

Topic: Recycling
Resource Type: Regulations
State: Kansas
Jurisdiction Type: Municipal
Municipality: City of Shawnee
Year (adopted, written, etc.): 1996
Community Type - applicable to: Urban; Suburban
Title: City of Shawnee Residential Curbside Recycling Program
Document Last Updated in Database: April 13, 2017

Abstract

Shawnee's recycling ordinance defines its program to reduce the need for landfill space in the area by making recycling as convenient as possible. It establishes specific rules for the operation and funding of the municipal recycling program.

Resource

Health and Safety
08.17.000
Residential Curbside Recycling Program
Chapter 8.17
RESIDENTIAL CURBSIDE RECYCLING PROGRAM

Sections:

8.17.010 Purpose, findings and intent.
8.17.020 Definitions.
8.17.030 Participation in program.
8.17.040 Mandatory program costs.
8.17.050 Exemption from mandatory program costs.
8.17.060 Penalty provisions.
8.17.070 Unauthorized collection of recyclable materials.

Health and Safety

08.17.010

Purpose, findings and intent.

8.17.010 Purpose, findings and intent. A. The purpose of the residential curbside recycling program is to reduce the solid waste entering our landfills by providing Shawnee residents with a convenient means to recycle recyclable materials. The residential curbside recycling program is part of the city's overall efforts that will ultimately extend the life of the area's landfills and promote efficient use of our natural resources.

B. K.S.A. 65-3410 authorizes cities to pass ordinances and adopt resolutions, regulations and standards for the storage, collection and transportation of solid wastes and do all other things necessary for a proper, effective solid waste management system.

C. The governing body of the city finds that it is necessary, desirable and in the public interest to have the maximum participation in the program in order to reduce the cost to each individual participant and to achieve the objectives hereinbefore set out and that maximum participation can best be achieved through all participants sharing in the cost of the residential curbside recycling program unless an exemption is granted by the city because of financial hardship, physical disability of the participant or that the participant is sixty-two years of age or older. (Ord. 2030 §1 (part), 1991)

Health and Safety

08.17.020

Definitions.

8.17.020 Definitions. For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the following meanings:

A. "City" means the city of Shawnee, Kansas.

B. "Collection bin" means a recycling container utilized by the city's contractor in the performance of the terms and conditions of their contract with the city for the collection of recyclable materials.

C. "Contractor" means the person or corporation holding a contract with the city to perform recycling services within the city.

D. "Exemption" means the filing of a petition by a participant to remove oneself from the mandatory program costs of the city's curbside recycling program, in accordance with the terms and conditions provided by the city.

E. "Participant" means all residents of the city who receive individual solid waste collection service from a licensed waste hauler, excluding residents of home associations within the city where such associations have in existence on the effective date of the ordinance codified in this chapter, arrangements for recycling services for their members that are equal to or comparable to the curbside recycling program described in this chapter.

F. "Recyclable materials" means newspaper; green, clear and brown glass bottles; aluminum cans; marketable plastic containers (HDPE and PET); tin cans, and other materials mutually agreed to by the contractor and the city. These materials are rendered recyclable by the action of participants who place such materials at the curbside for collection by the contractor pursuant to the terms of a written agreement with the city. (Ord. 2030 §1 (part), 1991)

Health and Safety

08.17.030

Participation in program.

8.17.030 Participation in program. A. Participants will be provided with a collection bin by the contractor. All collection bins shall be the property of the city.

B. All recyclable materials shall be collected by the contractor according to a schedule agreed upon by the city and the contractor.

C. Recyclable materials may be placed curbside in the collection bins for collection by the contractor on their scheduled pickup date. It is unlawful for any participant to place or allow to remain in the public right-of-way any recyclable materials, or collection bins therefor, for a period not to exceed twenty-four hours preceding the scheduled day of collection. Collection bins shall be removed within twelve hours following collection of the recyclable materials.

