

**ORDINANCE NO. 9261**

**AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, AMENDING SECTIONS 9-412.1, 9-412.2, 9-412.3, 9-412.4, 9-412.6, AND 9-413 OF THE CODE OF THE CITY OF LAWRENCE, KANSAS, 2015 EDITION, AND AMENDMENTS THERETO, PERTAINING TO THE COLLECTION, REMOVAL, TRANSPORTATION, AND DISPOSAL OF SOLID WASTE.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:**

**SECTION 1.** Section 9-412.1 of the Code of the City of Lawrence, Kansas, 2015 Edition, and amendments thereto, is hereby amended to read as follows:

9-412.1 Each single-family dwelling unit or multiple-family dwelling unit, located in an area not served by a trash dumpster, shall be billed \$18.25 per month as the monthly solid waste service fee. As part of that fee, each single-family dwelling unit or multiple-family dwelling unit, located in an area not served by a trash dumpster, shall receive from the City one standard 65-gallon City Roll-out Trash Cart.

(A) Upon request made to the Division of Solid Waste, Department of Public Works, the owner or occupant of a single-family dwelling unit or the owner of a multiple-family dwelling unit may obtain alternative service for the corresponding monthly solid waste service fee, as follows:

95-gallon City Roll-out Trash Cart	\$20.25 monthly
35-gallon City Roll-out Trash Cart	\$16.75 monthly

(B) Upon request made to the Division of Solid Waste, Department of Public Works, the owner or occupant of a single-family dwelling unit or the owner of a multiple-family dwelling unit may request additional City Roll-out Trash Carts for a monthly rental and maintenance fee, as follows:

95-gallon City Roll-out Trash Cart	\$4.50 monthly/each
65-gallon City Roll-out Trash Cart	\$3.50 monthly/each
35-gallon City Roll-out Trash Cart	\$2.50 monthly/each

(C) Free of charge, the City will provide one cart size change per address/ owner (or occupant) per calendar year. The City will charge a \$20.00 service fee for any additional requests to change cart sizes.

(D) The replacement fee for any destroyed, missing, or confiscated City roll-out trash or recycling cart shall be \$50.00.

(E) Additional fees shall be assessed for excessive amounts of garbage, refuse, or yard waste that requires a solid waste loader to expend more than five minutes to collect and remove the waste. The additional fee shall be established by the Director of Public Works or his or designee.

**SECTION 2.** Section 9-412.2 of the Code of the City of Lawrence, Kansas, 2015 Edition, and amendments thereto, is hereby amended to read as follows:

9-412.2

All other multiple-family dwellings, and all business, commercial, industrial, institutional or professional facilities or establishments are classified as commercial customers and shall be charged the commercial rate as follows:

- (A) The minimum commercial rate shall be \$22.81 per month, which allows the customer to have two (2) ninety-five (95) gallon poly-carts picked up once each week. The fee for any additional approved container will be \$3.75 per container per pick-up.
- (B) Commercial container rates include a rental and maintenance fee for the City-owned containers and a service charge for each pick-up or service call. This service charge is due for each service call even if the container cannot be emptied because the container is inaccessible or because the container has not been made ready for pick-up. Whenever the collection vehicle must wait for the customer to provide access or make the container ready for pick-up, a waiting-time charge of \$22.50 for each fifteen (15) minutes or fraction thereof will be levied.
- (C) In areas of the City where congestion and the lack of available space on-premises requires the use of commercial containers placed in or near alley rights-of-way or on public parking lots for the common use of business, professional, commercial, residential or other occupants of the block where the containers are located, charges shall be determined as follows:
  - (1) For buildings occupied by more than one business, apartment, institution, professional office, restaurant, club, or other enterprise, the rate shall be the sum of the rates for each individual occupant. The minimum rate for any occupant shall be the current minimum commercial rate except for apartment units which shall be charged at the residential rate per unit.
  - (2) The rate for individual occupants other than residential units will be established by square footage used or, as deemed appropriate by the Director of Public Works, in comparison with rates charged to users similar in nature and size in areas of the City where rates are more precisely determined by the level of service requested by the owners or operators concerned.
  - (3) Charges for refuse collection service may be billed to the owner of the building or to the individual tenants at the option of the owner. Building owners choosing to have collection fees billed to the tenants must provide complete billing information to the City and provide timely notification of any tenant changes as they occur.
  - (4) Charges which cannot be collected from the tenants either during their occupancy or after they vacate the premises will be billed to the building owner.
  - (5) Building owners who are able to provide proper facilities for placing commercial containers on or near their premises for use solely by their tenants shall be billed at the container rate as set forth below.
  - (6) Owners of shopping centers are responsible for the payment of refuse collection charges for all of the occupants of the shopping center unless they provide specifically designated sites for the placement of containers for each tenant and notify the City Solid Waste Division of the amount to

