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**ORDINANCE NO. 1489**

AN ORDINANCE DECLARING THE ACCUMULATION OF GARBAGE, RUBBISH AND TRASH UPON PUBLIC OR PRIVATE PREMISES TO BE UNLAWFUL; PROHIBITING THE BURNING OF GARBAGE, RUBBISH AND TRASH EXCEPT UPON APPLICATION TO THE CITY OF MARION, KANSAS; PROVIDING FOR DISPOSAL OF GARBAGE, RUBBISH AND TRASH AND PROHIBITIONS CONCERNING SAME; REQUIRING GARBAGE, RUBBISH AND TRASH TO BE SECURELY FASTENED AND CONTAINED; PROHIBITING THE HAULING OF GARBAGE OR RUBBISH EXCEPT BY AUTHORIZED PERSONS; PROHIBITING THE OVER-SETTING OR DESTRUCTION OF GARBAGE AND RUBBISH CONTAINERS; PROVIDING PENALTIES FOR VIOLATION OF THE PROHIBITIONS CONTAINED HEREIN; SETTING FORTH MEANS FOR PAYMENT OF COSTS OF CITY COLLECTION OF GARBAGE, RUBBISH AND TRASH; SETTING FORTH REGULATIONS CONCERNING CITY DISPOSAL OF SAME; AND REPEALING AND REPLACING ORDINANCES NUMBERED 651, 789, 856, 870, 894, 952, 1003, 1051, 1101, 1125, 1140, 1223, 1312, 1323, 1343, 1396 1414, 1447 AND 1462.

Be it ordained by the Governing Body of the City of Marion, Kansas;

1. DEFINITIONS: The following words when used in this ordinance, for the purpose of this ordinance, shall be interpreted in light of the following definitions:

(a) Commercial establishments, shall include, among others, the operation of storage, mercantile, industrial, business, institutional, hotels, motels, and other establishments commonly designated as such, and the premises used for such purposes.

(b) Dwelling Unit shall mean a building or structure forming a single habitable unit with facilities to be used for living, sleeping, cooking and eating.

(c) Person shall include any person, firm, partnership, association, corporation or governmental body or agency.

(d) Garbage shall mean putrescible animal and vegetable wastes resulting from the preparing, handling, cooking and consumption of food or food produce.

(e) Rubbish shall mean nonputrescible wastes consisting of miscellaneous materials including paper, tin cans, glass, fabrics, utensils, pliable cartons and boxes, excelsior, sweepings of dust and dirt.

(f) Trash shall mean and include all other putrescible and nonputrescible wastes, except body wastes, and include among other things wood, non-pliable crating, barrels, shrubbery and tree trimmings, discarded furniture, bedding, tires, abandoned automobile bodies, junk, rocks, ashes, branches, leaves and other vegetation. Items described by this definition encompass all offal and materials not suitable for compression and processing by city sanitary equipment. Trash shall not include excavation materials building materials.

(g) Refuse shall mean and include all garbage, rubbish, and trash.

(h) Recycling shall mean and include only clean/rinsed and grease free:

- (1) glass jars & bottles
- (2) plastic bottles
- (3) aluminum, tin, or steel cans
- (4) rigid plastic food containers
- (5) junk mail
- (6) books (hard cover or paperback)
- (7) paper bags
- (8) cardboard (flattened & stacked)(pizza boxes not accepted)
- (9) magazines, catalogs, newspapers & inserted ads
- (10) office paper & file folders

(i) Premises shall mean and include a lot, plot, or parcel of land including buildings and structures thereon.

## 2. PROHIBITION OF CERTAIN ACTS AND CONDUCT WITHIN THE CITY LIMITS OF THE CITY OF MARION, KANSAS

(a) It shall be unlawful for any person to throw, place, deposit or allow to accumulate, leave or cause to be thrown, placed, deposited or left upon any parking, sidewalk, gutter, street, alley, thoroughfare, park or other public grounds or city owned property, any refuse, or litter of any kind. Provided, however, that nothing shall prevent persons receiving permission from the City of Marion, from encumbering streets or alleys with building materials or earth for the purpose of construction, remodeling, or reconstruction or repairing of any building or structure, however, such persons shall remove such materials within 10 days of completion of said work and shall leave streets and alleys in the same condition prior to its use thereof.

(b) Every person including the owner and occupant of any premises within the city limits of the City of Marion, Kansas shall maintain his/her premises in a clean and sanitary manner free from unsightly and putrescible accumulations of refuse, or litter of any kind.

(c) Every owner or occupant of any premises within the city limits of Marion, Kansas, shall dispose of all garbage and rubbish in a clean and sanitary manner by placing same in an approved container, hereinafter defined, and contracting for the disposal of same with the City of Marion, Kansas or a city licensed contractor; Provided however nothing herein shall prevent the use of sink garbage disposal grinders.

(d) It shall be unlawful to burn refuse within the city limits of Marion, Kansas; Provided however, that if the City of Marion shall affirmatively find upon timely application filed, considering need, effect on adjoining premises and facilities provided therefore, permission may be granted for the periodic burning of rubbish.

