

# CHAPTER XV. UTILITIES

## ARTICLE 4. SOLID WASTE

### SECTIONS

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**15-401. CITY'S SOLID WASTE MANAGEMENT PLAN.** This Article shall be construed in such a manner to be consistent with the Johnson County Solid Waste Management Plan.

(Ord. 1161C; 05-07-90)  
(Code 2000)  
(Ord. 1895C; 06-18-01)

**15-402. DEFINITIONS.** For the purposes of this article, the following terms, phrases, words and their derivation shall have the meanings given in this section:

- (1) ***Agricultural Waste.*** Solid waste resulting from the production of farm or agricultural products.

- (2) **Approved Container.** All containers designed for the disposal of solid waste, which may include cans and recycling containers. All such containers shall be of rigid construction with tight fitting covers and be watertight. Yard waste may be placed in other suitable containers. Containers shall have a maximum capacity of 96 gallons and be so constructed as to adequately contain all contents placed therein without spillage, leakage or emission of odors while awaiting collection.
- (3) **Bulky Waste.** Items either too large or too heavy to be loaded in solid waste collection vehicles with safety and convenience by solid waste collectors, with the equipment available therefore, including but not limited to appliances, furniture, tires, large auto parts, trees, branches, and stumps.
- (4) **City.** The City of Leawood, Kansas.
- (5) **Collection.** Removal and transportation of solid waste and recyclables, material from its place of storage to its place of processing or disposal.
- (6) **Collector.** Any person, public or private, engaged in collecting solid waste and recyclable materials.
- (7) **Combined Refuse Collection.** The collection of mixed refuse (putrescible and nonputrescible).
- (8) **Combined Solid Waste.** Solid waste containing both garbage and rubbish.
- (9) **Commercial Waste.** Solid waste emanating from establishments engaged in business. This category includes, but is not limited to solid waste originating in stores, markets, office buildings, restaurants, shopping centers, theaters and schools.
- (10) **Composting.** A controlled process of microbial degradation of organic material into a stable, nuisance free humus-like product.
- (11) **Construction Waste.** Waste building materials and rubble resulting from construction, remodeling or repair operations on houses, commercial buildings, or other structures and pavements.
- (12) **Contractor.** The person or corporation holding a valid Solid Waste Management contract, whether public or private operation.
- (13) **Demolition Waste.** Waste material from the destruction of residential, industrial or commercial structures.
- (14) **Disposable Solid Waste Container.** Approved containers, which are designed to be disposed of with the solid waste contained therein.
- (15) **Disposal.** Depositing solid waste in or at a facility approved by the City, Johnson County Solid Waste Management, and the Kansas State Board of Health for such purpose.
- (16) **Dump.** A collection or consolidation of solid waste from one or more sources at a central disposal site, which does not meet standards for proper disposal.
- (17) **Dwelling Unit.** Any room or group of rooms located within a structure, and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.
- (18) **Garbage.** The animal and vegetable waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking and serving of meat, produce and other foods, including unclean containers.
- (19) **Hazardous Waste.** Solid and liquid waste which requires special handling and disposal to protect and conserve the environment and human health including, but not limited to, pesticides, acids, caustics, pathological waste, radioactive materials, flammable or explosive materials, oils and solvents, and similar organic and inorganic chemicals and materials, containers and materials that have been contaminated with hazardous waste.

