

ORDINANCE NO. ~~xxxxx~~9335

AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS,
AMENDING SECTIONS 9-404, 9-406 AND 9-407 OF THE CODE OF
THE CITY OF LAWRENCE, KANSAS, 2016~~2015~~ EDITION, AND
AMENDMENTS THERETO, PERTAINING TO THE COLLECTION,
REMOVAL, TRANSPORTATION, AND DISPOSAL OF SOLID WASTE
AND REPEALING EXISTING SECTIONS 9-404, 9-406 AND 9-407.

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

SECTION 1. Section 9-404 of the Code of the City of Lawrence, Kansas, 2016–2015 Edition, and amendments thereto, is hereby amended to read as follows:

9-404 **COLLECTION PRACTICES: RESIDENTIAL, COMMERCIAL, INDUSTRIAL, AND CONSTRUCTION SOLID WASTE.**
(Ord. 8781)

- (A) The only acceptable container for the City's collection and removal of garbage and refuse from single-family dwelling units and multiple-family dwelling units, that are not located in an area served by a trash dumpster, shall be the City Roll-out Trash Cart.
- (B) A maximum of twice per calendar year, the City will collect and remove an overflow of garbage and refuse from a dwelling unit in excess of that which can be contained by the City Roll-out Trash Cart. If a dwelling unit exceeds two such overflow incidents in one calendar year, the City will provide an additional or larger City Roll-out Trash Cart to the owner or occupant of that dwelling unit and the monthly solid waste fee will be adjusted accordingly. Overflow garbage and refuse must be securely bagged or placed in a secure container and may not exceed the 65-pound limit established by Section 9-405.
- (C) During an overflow incident, the City may collect non-conforming containers together with their contents for removal and disposal. Such containers, e.g., cardboard boxes, paper boxes, pasteboard or fiberboard barrels, wicker baskets, etc., may be placed for collection and removal, but said container will not be returned for reuse. If the non-conforming container exceeds the 65-pound limit established by Section 9-405 of this Article or if, in the opinion of the collector, the non-conforming container does not appear sturdy enough to permit loading without the spilling of its contents, then it shall not be collected. Loose garbage and refuse placed in wheelbarrows, washtubs, or the like, will not be collected and removed.
- (D) Acceptable containers for yard waste shall be City Roll-out ~~Trash Carts~~Yard Waste carts, or compostable kraft paper bags ~~designed~~ especially designed for yard waste, ~~or other refuse cans. Other refuse cans must be constructed of metal, plastic, or other material approved by the Director of Public Works, shall have a capacity not to exceed 35 gallons, shall be watertight, shall have two handles, shall have a tight-fitting cover, and shall be maintained in a state of good repair.~~ Plastic bags and other refuse cans are strictly prohibited. Yard waste in compostable kraft paper bags ~~or other refuse cans~~ may not exceed the 65-pound limit established by Section 9-405 of this Article.

- (E) The City shall not collect garbage, refuse, or yard waste where jagged or sharp items protrude over the top of the City Roll-out Cart or other container. Additionally, broken glass shall be securely placed in a durable sealed package, prominently labeled, and placed in the City Roll-out Cart or other container so that the collector can recognize the risk of injury. A collector shall not dig through compacted garbage, refuse, or yard waste because of the risk of injury.
- (F) The owner or occupant of a dwelling unit is responsible for the clean-up of any garbage, refuse, or yard waste scattered or spilled because of the nature or condition of the City Roll-out Trash Cart or other container, or because of the nature and condition of the garbage, refuse, or yard waste. The owner or occupant of a dwelling unit also is responsible for the clean-up of any garbage, refuse, or yard waste that is scattered or spilled, for any reason, before the arrival of the City collectors.
- (G) The owner or occupant of a dwelling unit, located in an area not served by a trash dumpster, shall be responsible for providing a Collection Site that meets criteria established by the Director of Public Works and that will insure that the City Roll-out Trash Cart or other container is secure and will not roll or move away from the Collection Site due to wind or gravity. The Collection Site shall be readily accessible to collectors, shall be located over a hard surface, shall have at least 12 feet in width, and shall be free from all obstructions to a height of 15 feet. Removal of all vehicles, equipment, snow, ice, tress, shrubbery, or other obstruction preventing safe access to the Collection Site shall be the responsibility of the owner or occupant of the dwelling unit.
- (H) The City shall not be responsible for any damage or deterioration to privately owned driveways or parking lots resulting from the weight of the Solid Waste Collection Vehicle. The City shall not be responsible for any damage to utility lines, trees, shrubbery, or other growth extending into the 12-foot width or 15-foot height required of the Collection Site. Likewise, the City shall not be responsible for any injuries or property damage caused by the owner's or occupant's failure provide an adequate Collection Site or caused by any Roll-out Cart or other container that is not secured and rolls or moves away from the Collection Site.
- (I) The owner or occupant of a dwelling unit shall, unless otherwise approved by the Director of Public Works, remove all City Roll-out Trash Carts or other containers from the street or alley within 24 hours after the City's latest collection. If any City Roll-out Trash Cart or other container remains in the street or alley in violation of this section, for the protection of the public health, safety, and welfare, collection supervisors shall have the authority to confiscate any such City Roll-out Trash Cart or other container.
- (J) Business, commercial, industrial, institutional, and professional facilities or establishments shall dispose of solid waste in containers meeting criteria established by the Director of Public Works or his or her designee. The container or containers must be adequate to contain the amount of garbage, refuse, or yard waste ordinarily accumulated at such place during the interval between City collection and removal of solid waste.
- (K) Solid waste from construction, remodeling, demolition, or repair of any building shall be placed in City roll-off containers specifically designed for that purpose, or the owner, occupant, or general contractor shall be charged special collection fees in accordance with Section 9-412.9(D).

