

ORDINANCE NO. SW-3350

AN ORDINANCE OF THE CITY OF OVERLAND PARK, KANSAS RELATING TO THE REGULATION OF THE COLLECTION AND STORAGE OF SOLID WASTE AND RECYCLABLES; ADDING NEW OVERLAND PARK MUNICIPAL CODE SECTIONS 7.36.100.114 AND 7.36.100.116; AMENDING AND REPEALING EXISTING OVERLAND PARK MUNICIPAL CODE SECTIONS 7.36.100.120, 7.36.115, 7.36.170 AND 7.36.180, AND PROVIDING SUBSTITUTE PROVISIONS THEREFOR.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OVERLAND PARK, KANSAS:

SECTION 1. Overland Park Municipal Code Section 7.36.114 is hereby added to read as follows:

7.36.100.114 “Approved Solid Waste Container.”

“Approved Solid Waste Container” means a container that is issued to the residential customer from the Hauler, which is designed and manufactured specifically for the Storage and Collection of Solid Waste.

SECTION 2. Overland Park Municipal Code Section 7.36.116 is hereby added to read as follows:

7.36.100.116 “Approved Recycling Container.”

“Approved Recycling Container” means a container that is issued to the residential customer from the Hauler, which is designed and manufactured specifically for the Storage and Collection of Recyclables.

SECTION 3. Overland Park Municipal Code Section 7.36.100.120 is hereby amended to read as follows:

7.36.100.120 "Bulky Waste."

"Bulky Waste" means non-putrescible Solid Waste items too large to be placed in Solid Waste Containers including, but not limited to appliances, furniture, large automobile parts, and so forth, and which are not collected as part of a Hauler’s routine Collection service.

SECTION 4. Overland Park Municipal Code Section 7.36.115 is hereby amended to read as follows:

7.36.115 Required Hauler Services.

In addition to the requirements in the County Solid Waste Regulations, Haulers operating within the City must meet the following minimum levels of service to their customers:

- A. Residential Service.

1. Solid Waste.
 - a. All Residential Solid Waste properly placed for Collection by the Residential Customer shall be collected at least weekly. Provided, however, Yard Waste and Bulky Waste shall be collected as specified hereafter.
 - b. Haulers may provide each Residential Customer with a Solid Waste Container designed and manufactured for curbside Collection. Sample Solid Waste Containers must be submitted to the Administrator for approval prior to distribution. All Solid Waste Containers provided by the Hauler that exceed 24 gallons in capacity shall be equipped with a lid.
2. Recyclables.
 - a. All Recyclables properly placed for Collection by the Residential Customer shall be collected at least weekly. This Collection shall, at a minimum, collect all materials specified as Recyclables in the County Solid Waste Regulations and in the Administrative Regulations.
 - b. The charge for the Collection of Recyclables shall be included in the Hauler's basic service charge and shall allow for an unlimited amount of curbside recycling.
 - c. Haulers must provide each Residential Customer with a Recycling Container designed and manufactured for curbside Collection. Sample Recycling Containers must be submitted to the Administrator for approval prior to distribution. All Recycling Containers provided by the Hauler that exceed 24 gallons in capacity shall be equipped with a lid.
3. Yard Waste.
 - a. All Yard Waste properly placed for Collection by the Residential Customer shall be collected at least weekly for a minimum of 40 weeks per year.
 - b. The charge for Yard Waste Collection shall be included in the Hauler's basic service charge. The Hauler shall establish the base collection amount for bags/bundles of Yard Waste included under the basic service charge; and the Hauler may enact a volume base rate structure for Yard Waste Collection above this base collection amount in accordance with the County Solid Waste Regulations.
4. Bulky Waste.
 - a. Annual Collection – Haulers shall provide a Bulky Waste Collection to each Residential Customer a minimum of one time per year with the date of such Collection to be scheduled by the Hauler and the Residential Customer. The charge of such Bulky Waste Collection shall be included in the Hauler's basic service charge and not as an optional service.
 - b. On Demand Collection - Haulers shall also provide special "on demand" Collection services for Bulky Waste to each Residential Customer. The charge for said services is to be negotiated between the Hauler and the Customer, and the Bulky Waste shall be collected within two working days of the Customer's request.
5. Exemptions.
 - a. As an exception to the requirements in subsection A.3., a Hauler shall not be required to provide Yard Waste Collection to Residential Customers associated with a Community Interest Group when: (1) the Community

Interest Group has contracted with another Hauler to provide regular Yard Waste Collection for the Community Interest Group; or (2) no Yard Waste Collection is necessary because the Community Interest Group provides all lawn and landscape services for the Community Interest Group.

- b. As an exception to the requirements in subsections A.1. and A.2., a Hauler only providing regular Yard Waste Collection for a Community Interest Group, as contemplated by subsection A.5.a., shall be exempt from any requirement to also provide for the Collection of Solid Waste or Recyclables for the Community Interest Group; provided, however, said Hauler must still obtain any necessary permits required by O.P.M.C. Section 7.36.110.

B. Commercial Service.

1. All Commercial Solid Waste properly placed for Collection shall be collected as often as necessary to prevent health and nuisance conditions, but at least once every six months.
2. Haulers must close Commercial Solid Waste Container lids following the Collection.
3. Haulers must maintain Commercial Solid Waste Containers which may contain putrescible waste in a manner as to be leak proof and to be bird and rodent resistant.