- (20) **Incineration.** The controlled process of burning solid, liquid and/or industrial processes and liquid waste resulting from manufacturing or industrial processes which are not suitable for discharge to a sanitary sewer or treatment in a community sewage treatment plant.
- (21) **Nuisance.** Anything which (1) is injurious to health or is offensive to the senses or any obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property, and (2) affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal, and (3) occurs during or as a result of the handling or disposal of solid waste.
- (22) **Occupant.** Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or any other improved real property, either as owner, guest, or as a tenant, either with or without the consent of the owner thereof.
- (23) **Owner.** Any person who, alone or jointly or severally with others, has legal title to, or sufficient proprietary interest in, or have charge, care or control of any dwelling unit or any other improved real property, as title holder, as employee or agent of the title holder, or as landlord or manager or as trustee or guardian of the estate or person of the title holder.
- (24) **Person.** Individual, partnership, corporation, institution, political subdivision, homes association or state agency.
- (25) **Processing of Waste.** Any technology applied for the purpose of reducing the bulk or hazards of solid waste materials or any technology designed to convert part or all of the solid waste materials for refuse.
- (26) **Putrescible Waste.** The progressive chemical decomposition of the organic matter in refuse, with the production of foul smelling compounds and/or material that attracts insect or animal life.
- (27) **Recyclable Container.** Receptacle used by any person to store recyclables during the interval between recyclable collections.
- (28) **Recyclable Material.** Glass, aluminum, tin, newspaper and plastic beverage containers.
- (29) **Refuse.** (See Solid Waste).
- (30) **Rubbish.** Nonputrescible solid wastes consisting of combustible and/or noncombustible waste materials from: dwelling units, commercial, industrial, institutional, or agricultural establishments, including yard wastes and items commonly referred to as "trash."  
(a) **Bulky rubbish** - (See Bulky Waste).  
(b) **Commercial rubbish** - rubbish resulting from commercial, industrial, institutional, or agricultural activities.  
(c) **Residential rubbish** - rubbish resulting from the maintenance and operation of dwelling units.
- (31) **Scavenger.** A person who scavenges. Scavenge means to collect and remove refuse from.
- (32) **Service.** The useful result; the product of labor and machines in property and effective management to dispose of solid waste.

- (33) **Solid Waste.** Unwanted or discarded waste materials in a solid or semiliquid state, including but not limited to refuse, garbage, ashes, street refuse, rubbish, dead animals, animal and agricultural wastes, yard wastes, discarded appliances, abandoned vehicle parts, special wastes, industrial wastes, demolition and construction wastes and digested sludges resulting from the treatment of domestic sewage or a combination thereof.
- (a) **Commercial solid waste** - solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment.
- (b) **Residential solid waste** - solid waste resulting from the maintenance and operation of dwelling units.
- (34) **Solid Waste Container.** Any receptacle used by any person to store solid waste during the interval between solid waste collections.
- (35) **Solid Waste Disposal Area.** Also referred to herein as "disposal area" or "disposal site", means any area used for the disposal of refuse from more than one residential premise, or one or more commercial, industrial, manufacturing, or municipal operations.
- (36) **Solid Waste Processing Facility.** Also referred to herein as "processing facility" means incinerator, compost plant, transfer station or any other location where solid wastes are consolidated, temporarily stored, salvaged, or processed prior to being transported to a final disposal site.
- (37) **Storage.** Keeping, maintaining or storing solid waste from the time of its production until the time of its collection.
- (38) **Temporary Storage.** Proper accumulation and storage of solid waste between regularly scheduled refuse collection intervals.
- (39) **Transfer Station.** A facility used as an adjunct to solid waste collect on system. Such a facility may be fixed or mobile and may include recompaction of solid waste.
- (40) **Water Pollution.** Contamination, or other alteration of the physical, chemical or biological properties of any waters of the City or state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to public health safety or welfare, or to the plant, animal or aquatic life of the City or state or to other legitimate beneficial uses.
- (41) **Waters of the City or State.** All streams, creeks, and springs, and all bodies of surface or ground water, whether natural or artificial, within the boundaries of the state.
- (42) **Yard Wastes.** All forms of botanical waste, including but not limited to grass clippings, leaves, tree trimmings, branches and stumps.

