Legislation Details (With Text)

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File created:	5/2/2024		**In control:**	Council	
On agenda:	5/22/2024		**Final action:**	5/23/2024	
Title:	Sponsor: Councilmember Melissa Robinson COMMITTEE SUBSTITUTE Amending Chapter 62, Solid Waste, Article II, Collection by City, Sections 62-41, 62-42, and 62-45 to amend the City's processes related to introduction of curbside refuse collection; establishing an effective date for Section 1 of this Ordinance; amending Chapter 2, Article III, Code of Ordinances, by enacting a new Section 2-88, Response to illegal dumping in City's right-of-way; and directing the city manager to report to the Council within 60 days any barriers, and necessary funding requiring Council approval, for meeting the standard outlined in Section 3 of this Ordinance.				
Sponsors:	Melissa Robinson				
Indexes:					
Code sections:					
Attachments:	1. Docket Memo, 2. 240445 CS TO ORG ORD - COM, 3. Authenticated 240445				

Date	Ver.	Action By	Action	Result
5/23/2024	1	Council	Passed as Substituted	Pass
5/21/2024	1	Transportation, Infrastructure and Operations Committee	Adv and Do Pass as Cmte Sub, Debate	
5/14/2024	1	Transportation, Infrastructure and Operations Committee	Hold on Agenda	
5/2/2024	1	Council	referred	

[COMMITTEE SUBSTITUTE FOR]ORDINANCE NO. 240445

Sponsor: Councilmember Melissa Robinson
COMMITTEE SUBSTITUTE

Amending Chapter 62, Solid Waste, Article II, Collection by City, Sections 62-41, 62-42, and 62-45 to amend the City's processes related to introduction of curbside refuse collection; establishing an effective date for Section 1 of this Ordinance; amending Chapter 2, Article III, Code of Ordinances, by enacting a new Section 2-88, Response to illegal dumping in City's right-of-way; and directing the city manager to report to the Council within 60 days any barriers, and necessary funding requiring Council approval, for meeting the standard outlined in Section 3 of this Ordinance.

WHEREAS, the City is committed to ensuring that its solid waste is managed in an environmentally and fiscally responsible manner; and

WHEREAS, the City is committed to collecting and managing solid waste in a manner which minimizes refuse on the street and illegal dumping activities; and

WHEREAS, the City Council through Ordinance 240221 approved an agreement with Rehrig Pacific Company for the purchase of trash carts available to residents citywide; and

WHEREAS, the trash carts will be distributed over the coming months, and a revision of the City's Code is necessary in order to adapt to this change in city processes; and

WHEREAS, illegal dumping in the City's right-of-way negatively impacts persons and properties in the City; and

WHEREAS, the City invites residents and stakeholders to submit City service requests or inquiries through the City's myKCMO system/311 hotline, and recognizes that City's timely resolution of the same improves residents' and visitors' safety and well-being; and

WHEREAS, the Council seeks to expedite the removal of illegally dumped items in the City's right-of-way, while considering City's interest in first pursuing investigation, communication and enforcement options directed at the source of such dumping; NOW THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1**.** That Chapter 62, Article II, Code of Ordinances, is hereby amended by repealing Sections 62 -41, 62-42, and 62-45, and enacting new sections of like number, to read as follows:

Sec. 62-41. Residential refuse collection-eligibility.

(a) Eligible buildings and dwelling units. The City will provide public curbside refuse collection and disposal services to each habitable dwelling unit in a residential building containing six or fewer units, which fronts on a public street. Curbside refuse collection will only be offered to residential buildings which are fully within the corporate boundaries of the City. Residential buildings which are outside of the corporate boundaries will not receive refuse collections services, even if a portion of the parcel on which the residential buildings sit is within the corporate boundaries of the City.

(b) Residential buildings on private streets or drives will not be provided refuse services.

(c) Every person not receiving city-provided refuse collection services shall provide for the collection and disposal of refuse in accordance with the provisions of article I of this chapter and the rules and regulations adopted thereunder.

Sec. 62-42. Residential refuse collection requirements.

(a) Curbside collection of refuse, excluding recyclable materials separated by the owner or occupant for recyclable materials collection, leaves and brush, and bulky items, shall be provided by the City to each eligible building described in 62-41(a) once per week on a schedule to be established by the director. Collection shall be provided as follows:

The director may authorize the issuance of a wheeled refuse cart (KCart) to persons in each eligible dwelling unit. Any person issued a wheeled refuse cart by the city shall exclusively utilize that cart in

lieu of placing loose bags curbside, except as provided for herein. Refuse shall be placed in the cart in such a manner as to permit the lid to close securely. In the event that an eligible dwelling unit has need to dispose of more refuse than can be placed in one cart, with the lid closed securely, disposable refuse bags shall be utilized and placed curbside immediately adjacent to the cart, up to a maximum of two additional bags, and an excess refuse tag shall be affixed to each such bag. Disposable refuse bags not bearing an excess refuse tag shall not be collected.