be charged to each tenant if the sharing of containers is permitted or required by the shopping center owner.

**SECTION 3.** Section 9-412.3 of the Code of the City of Lawrence, Kansas, 2015 Edition, and amendments thereto, is hereby amended to read as follows:

9-412.3 **RATES.**

(A) The rates for one-ten (1-10) cubic yard refuse container rates are as follows:

Container Size (Cubic Yards)	Rental/Maintenance Charge Per Month	Service Charge Uncompacted	Per Pickup Compacted	Special Pickup Service Charge*
1.0	\$ 20.16	\$ 8.24	\$ ----	\$ 42.80
2.0	26.20	12.00	24.01	45.30
3.0	30.47	16.14	32.42	47.80
4.0	33.93	20.37	40.72	50.30
6.0	43.84	27.43	54.87	55.30
8.0	50.92	34.44	68.85	60.30
10.0	62.27	42.76	84.63	65.30

\* The Special Pick Up Service is \$40.30 base charge plus \$2.50 per cubic yard.

(B) The rates for hook-lift refuse containers are as follows plus the landfill charge based on weight:

Container Size (Cubic Yards)	Rental/Maintenance Charge Per Month	Service Charge Per Pickup
12.0	66.50	88.70
14.0	66.50	96.10
16.0	73.60	99.60
18.0	73.60	104.60

(C) The rates for roll-off refuse containers (uncompacted) are as follows plus the landfill charge based on weight:

Container Size (Cubic Yards)	Rental/Maintenance Charge Per Month	Service Charge Per Pickup (uncompacted)
20.0	80.50	144.90
21.0	80.50	148.20
30.0	94.00	177.90
35.0	94.00	194.40
40.0	94.00	210.90
OVER40.0	94.00	210.90

plus \$5.00 per cubic yard over 40

(D) The rates for roll-off refuse containers (compacted) are as follows plus the landfill charge based on weight:

Container Size (Cubic Yards)	Rental/Maintenance Charge Per Month	Service Charge Per Pickup
16.0	NA	\$ 183.20
17.0	NA	187.20
18.0	NA	191.20

20.0		NA	199.20
21.0		NA	202.20
25.0		NA	214.20
27.0		NA	219.20
30.0		NA	229.20
35.0	\$	488.25	244.20
39.0		NA	259.20
40.0		NA	259.20

- (E) The monthly rental and maintenance charge for city-owned roll-out carts provided for semi-automated collection shall be \$4.50 per month for capacities over 65 gallons and \$3.50 per month for capacities not exceeding 65 gallons. The fee for collection and removal from city-owned roll-out carts used by multi-family and non-residential accounts shall be \$3.75 per collection.
- (F) The service charges per pickup listed in 9-412.3(D) shall be increased by \$73.00 per pickup for any roll-off container which must be off-loaded from the collection vehicle and reversed before it can be emptied.