(Ord. 1199C; 01-21-91)  
(Code 2000)  
(Ord. 1895C; 06-18-01)  
(Ord. 2822C; 03-06-17)

**15-403. STORAGE OF SOLID WASTE.**

- (a) The owner or occupant of every dwelling unit and of every institutional, commercial, industrial or agricultural establishment producing solid waste within the corporate limits of the City, shall provide sufficient and adequate approved containers for the storage of such solid waste in sufficient number to serve each such dwelling unit and/or establishment; and shall maintain such solid waste containers and their environs at all times reasonably clean and in good repair; and shall repair or replace same from time to time, without notice, when any such containers shall no longer meet the specifications therefore as established by regulations.
- (b) The occupant of every dwelling unit and of every institutional, commercial, industrial, or agricultural or business establishment, from which solid waste collection is made under this article, shall place all solid waste in proper solid waste containers, except as otherwise provided herein, and shall maintain such solid waste containers and the area surrounding them in a clean, neat, and sanitary condition at all times. Whenever a portion of the solid waste is subject to decay or putrefaction, such an accumulation must be kept covered or in approved containers, closed bins or containers not subject to deterioration. All containers shall be screened in such a manner that they are not visible from any street or roadway except when placed in position for pickup.
- (c) Residential solid waste shall be stored in approved containers of not more than 96 gallons. Such containers shall be of watertight construction and provided with a lid or cover which shall fit closely to retain all odors and keep out flies and other insects and shall be kept covered at all times except when depositing waste or removing same.
- (d) Commercial solid waste shall be stored in solid waste containers. The containers shall be water-proof, leak-proof, and shall be covered at all times except when depositing waste therein or removing contents thereof; and shall meet all requirements as set forth in this article.
- (e) Tree limbs less than four inches in diameter and brush shall be securely tied in bundles not larger than 48 inches long and 18 inches in diameter when not placed in storage containers.
- (f) Yard wastes shall be stored in approved containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public rights-of-way. The weight of any individual container and its contents shall not exceed 75 pounds.

(Ord. 1161C; 05-07-90)  
(Code 2000)  
(Ord. 1895C; 06-18-01)  
(Ord. 2822C; 03-06-17)

- 15-404. TEMPORARY STORAGE.** Whenever a portion of the solid waste is subject to decay or putrefaction, such an accumulation shall be covered or in closed bins or containers not subject to deterioration and properly maintained. Materials not subject to decay or putrefaction shall be stored temporarily in containers suitable for the handling thereof.

(Ord. 1895C; 06-18-01)

**15-405. COLLECTION AND DISPOSAL OF SOLID WASTE.** The City shall provide or allow for the collection of all residential solid waste as follows:

- (a) The City shall provide for or establish the parameters by which all solid waste and recyclables are collected and disposed of in the City. The City provides for the collection of solid waste by authorizing others, including, but not limited to, homes associations, commercial and retail establishments and other nonresidential establishments to be responsible for providing for the collection of solid waste and recyclables, and complying with all applicable restrictions, regulations and property maintenance codes, provided further that the following guidelines are followed:
1. Residential Collection: Residential collection, other than bulky waste, in residential areas shall be not less than one [1] collection each calendar week when applicable.
  2. Commercial-Industrial Collection: Commercial-industrial collection shall be not less than one [1] collection each calendar week or at more frequent intervals upon a determination that more frequent intervals if necessary to protect the health, welfare and safety of the City and to maintain the premises in a sanitary and uncluttered condition.
  3. Hours of Collection: Collection within two hundred [200] feet of residential areas shall not commence earlier than 7:00 A.M. nor continue later than:
    - (i) 8:00 P.M. during the months of May through September; and
    - (ii) 7:00 P.M. during the months of October through April.
- (b) Each collector shall contractually provide for the service of collecting and transporting residential solid waste, recyclables and yard waste to each person requesting such service located within the City of Leawood, Kansas. Upon request, each collector shall promptly furnish a copy of any and all contracts to the City.
- (c) All persons contracting to provide the service of collecting and transporting residential solid waste and recyclables in the City of Leawood shall meet all the licensing requirements and regulations of the City. Every hauler shall periodically provide documentation to their clients substantiating the method by which the recyclables were disposed of, weight and/or volume of recyclables collected and compensation received for the recycled materials.

