

(Summary First Published in the _____
on the ____ day of _____, 2012.)

THE CITY OF CHENEY, KANSAS

ORDINANCE NO. 859

AN ORDINANCE RELATING TO THE SOLID WASTE
COLLECTION SYSTEM AND CURBSIDE RECYCLING
SYSTEM WITHIN THE CORPORATE LIMITS OF THE
CITY OF CHENEY, KANSAS BY AMENDING
SECTIONS 1 AND 6 OF ORDINANCE NO. 806

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

Section 1. Amending Section 1 of Ordinance 806.

Section 1 of Ordinance 806 is hereby amended to read as follows:

"Section 1. Definitions.

In addition to the words, terms and phrases elsewhere defined in this Ordinance, the following words, terms and phrases as used in this Ordinance shall have the following meanings:

1. "Contract program hauler" means any individual, firm, partnership, corporation, or company under contract with the City of Cheney, Kansas to provide the weekly collection of solid waste at the public street curb of each residential dwelling unit.

2. "Contract recycling program hauler" means any individual, firm, partnership, corporation, or company under contract with the City of Cheney, Kansas to provide curbside recycling.

3. "Curbside recycling" means the collection, by the contract recycling program hauler, of recyclable materials, contained in bags and containers provided by the contract recycling program hauler, at the public street curb of each residential dwelling unit.

4. "Recyclable materials" means newspaper, glossy paper including magazines and catalogs, white and pastel colored office paper, tin, steel, or aerosol cans, and all plastics #1- #7, glass jars & bottles, cardboard and brown paper sacks, motor oil in separate containers, and automotive batteries.

5. "Residential dwelling unit" means a singular unit providing independent living facilities for one or more persons in a single-family, duplex, multifamily or condominium residential property, located within the corporate limits of the City of Cheney, Kansas, which receives a monthly utility bill from the City of Cheney, Kansas.

6. "Solid waste" means and shall include putrescible waste resulting from the handling, processing, storage, packaging, preparation, sale, cooking and serving of meat, produce and other foods and non-putrescible materials such as paper, tin cans, bottles, glass and ashes but not lawn and tree waste, appliances, furniture, electronics, construction waste, batteries, tires, motor oil or hazardous materials.

7. "Solid waste utility" means the utility created by this Ordinance to administer the curbside solid waste and recycling system set forth in this Ordinance."

Section 2. Amending Section 6 of Ordinance 806.

Section 6 of Ordinance 806 is hereby amended to read as follows:

"Section 6. Solid Waste Fee Collection.

The solid waste fee shall be billed and collected monthly with the monthly utility bill. The solid waste fee shall be part of a consolidated statement for utility customers which shall be paid by a single payment. In the event that a partial payment is received, the payment shall be applied to the gas, water and sewer portions of the account first and then to the solid waste fee portion of the account. Unless otherwise provided for herein, all bills for solid waste fees shall become due and payable in accordance with rules and regulations that pertain to gas, water and sewer utility charges. Solid waste fee bills for any given property shall initially be the responsibility of the person who is paying for water and/or sewer service for the property. If no person is in possession of the property, then the solid waste fees shall be the responsibility of the property owner. The property owner is responsible for the solid waste fees not paid by the occupant.

Solid waste fees shall be subject to a penalty for late payment which is the same as that imposed for late payment of gas, water and sewer utility charges. In addition to any other remedies or penalties provided by this or any other ordinance

of the city, failure to pay such charges promptly when due shall subject such user to discontinuance of water services and the city administrator, or the city administrator's designee, is empowered and directed to enforce this provision as to any and all delinquent users in accordance with provisions for failure to pay water and sewer utility charges. Users shall be entitled to notice and shall have the right to a hearing in accordance with provisions for failure to pay water and sewer utility charges, before such users' water service is discontinued for failure to pay solid waste fees.

Solid waste fees authorized to be charged in this Ordinance when delinquent may be certified by the City Clerk of Cheney, Kansas to the County Clerk of Sedgwick County to be placed on the tax roll for collection, subject to the same penalties and to be collected in like manner as other taxes, and such charges shall, thereafter, constitute a lien upon the real estate against which such charges were made, regardless of whether the solid waste fees were incurred when a property owner was in possession of the property or a non-owner was in possession of the property.

Section 3. Remaining Sections of Ordinance 806.

This Ordinance shall in no manner affect the remaining portions and sections of Ordinance No. 806 which shall remain in full force and effect unless otherwise amended or repealed.

Section 4. Effective Date.

This Ordinance shall take effect and be in force from and after publication in the official city newspaper.

Passed by the City Council this ___ day of _____, 2012.

Approved by the Mayor this ___ day of _____, 2012.

MAYOR, LINDA BALL

SEAL
ATTEST:

CITY CLERK, DANIELLE YOUNG