(b) The city manager may waive any limitation on refuse to be collected without fee or charge for limited, specified time periods as appropriate to accommodate special needs or the accumulation of exceptional volumes of refuse.

(c) The director shall establish rules and regulations governing the types of refuse that may be placed curbside for collection, the manner in which such materials are to be bundled or packaged before being placed curbside, and the manner in which such materials are to be placed curbside. In no event shall tires, motorized vehicle parts/components, or paint containers that are sealed or contain wet paint be placed curbside or collected. In no event shall loose refuse be collected, including but not limited to refuse lying loose as a result of packaging malfunctions or animal invasion.

(d) Refuse collectors, whether employees of the city or employees of a refuse collection service operating under contract with the city, shall not collect any refuse not approved for collection or otherwise failing to meet, in any regard, the requirements of this chapter and the rules and regulations adopted hereunder.

(e) No refuse shall be placed curbside earlier than 3:00 p.m. the day before the scheduled day of collection or later than 7:00 a.m. the day of collection.

(f) All refuse shall, upon being loaded into collection equipment, become the property of the city.

Sec. 62-45. Bulky items collection.

(a) Periodic curbside collection of bulky items shall be provided by the city to each eligible dwelling unit. Collection of bulky items shall be by appointment only. The director shall establish a system for scheduling appointments.

(b) The director shall establish rules and regulations governing the types of bulky items that may be placed curbside for collection, the manner in which such materials are to be placed curbside for collection, and weight or quantity restrictions. In no event shall building materials or construction debris be placed curbside or collected, and no bulky item shall exceed five hundred pounds.

(c) Refuse collectors, whether employees of the city or employees of a refuse collection service operating under contract with the city, shall not collect any bulky item not approved for collection or otherwise failing to meet, in any regard, the requirements of this chapter and the rules and regulations adopted hereunder.

(d) No bulky item shall be placed curbside earlier than 3:00 p.m. the day before the scheduled appointment or later than 7:00 a.m. the day of the scheduled appointment. Bulky items shall not be placed under overhead utility lines or trees, nor shall they be placed if an obstruction exists that would impede access

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by refuse collectors and collection equipment.

(e) All bulky items shall, upon being loaded into collection equipment, become the property of the city.

Section 2. That Section 1 of this ordinance will become effective on November 1, 2024.

Section 3. That Chapter 2, Article III, Code of Ordinances, is hereby amended by enacting a new Section 2-88, Response to illegal dumping in City's right-of-way, to read as follows:

Sec. 2-88. Response to illegal dumping in City's right-of-way.

(a) For any report of illegal dumping in the city's right-of-way that city receives on or after August 1, 2024 through a customer service program for residents and stakeholders to submit inquiries or requests concerning city services, such as the city's 311 or myKCMO system, the city manager shall ensure the following actions are taken within the following time periods:

(1) No later than one business day after city's receipt, the city manager shall assign such report to either:

a. The neighborhood services department and/or other city employee(s) responsible for investigating and communicating with the responsible person(s) and/or pursuing applicable enforcement remedies under this Code; or

b. The public works department and/or other city employee(s) responsible for removal of such item(s) from the city's right-of-way.

(2) For any report assigned as described in sub-paragraph (a)(1)a. of this section, no later than five business days after city's receipt:

a. The neighborhood service department and/or other city employee(s) with the responsibilities described in such sub-paragraph shall complete any warranted investigation, communication and/or enforcement efforts; and

b. If such items have not been removed from the city's right-of-way, the city manager shall assign such complaint to the public works department and/or other city employee(s) responsible for removal of such item(s) from the city's right-of-way.

(3) No later than twelve business days after city's receipt:

a. The public works department and/or other city employee(s) responsible for removing such item(s) from the city's right-of-way shall remove any such remaining item(s); and

b. The reporting person(s) shall receive notice that their complaint is resolved.

(b) The establishment of the response deadlines in this section in no way suggests that city cannot

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take any of the above actions in advance of such time periods, including immediate removal of item(s) in the city's right-of-way. Due to unforeseen circumstances, the actions in paragraph (a)(3) of this section may be completed more than twelve business days after city's receipt of the report, so long as the city documents the unforeseen circumstances within the customer service program.

Section 4. That the City Manager is directed to report to Council, within 60 days of the passage of this ordinance, any barriers, and any necessary funding requiring Council approval, for meeting the standard outlined in Section 3 of this Ordinance.

Approved as to form:

Dustin E. Johnson
Assistant City Attorney

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