(e) It shall be unlawful for any person to collect and transport trash on city streets within the city limits of the City of Marion, Kansas, in any vehicle unless such trash be securely fastened or contained to prevent scattering along streets and alleys. In the event any such trash shall fall upon adjacent property or city streets the transporter of such trash shall immediately pick up and remove same.

(f) It shall be unlawful to intentionally upset, turn over, remove or carry away any container owned by another or to mutilate or cause destruction to such containers used for storage of garbage or rubbish.

3. PENALTIES: Any person violating any of these provisions shall upon notice and conviction thereof, be fined in the sum of not less than \$10.00 or more than \$100.00; and failure to comply with any of the provisions for subsequent 24-hour periods shall each day constitute a separate violation.

4. GARBAGE AND RUBBISH, RIGHT OF CITY: The City of Marion, Kansas, shall collect and dispose of garbage and rubbish within the city limits as a necessary function of its municipal police power.

5. FREQUENCY OF REMOVAL; Garbage and rubbish shall be collected and removed once each week from residential districts and two to six days a week from commercial establishments which contract for such services.

Single Stream recycling shall be collected once each week from the residential districts and commercial establishments that have selected and paid for this service..

6. CONTAINERS; SPECIFICATIONS: It shall be the duty of every person in contract with the City of Marion for removal of garbage and rubbish from any premises to provide suitable containers for holding such garbage and rubbish. Said containers shall not exceed a 33-gallon capacity, unless approval for larger containers is obtained from the City of Marion, Kansas. All containers are to be wind proof, watertight and tightly fitted with a cover or lid, at all times.

7. PLACING AND MAINTENANCE OF CONTAINERS: All containers shall be placed at a suitable location at the edge of any available alley or such other location arranged for with the city personnel. Person or persons in charge thereof shall maintain containers in a clean manner. Garbage shall be drained and wrapped before depositing in said container. Both garbage and rubbish may be placed in the same container. The owner or occupant shall use such disposal bags provided for garbage and rubbish by the City of Marion, Kansas. Such bags when full shall be closed for convenient handling.

8. LICENSED GARBAGE AND RUBBISH COLLECTION: Any person or company desiring to engage in the business of garbage and rubbish collection shall make timely application in writing to the City of Marion, Kansas, a license therefore. There shall be an annual license fee by said person or company in the sum of \$100.00, upon satisfactory proof of the suitability of equipment and reliability of the licensee, collection equipment shall include a system of compaction of refuse collected. Upon failure of any licensee to satisfactorily perform his or her contractor's obligations; said license may be cancelled without notice.

9. COLLECTION AND BILLING: All fees and charges provided for by this ordinance shall be collected by the city clerk of the City of Marion, Kansas, and such charges shall be added to and paid in the same manner as utility bills. Any stoppage of services by the city for non-payment of utility billings shall not relieve any person of his or her responsibility to abide by the terms of this ordinance.

10. CHARGES FOR CITY SERVICE: The City of Marion in providing these services of garbage and rubbish control and collection, in order to prevent unsanitary, unsightly and dangerous conditions caused by the accumulation of garbage and rubbish shall collect a service charge to defray the costs and maintenance of services which shall be computed on the following basis:

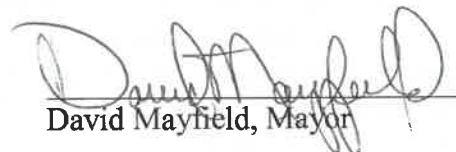
Residential services shall be applied at the rate of \$10.50 per month.
Residential & Commercial recycling services shall be applied at the rate of \$8.00 per month.

Commercial Unit	2 Pickups	3 Pickups	4 Pickups	5 Pickups	6 Pickups	7 or More
2 Trash Bags	\$20.50	\$24.50	\$26.50	\$30.00	\$34.00	\$38.00
1 ½ Yard Container	\$31.50	\$41.50	\$51.50	\$61.50	\$71.50	\$81.50
2 Yard Container	\$39.50	\$49.50	\$59.50	\$69.50	\$82.50	\$95.50
3 Yard Container	\$46.50	\$57.50	\$69.50	\$82.50	\$99.50	\$129.50

All ordinances or parts of ordinances conflicting with any of the provision of this ordinance are hereby replaced and repealed including ordinance numbers 651, 789, 856, 870, 894, 952, 1003, 1051, 1101, 1125, 1140, 1223, 1312, 1323, 1343, 1396, 1414, 1447 and 1462.

This ordinance shall be in full force and effect with August of 2022 utility billing cycle and after its passage and one publication in the Marion County Record, the official city newspaper. Residential once a week refuse/trash pick commenced on July 20, 2020 and shall remain in effect.

PASSED AND APPROVED by the Governing body of the City of Marion, Kansas, this 27<sup>th</sup> day of June 2022.

  
David Mayfield, Mayor

ATTEST:

  
Tiffany Jeffrey, City Clerk