

Regulations for Collection of Solid Waste and Curbside Recycling in Overland Park

The City of Overland Park regulates solid waste collection within the city.

Collectors are required to:

1. Provide a minimum level of service to all of their customers.
2. Communicate with their customers and with the city
3. Maintain vehicle and liability insurance
4. Obtain permits for their company and for each solid waste collection vehicle to be operated within the City
5. Operate as to not create a nuisance and to protect the public health and safety.

Minimum service requirements

All solid waste collectors operating within the City must provide a minimum level of service to their customers:

A. Residential Service:

- a. Collectors providing residential solid waste service shall also provide curbside recycling on the same day as trash collection to all of their customers. Collectors may, with the approval of the Administrator, sub-contract with another entity to provide curbside recycling service to their customers. In homes association contract areas haulers are to, at a minimum, begin providing curbside recycling service following the association's first due date for their member's dues assessments following January 1, 2009, and in no case, later than January 1, 2010.
- b. Curbside recycling services shall at a minimum collect:
 - 1) #1 Plastic bottles - Polyethylene Terephthalate (PETE)
 - 2) #2 Plastic bottles – High Density Polyethylene (HDPE)
 - 3) Aluminum food and beverage containers
 - 4) Steel food and beverage containers
 - 5) Newspaper
 - 6) Office paper
 - 7) Magazines
- c. All residential solid waste and recyclables which meet the collectors stated policies and are properly placed for collection by the resident shall be collected at least weekly. Bulky rubbish is to be exempted as specified in these regulations.
- d. The collector shall make available to each residential customer the optional service of collecting solid waste placed at or immediately behind the building setback line or existing building line, not to exceed 50 feet from the front property line. A collector who imposes an additional charge for house line collection must develop a policy to allow for a curb-line collection cost rate for those customers who are physically unable to place their waste at the curb.

- e. The collector shall furnish special collection services for bulky rubbish to each residential dwelling regularly served. The price for said services is to be negotiated between the collector and the resident, and such bulky rubbish shall be collected within two working days of the residents' request.
- f. Collectors shall provide each new recycling customer a recycling container designed and manufactured for curbside recycling with a minimum capacity of 18 gallons. Sample curbside recycling containers must be submitted to the Administrator for approval prior to distribution.
- g. Collectors or their contractors shall process and market all collected recyclable materials. Collectors shall maintain for three years records demonstrating sales of collected materials for review upon request by the City.
- h. Collectors are to return reusable solid waste containers as far as the front line of the house to ensure that said containers are not blown into the street. Recycling containers are to be returned to the area of collection. Returned containers are not to be placed as to obstruct the customer's driveway.

2. Commercial Service:

- a. Collectors are to remove solid waste from commercial properties as often as necessary to prevent health and nuisance conditions, but at least once every six months.
- b. Collectors must close container lids following collection.
- c. Collectors must maintain containers which may contain putrescible waste as to be bird and rodent resistant.
- d. Collectors must maintain containers in a leak proof condition.

Communication

Collectors shall on a yearly basis notify, in writing, all residential and commercial customers of the City ordinances and their company policies regarding storage, placement, and collection of solid waste and recyclables. Changes by the collector to their stated collection policies which would reduce, restrict, or eliminate service must be communicated in writing to their affected customers a minimum of 90 days prior to the effective date of such changes. Such changes must be communicated to the City a minimum of 120 days prior to the effective date of such changes.

The notice to customers shall at a minimum inform the customer that/of:

Residential

- 1. Solid waste must be stored so that it does not attract animals or insects, is not a health or safety hazard, is not unsightly and does not produce offensive odors.
- 2. Containers used for storing solid waste must have been designed specifically for storage of solid waste.
- 3. Solid waste and recycling may be placed at the curb for collection up to 24 hours prior to the scheduled collection.
- 4. Those materials collected as part of the collector's curbside recycling program.
- 5. Provided it is no more than fifty feet from the curb line, the collector is required to collect solid waste placed at the front line of a home for the same rate charged to curb line customers.

6. The collector is required to return reusable solid waste containers as far as the front line of the house to ensure that said containers are not blown into the street, that recycling containers are to be returned to the area of collection and that returned containers are not to be placed as to obstruct the customer's driveway.
7. The collector's policies as to the amount of waste that will be collected as part of their regular collection.
8. The collector's policies as to items not collected as part of their regular trash service.
9. The collector's policies, if any, for waste preparation prior to collection.
10. The telephone number at which customers may contact the applicant.

Commercial

1. Solid waste is to be stored so that it does not attract animals or insects, is not a health or safety hazard, is not unsightly and does not produce offensive odors.
2. Containers for the storage and collection of solid waste must have been specifically designed and manufactured for storage of solid waste.
3. Container with lids or covers must be kept closed except when waste is being placed in the container, or when the container is in the process of being emptied.
4. The collector is required to close the container lid following collection.
5. It is the responsibility of the customer to maintain the area surrounding their solid waste containers in a clean, neat, and sanitary condition at all times.

Residential collectors are also required within 30 days after the close of each calendar quarter to submit to the City a report detailing the volume of recyclables collected at curbside. These reports are to contain, at a minimum, the information requested on Attachment A.