(Ord. 1199C; 01-21-91)  
(Code 2000)  
(Ord. 1895C; 06-18-01)  
(Ord. 2791C; 07-05-16)  
(Ord. 2923C; 01-07-19)

**15-406. COLLECTION AND DISPOSAL OF RECYCLABLES.** The City shall provide or allow for the collection of all residential recyclables as follows:

- (a) All recyclables shall be disposed of at a recycling processing or disposal facility approved by and complying with all requirements of the Johnson County Waste Administrator and which will meet all local, State and Federal regulations.
- (b) Residential recyclables shall be stored in an open rectangular bin, a minimum of fourteen (14) gallons in capacity, green in color and constructed of twenty five percent (25%) recycled plastic to be furnished by the contractor. The City Administrator, may, upon application, approve different colors for the container. The City Administrator may require placement of an approved logo or identifying mark on each recyclable container.
- (c) Should the owner or occupant of any premises desire to recycle, then such person shall separate recyclable materials from all other solid waste and place such recyclable materials at curbside, in one container, for collection and shall maintain such recyclable containers and the area surrounding it in a neat, clean and sanitary condition at all times. It shall be the responsibility of the recyclable collector to provide such container.
- (d) All recyclable collection containers shall be maintained in a safe, clean and sanitary condition and shall be so construed, maintained and operated as to prevent spillage therefrom.

(Ord. 1161C; 05-07-90)  
(Code 2000)  
(Ord. 1895C; 06-18-01)  
(Ord. 2923C;01-07-19)

**15-407. COLLECTION VEHICLES.**

- (a) All collection vehicles shall be maintained in a safe, clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for collection of solid waste shall be constructed with water-tight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting waste, or, as an alternate, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No materials shall be transported in the loading hoppers.
- (b) All motor vehicles operating under any permit required by this article shall display a City permit (sticker) in the lower right corner of the windshield of each vehicle. The permit must be clearly visible.

(Ord. 1161C; 05-07-90)  
(Code 2000)  
(Ord. 1895C; 06-18-01)

**15-408.**

**PERMITS.**

- (a) Any person engaging in the business of collecting, transporting or processing of solid waste or recyclables, within the corporate limits of the City shall first obtain a permit from the City Clerk. Each applicant for any such permit shall state in his or her application the following:
1. The nature of the permit desired (storage, collection and/or transportation of solid waste or any combination thereof);
  2. The characteristics of solid waste to be collected and transported;
  3. The number of solid waste vehicles and equipment to be operated thereunder;
  4. The precise location or locations of solid waste processing or disposal for service to be used;
  5. The information sufficient to establish that the permittee in contracting to collect and transport solid waste within the City has agreed that said collection and transportation will be in accordance with the provisions of this ordinance;
  6. An agreement to indemnify and hold the City harmless for any claims which may be made against the City as a result of the failure of the permittee to transport, dispose, or process solid waste collected within the City in compliance with this ordinance, state or federal law;
  7. Such other information as required by the City Clerk as may be reasonably necessary to determine that the operations of the permittee will be conducted in compliance with the provisions of this ordinance.
- (b) Permits will be issued on a client-by-client basis. A permit will not be issued for collection of solid waste for those clients who have not agreed to expand their service to include all aspects of the integrated solid waste management program.
- (c) If the application shows that the applicant will collect and transport solid waste and recyclables without hazard to the public health or damage to the environment and in conformity with the Johnson County Solid Waste Management System, the laws of the State of Kansas, and of this article, the City shall issue the permit authorized by this article.
- (d) The permit shall be issued for a period of time, not to exceed one year and each applicant shall pay a fee of \$25.00 for each collection vehicle to be used in the City. The application must clearly show that the collection and transportation of solid waste and recyclables will create no public health hazard or be without harmful effects on the environment. If such a showing is not made by the applicant, the City Clerk shall deny the application and not issue the permit.
- (e) Permits shall not be required for the removal, hauling or disposal of demolition or construction wastes; however, all such wastes shall be conveyed in tight vehicles, trucks or receptacles, so constructed and maintained to prevent the material being transported from spilling upon the public highways.

