creating or likely to create a fire condition, refuse placed in unauthorized containers or refuse not properly

located. All refuse, when collected by the franchise holder shall belong to and be the property of the franchise holder.

Section 29. TRANSMITTAL OF FEES. All refuse service fees collected by the city shall be transmitted to the contractor, as provided in the agreement.

Section 30. LEIN ON PROPERTY. In the event any person (except the United States and the State of Kansas) or organization living or operating on premises served by the city solid waste collection system, shall neglect, fail or refuse to pay the service fees fixed by the governing body for the operation of the solid waste collection system, such charges shall constitute a lien upon the real estate served by the collection system, and shall be certified by the city clerk to the county clerk of Morris County, Kansas, to be placed on the tax roll for collection, subject to the same penalties and collected in like manner as other taxes are by law collectible.

ARTICLE 3: SEWER

Refer to Sewer Use Ordinance No. 175A which regulates the use of public and private sewers and drains; private sewage disposal into public sewers and provides penalties for violations thereof.

Section 1. REQUEST FOR SERVICE. A request for water service shall automatically constitute a request for sewer service for all dwelling units. The absence of public water service shall not relieve any owner or occupant of any residence, business or commercial enterprise from the responsibility of complying with the provisions of this article concerning the use of public and private sewers and drains.

Section 2. SERVICE FEES. Sewer service fees shall be set by resolution.

ARTICLE 4: NOTICE OF HEARING

Section 1. Notice of Hearing

- (a) If a utility bill has not been paid on or before the 15th of the month, a delinquency charge as set by resolution will be added to the account and a delinquency and termination notice shall be issued by the city clerk within five days after the delinquency occurs and mailed to the customer at his or her last known address. A copy also shall be mailed to the property owner of the premises if the property owner and the customer are not the same person.
- (b) The notice shall state:
 - 1. The amount due, plus delinquency charge;
 - 2. Notice that service will be terminated if the full amount is not paid by the 28th of the month.

3. Notice that the customer has the right to a hearing before a panel of three members of the City Council.
 4. Notice that the request for a hearing must be in writing and filed with the city clerk no later than seven days prior to the termination of service.
- (c) Upon receipt of a request for hearing, the city clerk shall advise the customer of the date, time and place of the hearing which shall be held within three working days following receipt of the request.

This ordinance shall take effect and be in force from and after its publication in the Council Grove Republican, the official newspaper of said City, as provided by law.

PASSED by the Council and APPROVED by the Mayor this 15th day of October, 2012.

Galen Johnson, Mayor

ATTEST:
Lisa Lee, City Clerk

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