Insurance

All collectors operating within Overland Park need to obtain and maintain in force a specific level of comprehensive general and vehicle liability insurance.

General Liability - This insurance shall protect the solid waste collector against all claims arising from injuries to members of the public or damage to property of others arising out of the operation of the solid waste collector or his agents or employees.

General Liability Insurance shall be provided including the following:

1. Comprehensive General or Commercial General Form;
2. Premises & Operations
3. Products & Completed Operations
4. Personal Injury
5. Independent Contractors

Minimum Liability Limits Required:

Bodily Injury and Property Damage, Combined Single Limits:

\$ 500,000 Each Occurrence

\$ 500,000 Aggregate

Vehicle Liability – This insurance shall protect the solid waste collector against claims for bodily injury and/or property damage arising from the ownership or use of all owned, hired and/or non-owned vehicles and must include protection for either:

1. Any Auto or;
2. All Owned Autos
 Hired Autos
 Non-Owned Autos

Minimum Automobile Liability Limits Required:

Bodily Injury and Property Damage, Combined Single Limits:

 \$ 500,000 Each Occurrence

The City will only accept coverage from an insurance carrier who offers proof that it:

1. is licensed to do business in the State of Kansas;
2. carries a Best's policyholder rating of B+ or better; and
3. carries at least a Class VIII financial rating; or is a company mutually agreed upon by the City and the solid waste collector.

The Administrator must be notified by the insurance carrier in writing not less than 30 days prior to cancellation or material modification of any provision of the policy.

Permits

Individuals and companies engaged in the business of collecting or transporting solid waste within Overland Park need to first obtain:

1. a Solid Waste Collection Company Permit for each company or business establishment engaging in such a business, and
2. a separate Solid Waste Collection Vehicle Permit for each collection or transportation vehicle to be operated within Overland Park.

Businesses and vehicles that haul only bulky rubbish or earth and rock material from grading or excavation activities do not need to obtain a Solid Waste Collection Permit from Overland Park; however all such material shall be conveyed in vehicles, trucks, or receptacles so constructed and maintained that none of the material being transported shall spill upon the public rights-of-way.

Solid Waste Collection Company Permit - Applicants for a Solid Waste Collection Company Permit must submit the following:

1. **Insurance** – Certificate(s) of insurance demonstrating the applicant maintains sufficient coverage to meet the requirements detailed in the above Insurance section. Certificates received will be reviewed by the City's insurance consultant prior to issuance of permits.
2. **Permit Application** – The applicant must complete and sign an application that confirms that their operations will meet the minimum standards for collectors as specified in these regulations. Attachment B.
3. **Customer Notice** – The applicant must submit a sample of the required annual notice to customers. Attachment C is an example of a customer notice.
4. **Permit Fees** – The applicant must submit the (\$25) company permit fee. This fee is set by Overland Park Governing Body Resolution 2462 – Attachment D.

Solid Waste Collection Vehicle Permit - Applicants for a Solid Waste Collection Vehicle Permits must complete/submit the following:

1. **Permit Application** – The applicant must submit a Solid Waste Collection Vehicle Permit form detailing the collection vehicles to be used within Overland Park. A Microsoft Excel compatible spreadsheet containing identical information in an identical order is also acceptable. - Attachment E.
2. **Permit Fee** – The applicant must submit a \$75 permit fee for each solid waste collection vehicle to be operated within the City.
3. **Inspections** – Following submission of required information and fees, applicants must contact the Division of Community Planning and Services at 913/895-6270 to arrange for inspections of all vehicles to be permitted for operation within the City. Solid waste collection vehicles must:
 - a. be maintained in a safe, clean and sanitary condition and shall be so constructed, maintained and operated as to prevent spillage of solid waste from the vehicle.
 - b. be constructed with a water-tight body and with a cover 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 alternative the entire body thereof may be enclosed, with only loading hoppers exposed.

Collection Operations

Collection operations within Overland Park must be conducted as to not create a nuisance and to protect the public health and safety:

1. All solid waste collection vehicles shall clearly display the City permit on each side of the vehicle.
2. Collections within the City shall be limited to the hours of 7 a.m. through 10 p.m. Different hours for the collection of commercial solid waste may be allowed within a specific geographical area designated by the Administrator. This designation may be denied, modified or revoked by the Administrator if, in his/her sole discretion, the additional collection hours cause any disturbance, annoyance, hazard or other difficulty.
3. Residential solid waste collectors are required to return reusable solid waste containers as far as the front line of the house to ensure that said containers are not blown into the street. Containers may not be placed as to obstruct the customer's driveway.
4. Recycling containers are to be returned to the area of collection. Returned containers are not to be placed as to obstruct the customer's driveway.
5. No material shall be transported in vehicle loading hoppers.
6. Materials shall be conveyed such that none of the materials being transported shall spill upon the public rights-of-way.
7. Vehicles shall be maintained and operated as to prevent, to the extent feasible, the spillage of liquids or fluids.

8. All collected materials must be transported by the collector to a facility licensed and approved by the appropriate regulatory authority for receipt of such materials.