(Ord. 1199C; 01-21-91)  
(Code 2000)  
(Ord. 1895C; 06-18-01)  
(Ord. 2791C; 07-05-16)

**15-409. PERMIT SUSPENSION OR REVOCATION.**

In all cases, when corrective measures have not been taken, within the time specified, when so required by the City to comply with this Article, the City Administrator shall suspend or revoke the permit involved in the violation; however, in those cases where an extension of time will permit correction, and there is no public health hazard created by the delay, one extension of time may be given.

(Ord. 1895C; 06-18-01)  
(Ord. 2798C; 08-15-16)

**15-410. APPEALS.**

- (a) Any person who feels aggrieved by any act of the Public Works Director or City Administrator, may within ten [10] days of the act for which redress is sought, appeal directly to the Governing Body, in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal.
- (b) Any person licensed under this Article and found, after public hearing before the Governing Body, to be in violation of the provisions of this Article, may have any license or permit issued by the City suspended or revoked.
- (c) Nothing in this section shall prejudice the right of the applicant to reapply at a later date for a permit.

(Ord. 1199C; 01-21-91)  
(Code 2000)  
(Ord. 1895C; 06-18-01)  
(Ord. 2798C; 08-15-16)

**15-411. INSURANCE REQUIREMENTS.**

The applicant must furnish the City a certificate of insurance showing a minimum public liability insurance coverage in an amount not less than \$500,000 for each occurrence. In the event the insurance is canceled during the term of the permit, the insurance carrier shall notify the City in writing no less than 10 days prior to the effective date of such cancellation. The certificate of insurance shall provide that the insurance company agrees to so notify the City, and further, the insurance policy shall contain written provisions which shall place the responsibility for the 10-day written notification upon the company issuing the policy in order that the coverage be considered proper.

(Ord. 1199C; 01-21-91)  
(Code 2000)  
(Ord. 1895C; 06-18-01)

**15-412. OFFICE AND TELEPHONE REQUIRED.**

All licensed contractors shall maintain an office with adequate telephone service to provide for service inquiries and complaints. The City Clerk shall be promptly furnished with any change in telephone or address, if such changes occur after receiving the license or permit.

(Ord. 1895C; 06-18-01)

**15-413. INSPECTIONS.**

In order to ensure compliance with the laws of this State, the Johnson County Solid Waste Management Plan, County Solid Waste Regulations, this Article and the rules authorized herein, the City Administrator, or his/her designee, is authorized to inspect all phases of solid waste management within the City and within the property of the permit holder. No inspection shall be made in any residential unit unless authorized by the occupant or by due process of law. In all instances where such inspections reveal a violation of this Article, the City Administrator, or his/her designee, shall issue notice for each such violation stating therein the violation or violations found, the time and date and the corrective measure to be taken, together with the time in which such corrections shall be made.

(Ord. 1895C; 06-18-01)

**15-414. RULES AND REGULATIONS.**

- (a) The Public Works Director, by and with the consent of the Governing Body, shall define and promulgate reasonable and necessary rules governing the solid waste management system, which rules and regulations shall be filed in the Office of the City Clerk. The rules and regulations shall include, but not be limited to:

Handling of special wastes such as toxic and hazardous wastes, sludges, ashes, agricultural wastes, construction wastes, automobiles, oils, greases, bulky wastes.

- (b) The Public Works Director may classify certain wastes as hazardous wastes which will require special handling and which should be disposed of only in a manner acceptable to the public safety and banned in a manner which meets all city, county, state and federal regulations.

(Ord. 1161C; 05-07-90)

(Code 2000)

(Ord. 1895C; 06-18-01)

**15-415. ANTI-SCAVENGER. – [See Section 11-102 of the Code of the City of Leawood, 2000]**

(Ord. 1161C; 05-07-90)

(Code 2000)

(Ord. 1895C; 06-18-01)

(Ord. 1958C; 11-04-02)

**15-416. DUMPING ON STREETS.**

(a) It shall be unlawful for any person, any owner, occupant or person in charge of any house, building or premise to deposit or cause to be deposited upon any street of the City or upon any other property, public or private, within the City limits, any rejected material or items. Such described material or items must be deposited in such a manner and placed as prescribed in this Article.

