

## ORDINANCE NO. 947

### **AN ORDINANCE AMENDING SECTION 15-104 STORAGE OF SOLID WASTE AND RECYCLABLE MATERIALS**

WHEREAS the City of Roeland Park, Kansas (“City”) previously enacted Section 15-104 concerning the storage of solid waste and recyclable materials; and

WHEREAS, the governing body has determined it is advisable to amend Section 15-104 of the City Code to add additional sections addressing the storage and screening of solid waste and recyclable materials.

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

**Section 1.** Section 15-104 of the City Code is hereby amended to read as follows:

**Sec. 15-104. - Storage of Solid Waste and Recyclable Materials.**

The following provisions of this article shall be observed in the storage of solid wastes and recyclable materials:

- a) The owner or occupant of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste and/or recyclable materials within the corporate City limits shall: provide sufficient and adequate approved containers for the storage of such solid waste and recyclable materials in adequate number to serve each such dwelling unit and/or establishment; maintain such containers and their environs at all times reasonably clean and in good repair; 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 of the Director.
- b) The occupant of every dwelling unit and of every institutional, commercial, industrial, agricultural or business establishment, from which solid waste and/or recyclable materials collection is made under this article, shall place all solid waste and/or recyclable materials in approved containers, except as otherwise provided herein, and shall maintain such containers and the area surrounding them in a clean, neat, and sanitary condition at all times. Whenever a portion of the solid waste and/or recyclable materials is subject to decay or putrefaction, blowing or spillage by weather or animals, such an accumulation must be kept covered or in approved containers, closed bins or containers not subject to deterioration. For multiple-family dwellings and institutional, commercial, industrial, or business establishments, all containers must be screened as required by Chapter XVI. For single-family dwellings and duplexes, containers may be stored outdoors in the following locations:
  - 1) Behind the dwelling in the rear yard; or
  - 2) On the side or front yard of the dwelling with proper screening as provided below:

- i. Screens shall be at least 42 inches tall and 36 inches wide so that any trash or recycling containers are not visible from the street.
- ii. If a house is on a corner lot, the container(s) must be screened in such a way that they are not visible from either street fronting the house.
- iii. Screens shall be composed of the following materials:
  - a. Non deciduous (year-round evergreen) shrub, bush or tree;
  - b. Lattice fence or screen, other than chain link, that obscures the view of at least 60% of the container;
  - c. Opaque structure enclosing the container that is constructed of durable materials in keeping with the character of the primary structure; or
  - d. Chain link fence with barrier weaving.
- iv. Screens shall not be composed of the following materials:
  - a. Deciduous trees, shrubs, or bushes that shed their foliage in the winter;
  - b. Air conditioning units;
  - c. Chain link fences without barrier weaving;
  - d. Vehicles;
  - e. Tarps; or
  - f. Flower pots.
- v. Exceptions to these screening requirements may be granted by the Director on a case-by-case basis for elderly or disabled residents. Exceptions may be requested by contacting City Hall. The denial of an exception may be appealed to the Code Board of Appeals in accordance with section 4-110.
- vi. The Director may, during snowy and icy conditions, provide for an amnesty period where homes that have difficulty placing containers behind a screen may place their containers in front of their garage or house but not at the curb line.
- vii. The Director shall issue notice of any violation of these screening requirements by conspicuously posting door hangers on the property. If the violation is not corrected within 48 hours, or if the violation is repeated

within 180 days, the Director may issue an administrative citation imposing a civil penalty of \$10 for the violation. A separate administrative citation may be issued for each day that the violation continues thereafter. If any citation remains unpaid for 30 days, the Director may cause the issuance of a complaint and notice to appear in Municipal Court, and the violation shall be subject to criminal penalties as set forth in section 15-116.

- c) Residential solid waste shall be stored in approved containers of not more than 96 gallons. Containers shall be properly covered at all times except when depositing waste therein or removing contents. They shall be of light weight and sturdy construction. The weight of any individual container and its contents shall not exceed 65 pounds. Garbage bags, when such are recognized by the Director as approved containers for residential solid waste, shall not be placed out-of-doors at a collection point any sooner than 12 hours prior to the day of collection.
- d) Containers for recyclable materials in residential areas shall be furnished by the person providing for the collection of such materials and shall be constructed of not less than 25 percent recycled plastic. The Director may provide other specific requirements for such containers.
- e) Commercial solid waste shall be stored in solid waste containers, as approved by the Director. The containers shall be waterproof, leak proof, durable and corrosion resistant 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.
- f) 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.
- g) 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 contents shall not exceed 65 pounds. Any composting of yard waste within the City shall be conducted in accordance with the provisions of section 15-105.
- h) No material to be used as mulch shall be stored outside for more than ten days.
- i) The Director has the authority to collect and dispose or order the collection and disposal of any non-conforming container and its contents with or without notice to the owner thereof.

**Section 2. Effective Date.** This Ordinance shall take effect and be in full force from and after its passage by the governing body of the City, approval by the Mayor and publication in the official City newspaper.

PASSED by the Governing Body, not less than two-thirds of the members elect voting in favor thereof, this 20th day of March, 2017.

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Joel Marquardt, Mayor

ATTEST:

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Kelley Bohon, City Clerk

APPROVED AS TO FORM

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Steven E. Mauer, City Attorney