Additional minimum service requirements may be set forth in the Administrative Regulations.

SECTION 5. Overland Park Municipal Code Section 7.36.170 is hereby amended to read as follows:

7.36.170 Storage of Solid Waste and Recyclables.

- A. The Owner or occupant of every Dwelling Unit and of every institutional, commercial, business, industrial or other non-residential establishment producing Solid Waste or Recyclables within the City shall provide sufficient and adequate containers for the Storage of such Solid Waste or Recyclables in adequate number to serve each such Dwelling Unit or establishment.
- B. All Solid Waste and Recyclables shall be stored in a manner that:
 1. Meets the requirements of 7.36.180 below;
 2. Does not attract birds; or rats, flies, mosquitoes or other disease vectors;
 3. Does not provide shelter or a breeding place for disease vectors;
 4. Does not create a fire, health or safety hazard;
 5. Is not unsightly;
 6. Does not cause an offensive odor off-site;
 7. Does not infiltrate or pollute any natural streamway or enclosed stormwater system; and
 8. Does not violate any other provision of this Chapter, the Code, the Administrative Regulations or the County Solid Waste Regulations.
- C. All Solid Waste and Recyclables shall be removed from properties as often as necessary to prevent health and nuisance conditions. Residential Solid Waste and Recyclables other than composting Yard Waste and Bulky Waste must be removed at least once a week.

SECTION 6. Overland Park Municipal Code Section 7.36.180 is hereby amended to read as follows:

7.36.180 Solid Waste and Recycling Containers.

- A. The Owner or occupant of every Dwelling Unit and of every institutional, commercial, industrial, business or other non-residential establishment, from which Solid Waste or Recycling Collection is made under this Chapter, shall place all Solid Waste or Recyclables in proper Solid Waste or Recycling Containers that have been designed and manufactured specifically for the Storage and Collection of Solid Waste or Recyclables, except as otherwise provided herein, and shall maintain such Solid Waste or Recycling Containers and the area surrounding them in a clean, neat, and sanitary condition at all times
- B. Residential Solid Waste and Recycling Containers shall be leak proof and rain proof. Said containers, when stored outside, shall be closed at all times except when depositing Solid Waste or Recyclables therein or removing the contents thereof. Containers not intended to be disposed of shall have tapered sides for ease of emptying. Containers shall be of a light weight and sturdy construction and shall not exceed 96 gallons in capacity. The Hauler may determine the combined weight of any Solid Waste Container and Solid Waste that is permissible for all Residential Customers served by that Hauler.
- C. No Owner or occupant of any Dwelling Unit with individual Solid Waste and recycling service shall place any Solid Waste (including bundles of Yard Waste), Recyclables or Solid Waste or Recycling Containers in the public right-of-way more than 24 hours in advance of the scheduled Collection.
- D. Other than when placed for Collection during the allowable Collection time period, all Solid Waste Containers and Recycling Containers for residential Dwelling Units (whether or not containing Solid Waste or Recyclables) shall be: (i) stored inside of a garage; or (ii) screened from view any public right-of-way or adjoining property and located behind the existing building line. Provided, however, an Approved Solid Waste Container and/or an Approved Recycling Container may alternatively be stored adjacent to the front, side or rear of the residence (within 2' thereof) without any required screening.
- E. Commercial Solid Waste and Recyclables shall be stored in containers that are rain proof and leak proof. Said containers shall be closed at all times except when depositing Solid Waste or Recyclables therein or removing the contents thereof; and shall meet all requirements as set forth in this Chapter, the Code, the Administrative Regulations or the County Solid Waste Regulations. Construction and Demolition Wastes and other Bulky Waste may be stored in a non-covered container, provided the wastes are: non-putrescible, and not subject to being blown out of the container by wind. Storage sites for Commercial Solid Waste and Recyclables shall be well-drained, and maintained in a clean and sanitary condition.
- F. Non-conforming or unserviceable containers will be considered to have been placed for Collection and Disposal.

- G. All Solid Waste and Recyclables collected pursuant to this Chapter shall, upon being loaded into a Hauler’s Collection or transportation vehicle, become the property of the Hauler.

SECTION 7. Existing Overland Park Municipal Code Sections 7.36.100.120, 7.36.115, 7.36.170 and 7.36.180 are hereby repealed.

SECTION 8. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, unenforceable, or otherwise void, such decision shall not affect the validity of the remaining portions of this Ordinance and the provisions hereby adopted.

SECTION 9. Nothing in this Ordinance shall be construed to affect any notice of violation, suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as set forth in this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 10. This Ordinance shall take effect and be in force from January 1, 2022 and after its publication in the official City newspaper as required.

PASSED by the City Council this 20th day of December, 2021.

APPROVED by the Mayor this 20th day of December, 2021.

CITY OF OVERLAND PARK, KANSAS

(SEAL)

(s) Curt Skoog
Curt Skoog, Mayor

ATTEST:

APPROVED AS TO FORM:

(s) Elizabeth Kelley
Elizabeth Kelley
City Clerk

(s) Stephen B. Horner
Stephen B. Horner
Senior Assistant City Attorney