- (b) Any person performing public work directed toward making improvements may place necessary materials at such places as are prescribed by the specifications of his contract or as approved by the Public Works Director.

(Ord. 1895C; 06-18-01)

**15-417. PROHIBITED PRACTICES.**

- (a) No person shall engage in the business of collection, transportation or processing of solid waste within the City in a manner which is contrary to any provisions of this ordinance.

- (b) No person shall engage in the business of collection, transportation or processing of solid waste within the corporate limits of the City without first obtaining a permit as defined and required in Section 15-409.

- (c) No person shall deposit any type of solid waste within public dumpsters.

- (d) It shall be unlawful for any person to:

1. Deposit solid waste or recyclables in any solid waste container other than his/her own container without the written consent of the owner of such container and/or with the intent of avoiding payment of those fees charged for solid waste or recyclables collection or disposal, or;
2. Interfere in any manner with solid waste or recyclables collection equipment, or with solid waste or recyclables collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the City or those of a solid waste collection agency operating under agreement with the City of Leawood.
3. Burn solid waste or recyclables, unless an approved incinerator is provided.

(Ord. 1161C; 05-07-90)

(Code 2000)

(Ord. 1895C; 06-18-01)

**15-418. OWNERSHIP OF COLLECTED MATERIAL.**

All solid waste and recyclables collected, shall, upon being loaded into collection equipment, become the property of the collection agency.

(Ord. 1161C; 05-07-90)

(Code 2000)

(Ord. 1895C; 06-18-01)

- 15-419. EDUCATION, PROMOTION AND MARKETING.** Each solid waste and recyclable contractor shall implement public education and awareness programs to educate their clients of the importance of recycling, yard waste composting, and disposal of household hazardous waste. This program shall be implemented regardless of the type of recycling service, if any, that is performed.

(Ord. 1161C; 05-07-90)

(Code 2000)

(Ord. 1895C; 06-18-01)

**15-420. ENFORCEMENT PROVISIONS.** The Public Works Director or his/her designee is hereby authorized to exercise such powers as may be necessary to carry out and effectuate the purposes and provisions of this article. Included in the powers is the right to inspect all phases of solid waste management within the City to assure compliance with this ordinance.

(Ord. 1161C; 05-07-90)

(Code 2000)

(Ord. 1895C; 06-18-01)

**15-421. GENERAL PROVISIONS.**

(a) Solid waste collectors employed by the City or solid waste collection agencies operating under contract with the City, are hereby authorized to enter in and upon private property for the purpose of collecting solid waste or recyclables therefrom as authorized by agreement.

(b) All contracts providing for the storage, collection and transportation of solid waste to which the City is a party shall contain provisions for a performance bond in an amount not less than the total value of the services provided by the contractor. The bond shall be with a good and sufficient surety and shall be approved by the City Clerk before the execution of the contract. The bonds shall provide that the principal shall pay any and all damages which may be caused to any property, public or private, within the City when such injury or damage shall be inflicted by the principal or his/her agent, employee, workman, contractor or subcontractor, and such bond shall be conditioned also that the principal will serve, indemnify, hold harmless and protect the City from any and all liability, that he/she will in all respects, comply with all articles of the City and comply with the terms of his/her permit and conditional upon his/her faithful performance of the contract. The form of such bond must be approved by the City Attorney.

(Ord. 1161C; 05-07-90)

(Code 2000)

(Ord. 1895C; 06-18-01)

**15-422. PENALTY.** Any person convicted of a violation of any of the provisions of or failing to comply with any of the mandatory requirements of this article shall be guilty of a public offense and punished by a fine of not more than \$500 or by imprisonment not to exceed six months or by both such fine and imprisonment. Each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this article is committed, continued or permitted by any such person.

(Ord. 1161C; 05-07-90)

(Code 2000)

(Ord. 1895C; 06-18-01)