amendments thereto, is hereby amended to read as follows:

9-406 **YARD, SHRUB, OR TREE TRIMMINGS, GRASS, LEAVES.**

- (A) Yard, shrub, or tree trimmings not bundled or placed in approved containers will not be collected. Bundles must be tied securely, shall not be more than eighteen (18) inches in diameter, not more than five (5) feet long nor more than sixty-five (65) pounds in weight. Yard, shrub, and tree trimmings placed in ~~cans~~, kraft yard waste bags, or City approved yard waste roll-out carts are not to extend more than twelve (12) inches above the top of the ~~can~~, bag or cart, or be so tightly packed that they must be pulled from the container by hand. (Ord. 7797)
- (B) Grass and leaves will be collected separately from other refuse. This separate collection will be on ~~one the same~~ day as residential trash collection each week during the yard waste season as specified by the Director of Public Works. Restrictions as to size, type, and weight of containers area as specified in 9-~~403.3404(D)~~ and 9-405. (Ord. 7797)

SECTION 3. Section 9-407 of the Code of the City of Lawrence, Kansas, 2016-2015 Edition, and amendments thereto, is hereby amended to read as follows:

9-407 **PLACEMENT OF CONTAINERS FOR COLLECTION: DUTY TO REMOVE EMPTY RECEPTACLES FROM DESIGNATED COLLECTION POINT.**

- (A) Unless another pickup point has been approved by the Director of Public Works, all portable containers containing refuse, upon days of collection thereof, shall be placed by the occupant outside of any existing yard fence and within six (6) feet of the alley in all blocks where alley pickup service is provided or within six (6) feet of the curb in those blocks in the City where curb pickup service is provided.
- (B) Collection at the door or other agreed location may be authorized by the Director of Public Works for hardship cases arising from physical impairment upon written application. Such special collection service shall be provided for a specified period, subject to renewal.
- (C) Containers shall be placed in a clearly accessible and uncluttered area to minimize risk of injury to the collector. Dogs tethered near refuse containers must be where they cannot interfere with the collection of refuse.
- (D) To ensure collection on the scheduled day, containers and other properly packaged refuse must be placed at the designated point of collection before 76:00 a.m. on the scheduled day of collection, but not earlier than 24 hours before that time. (Ord. 7388).
- (E) ~~After collection, the crew shall return the trash receptacles to the spot where they were set out and the removable container lid shall be placed on the ground near the container.~~ Containers and refuse left by the collection crew due to improper packaging must be removed from the curb as promptly as possible after the collection crew has departed, but not later than 24 hours after the collection crew has departed. The City shall not be responsible for the security of lids or containers after the collection crew has departed. (Ord. 7802)
- (F) The owner or occupant shall remove the trash receptacles from the designated collection point and/or the right-of-way within 24 hours of the trash pickup. Failure to comply with this section may result in the condition being declared an environmental code violation and subject to the enforcement measures set forth

in Article 6 of this chapter. (Ord. 7802)

SECTION 4. Existing sections 9-404, 9-406, and 9-407 of the Code of the City of Lawrence, Kansas, 2016 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 5. 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 6. This ordinance shall take effect and be in full force and effect on May 1, 2017 and upon its publication as provided by law.

ADOPTED by the Governing Body of the City of Lawrence, Kansas, this ____ day of March, 2017.

APPROVED:

Leslie Soden
Mayor

ATTEST:

Sherri Riedemann
City Clerk

| **APPROVED AS TO FORM ~~AND LEGALITY:~~**

Toni R. Wheeler
City Attorney

NOTICE TO PUBLISHER

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