D. It is unlawful for any person to intentionally place, in any collection bin, anything other than the appropriate recyclable materials, and to place that collection bin at curbside for collection.

E. It is unlawful for the owner or person in control of any dog or cat to allow that dog or cat to damage or open any collection bin or disturb the contents thereof after that collection bin and those recyclable materials have been properly placed curbside for collection. (Ord. 2030 §1 (part), 1991)

Health and Safety

08.17.040

Mandatory program costs.

8.17.040 Mandatory program costs. A. All participants shall share in the costs of the residential curbside recycling program unless exempted pursuant to Section 8.17.050 of this chapter. The costs of the program shall be defined in the contract between the city and the contractor. The contractor shall bill all participants for their share of the costs of the program in accordance with the contract between the city and the contractor.

B. It is unlawful for any person, under the terms and conditions specified in this chapter, to fail to pay an authorized bill for collection of recyclable materials properly presented to such person by the contractor within thirty days from the receipt of such bill. This requirement shall not apply to any person who has received an exemption from the program in accordance with the provisions stated in Section 8.17.050 of this chapter. (Ord. 2030 §1 (part), 1991)

Health and Safety

08.17.050

Exemption from mandatory program costs.

8.17.050 Exemption from mandatory program costs. A. Participants may petition the city for an exemption from the mandatory program costs based on financial hardship, physical disability or that the participant is age sixty-two or older. The city shall be solely responsible for determining the criteria for financial hardship or physical disability exemption and shall be solely responsible for determining in its absolute discretion whether those criteria or the age requirement are met by any participant who petitions for an exemption.

B. All petitions for exemption must be submitted in writing to the city in the form prescribed by the city and in accordance with the terms and conditions established by the city.

C. If the city approves the petition for exemption, the applicant will be a nonparticipant in the recycling program.

D. The city contractor shall have no responsibility for collection of the nonparticipant's recyclable material. The nonparticipant must return the collection bin to the city within fourteen days from the date the exemption is approved. (Ord. 2246 §1, 1996; Ord. 2030 §1 (part), 1991)

Health and Safety

08.17.060

Penalty provisions.

8.17.060 Penalty provisions. A. Any participant who violates the provisions of this chapter pertaining to the payment of their share of the mandatory program costs shall be subject to prosecution upon filing of an affidavit of complaint by an authorized representative of the contractor. If, at any time prior to determination of the matter by the court all past and current fees are paid, the prosecution shall dismiss the matter.

B. If convicted of failure to pay the appropriate mandatory costs of the program, the court may enter a fine of up to ten dollars and may order restitution of such unpaid fees to be made to the contractor.

C. Violations of all other provisions of this chapter are subject to the general penalty provisions contained in Chapter 1.20 of this code. (Ord. 2030 §1 (part), 1991)

Health and Safety

08.17.070

Unauthorized collection of recyclable materials.

8.17.070 Unauthorized collection of recyclable materials. A. It is in violation of this chapter for any person not authorized by the city to collect or pick up or cause to be collected or picked up any residential recyclable materials from the city collection bins.

B. Nothing in this section is intended to prevent any occupier of land from donating or selling recyclable material from its own refuse.

C. It is unlawful for any participant, including those determined exempt under Section 8.17.050, to place, locate, establish, maintain, erect, leave or otherwise make available to persons not authorized by the city any unattended recycling receptacle, collection bin or recyclable materials that are in public view in the city for the purpose of collecting discarded recyclable materials.

D. Any participant, including those determined exempt under Section 8.17.050, violating the provisions of this section pertaining to unauthorized collection of recyclable materials shall be deemed guilty of a misdemeanor, and such person shall be guilty of a separate offense for each and every day, or portion thereof during which any violation of this section is committed, continued or permitted, and upon conviction of any such violation, such person shall be punished by fine of one hundred dollars per offense. (Ord. 2246 §2, 1996)

City of Shawnee, Kansas

All Rights Reserved