**SECTION 4.** Section 9-412.4 of the Code of the City of Lawrence, Kansas, 2015 Edition, and amendments thereto, is hereby amended to read as follows:

9-412.4      **ADDITIONAL COMMERCIAL CONTAINER FEES.**

- (A) The rental and maintenance fee charged for any City-owned container rented for less than a month shall be one quarter (1/4) of the monthly fee for each week or portion thereof.
- (B) Customers shall be charged a fee for the delivery of City-owned containers based on container size. For one (1) to ten (10) cubic yard containers the fee will be \$32.30. For containers larger than ten (10) cubic yards the fee will be \$51.70.
- (C) A cleaning fee shall be charged for commercial customers requesting special container cleaning services due to the nature of their refuse. For containers up to ten (10) cubic yards in capacity the cleaning fee shall be \$41.00. For larger containers the fee will be \$77.50.
- (D) Customers using City-owned containers over ten (10) cubic yards in capacity will be charged for a minimum of one (1) collection per month.
- (E) Customers requesting collection of roll-off containers on Saturdays, holidays, or at other times outside of regular City working hours will be billed an additional amount of \$68.00 to cover any added overtime and equipment costs.
- (F) The rental and maintenance fee does not cover for other than routine maintenance. Damages from fires in or around the container will result in additional charges to cover labor and material for restoration of the container.
- (G) Wheeled commercial containers which must be moved by hand by the collection crew shall be limited to no more than two hundred fifty (250) pounds per cubic yard. Heavier loads will be billed at twice the normal fee.

**SECTION 5.** Section 9-412.6 of the Code of the City of Lawrence, Kansas, 2015 Edition, and amendments thereto, is hereby amended to read as follows:

9-412.6

**SPECIAL PICK-UPS.**

- (A) Unusual amounts of refuse which do not qualify for bulk pick-up service may be picked up if equipment and personnel are available, at the discretion of the Director of Public Works.
- (B) Waste tires will be collected only as permitted by the State Department of Health and Environment. Collection of waste tires will be conducted in accordance with regulations established by the Director of Public Works.
- (C) Chipper services may be provided for disposal of tree trimmings when equipment and labor are available, subject to limitations, fees, and other regulations established by the Director of Public Works.
- (D) Fees for special pick-ups, tree chipping services, and waste tire collections shall be charged \$30.00 plus additional fees determined by the Director of Public Works based upon the time and equipment required to provide the service and in consideration of the disposal costs incurred. Fees may be collected in advance of the service at the discretion of the Director of Public Works.

**SECTION 6.** Section 9-413 of the Code of the City of Lawrence, Kansas, 2015 Edition, and amendments thereto, is hereby amended to read as follows:

9-413

**CHARGES, LOW-INCOME ELDERLY PERSONS.**

Upon application made to the Solid Waste Division, of Public Works, the City shall grant to qualified low-income elderly persons a reduced monthly solid waste service fee. A qualified low-income elderly person is any individual who:

- (A) Is sixty years of age or more before January 1 of the current year; and
- (B) (i) In the preceding calendar year, had an income from all sources that did not exceed \$13,068; or  
(ii) Is the head of a family that, in the preceding calendar year, had a family income from all sources that did not exceed \$17,622.

**SECTION 7.** Existing sections 9-412.1, 9-412.2, 9-412.3, 9-412.4, 9-412.6, and 9-413 of the Code of the City of Lawrence, Kansas, 2015 Edition, and amendments thereto, are hereby repealed, it being the intent of the Governing Body that the provisions of this ordinance supersede those sections.

**SECTION 8.** If any section, clause, sentence, or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

**SECTION 9.** This ordinance shall take effect and be in full force and effect on November 15, 2016 and upon its publication as provided by law.

**ADOPTED** by the Governing Body of the City of Lawrence, Kansas, this \_\_\_\_ day of July, 2016.

**APPROVED:**

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Mike Amyx  
Mayor

**ATTEST:**

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Sherrí Ríedemann  
City Clerk

**APPROVED AS TO FORM**

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Toni R. Wheeler  
City Attorney

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**NOTICE TO PUBLISHER**

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.