

AN ORDINANCE
SETTING SANITATION POLICIES REGARDING YARD WASTE, CONTAINER PLACEMENT AND COLLECTION,
AND MODIFYING PENALTIES FOR SUCH

WHEREAS, The city wishes to provide increase services to the community for yard waste due to changes in landfill policy;

WHEREAS, The city desires for efficient and orderly administration of the sanitation collection in the city.

THEREFORE, BE IT ORDAINED, by the governing body of the City of Leoti, Kansas that the city code of the City of Leoti will be modified as follows:

1. Add to **Sec. 24-03 – Definitions:**

Yard Waste: Grass, leaves and brush (i.e., small branches, twigs) from general yard maintenance. Yard waste does not include materials generated by tree removal, land clearing or home renovation projects.

2. Amend **Sec. 24-21. - Yard waste service** to read as follows.

Yard waste may be collected during the months of April to October as a supplemental service for current customers only. Yard waste must be in a separate container otherwise allowed under Section 24-14 that contains solely yard waste. All yard waste must fit entirely into the container. Yard waste pick-up service must be requested at city hall at least one week in advance. Yard waste containers will be picked up at a rate of one-half the rate otherwise applying to such container in Sections 24-5 and 24-6. Yard waste containers not complying with this section will not be picked up. The City, with notice from the City Clerk and recommendation from the City Superintendent, may suspend yard waste service for any customer routinely not adhering to the requirements of this section.

3. Add **Sec. 24-21(a). - Customer request for service.**

Request for service must be made in writing on the appropriate service application form (service agreement), and submitted to the Utility Billing Clerk along with the service set-up fee. A request for any City provided utility service shall automatically constitute a request for all available utility services, unless such request is for a known yard irrigation meter only; provided, however, that the absence of any public utility service shall not relieve any owner or occupant of any residence, dwelling, commercial enterprise, or any other user, from the responsibility of complying with the provisions of this Ordinance.

4. Amend **Sec. 24-17. - Location of containers and tampering with containers** to read as follows.

All solid waste containers shall be stored upon private property unless the owner shall have been granted written permission from the city to exclude use of their property for such purpose. Residential containers shall be stored behind the front of the building or dwelling unit; or in a garage or shed; and may be stored adjacent to the alley. Containers stored in the front of the building or near the street must be in an appropriate enclosure approved by the city. Containers stored near the alley or street shall not interfere with the normal flow of traffic.

Each customer shall make his or her solid waste containers available for collection the date designated by the city. All containers shall be placed for collection at a point within two feet of the alley, or street if no alley is available, affording easy and unobstructed access for collection. Unless otherwise agreed upon with the customer, all containers shall be placed for collection no earlier than 5:00 p.m. the day preceding collection and no later than 8:00 a.m. the day of collection; and shall be removed from the collection point no later than 9:00 a.m. the day following collection. Containers may remain at the alley collection site if the property owner desires to store them there. The collection site shall be well drained and fully accessible to the collection equipment.

It shall be a violation of this chapter for any person to use, hamper, or molest any sanitation container or cause the contents thereof to be scattered about with or without dumpsters' owner's permission, whether or not the container is full or empty, and regardless of whether it is located on or off public right-of-way.

5. Amend **Sec. 24-42. - Penalty for violation** to read as follows.

Any person found to have violated any of the aforementioned provisions for which a penalty is not otherwise provided shall, upon conviction thereof, be fined an amount not more than \$1,200.00 or imprisoned for a period not more than 90 days, or both so fined and imprisoned at the judge's discretion with each day's violation constituting a separate offense. In addition, such person shall be liable for any actual damages. Any person violating the aforementioned provisions waives their right to trash collection for such week without being entitled to refunded billings.

ADOPTED this 7th day of August, 2017, by the City Council, City of Leoti, Kansas to be effective upon publication.

Cheryl Green, Mayor

ATTEST:

Ashley Woods, City Clerk

Publication: