

# Regulations for the Collection and Storage of Solid Waste and Recyclables in Overland Park, Kansas

2011

Pursuant to O.P.M.C. Chapter 7.36, the City regulates the Collection and Storage of Solid Waste and Recyclables within the City. In accordance with O.P.M.C. Section 7.36 B., these Administrative Regulations provide further detail and regulations related to the same. The provisions and definitions of O.P.M.C. Chapter 7.36 are hereby incorporated by reference.

## **7.36-1 Hauler and Hauler Vehicle Permits.**

The following Hauler and Hauler Vehicle Permit requirements and procedures shall supplement the requirements set forth in O.P.M.C. Sections 7.36.110 and 7.36.112:

- A. Hauler Permits – Applicants for a Hauler Permit must submit:
  - 1. *Permit Application* – The applicant must complete and sign an application that confirms that its operations will meet the minimum standards for Haulers as specified in O.P.M.C. Chapter 7.36 and these Administrative Regulations.
  - 2. *Permit Fee* – The applicant must submit the Hauler Permit fee as required by O.P.M.C. Section 7.36.110 B.
  - 3. *Satisfaction of County Requirements* – The applicant must submit proof that it has obtained or otherwise met any applicable license or permit requirement from the County in accordance with the County Solid Waste Regulations.
  - 4. *Insurance* – The applicant must submit certificate(s) of insurance demonstrating that the applicant maintains sufficient coverage to meet the insurance requirements set forth in O.P.M.C. Section 7.36.112. Certificates received will be reviewed by the City’s insurance consultant prior to issuance of the permit.
  - 5. *Customer Notice* – The applicant must submit a sample of the required notice to customers, as set forth in Section 7.36-3 below.
  
- B. Hauler Vehicle Permits – Applicants for Hauler Vehicle Permits must submit:
  - 1. *Permit Application* – The applicant must complete and sign an application for all of its Hauler vehicles to be operated within the City. (When appropriate, this application might be combined with the Hauler Permit application discussed above.) By signing the application, the applicant is certifying that its vehicles will meet and will continue to meet all minimum Hauler vehicle standards specified in the County Solid Waste Regulations, O.P.M.C. Chapter 7.36 and these Administrative Regulations.
  - 2. *Vehicle List* – A printed listing or Microsoft Excel compatible spreadsheet containing the following information in the following order:
    - a. Company name;
    - b. Vehicle make;
    - c. Vehicle year;
    - d. Vehicle number;
    - e. Vehicle color;
    - f. Body style (e.g., rear loader, roll-off, side loader, etc.);

- g. Vehicle license number;
  - h. Gross vehicle weight;
  - i. VIN number;
  - j. Company address; and
  - k. Contact person with address, email and phone number.
3. *Permit Fee* – The applicant must submit a Hauler Vehicle Permit fee for each Hauler vehicle to be operated within the City, as required by O.P.M.C. Section 7.36.110 B.
  4. *Satisfaction of County Requirements* – The applicant must submit proof that it has obtained or otherwise met any applicable license or permit requirement from the County in accordance with the County Solid Waste Regulations.
  5. *Insurance* – The applicant must submit certificate(s) of insurance demonstrating that the applicant maintains sufficient coverage to meet the insurance requirements set forth in O.P.M.C. Section 7.36.112. Certificates received will be reviewed by the City’s insurance consultant prior to issuance of the permit. (This requirement may be satisfied if the certificate(s) of insurance provided with the Hauler Permit application also covers all of the Hauler’s vehicles.)
  6. *Inspections* – Following submission of the application, permit fees and other required information, the applicant must contact the Division of Community Planning and Services at 913/895-6270 to arrange for inspections of all vehicles to be permitted for operation within the City. Hauler vehicles must:
    - a. Be constructed, maintained and operated in a safe, clean and sanitary condition;
    - b. Be constructed, maintained and operated as to prevent spillage of Solid Waste or Recyclables from the vehicle;
    - c. Be constructed, maintained and operated as to prevent, to the extent feasible, the spillage of liquids or fluids; and
    - d. Be constructed with a water-tight body and with a cover which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting Solid Waste or Recyclables, or as an alternative the entire body thereof may be enclosed, with only loading hoppers exposed.

Vehicles of a Hauler’s subcontractor providing only the Collection of Recyclables or Yard Waste (pursuant to O.P.M.C. Section 7.36.110 D) only need to meet the following requirements:

- a. Be constructed, maintained and operated as to prevent spillage of collected materials from the vehicle or trailer.
- b. Be enclosed or capable of being covered so that collected materials do not blow from the vehicle or trailer while it is in motion.

**7.36-2 Required Hauler Services.**

The following minimum required Hauler services shall supplement the requirements set forth in O.P.M.C. Section 7.36.115:

- A. Residential Service
  1. *Solid Waste – no additional requirements*

2. *Recyclables*
  - a. The Collection of Recyclables shall occur on the same day as the Collection of the Residential Customer's Solid Waste.
  - b. Haulers or their subcontractors shall process and market all collected Recyclables. Haulers shall maintain for three years records demonstrating sales of collected Recyclables for review upon request by the Administrator.
  - c. In accordance with O.P.M.C. Section 7.36.115 A.2. c., Haulers are required to provide each of its Residential Customer with a Recycling Container designed and manufactured for curbside Collection. (A lid is required for Recycling Containers exceeding 24 gallons.) Notwithstanding, a Hauler may request permission from the Administrator to phase-in its compliance with this requirement up to and until June 30, 2013, with respect to the Hauler's customers existing as of January 1, 2012; provided, however, immediately compliance will still be required for any new customers after this date.

3. *Yard Waste*
  - a. The Yard Waste Collection shall occur on the same day as the Collection of the Residential Customer's Solid Waste.
  - b. As referenced in O.P.M.C. Section 7.36.115 A.3.b., "bundles" shall mean tree and brush trimmings and limbs less than 4 inches in diameter that have been securely tied in bundles not larger than 48 inches long and 18 inches in diameter.
  - c. In order to be exempt from providing Yard Waste Collection to Residential Customers associated with a Community Interest Group, as contemplated by O.P.M.C. Section 7.36.115 A.5.a., the Hauler shall obtain a written affidavit from the Community Interest Group's duly authorized representative stating that either: (1) the Community Interest Group has contracted with another Hauler to provide regular Yard Waste Collection for the Community Interest Group; or (2) no Yard Waste Collection is necessary because the Community Interest Group provides all lawn and landscape services for the Community Interest Group. The affidavit shall further state that the affiant has the appropriate legal authority to make the affidavit on behalf of the Common Interest Group, and the affidavit shall identify each property subject to the Yard Waste Collection exemption. Upon receipt of the affidavit, the Hauler will be relieved of any obligation to provide Yard Waste Collection to the subject properties, until and unless otherwise notified in writing by the Community Interest Group or by an Owner or occupant of a subject property. Copies of the affidavit shall be provided to the Administrator only upon request.

4. *Bulky Waste – no additional requirements*

- B. *Commercial Service – no additional requirements*

### **7.36-3 Hauler Communication Requirements to Customers.**

- A. Prior to \_\_\_\_\_, 2011, Haulers shall provide all customers with written notice of all changes from the Hauler's current policies and practices for the Collection and Storage of Solid Waste, Recyclables and Yard Waste resulting from the adoption of the County Solid Waste Regulations, the 2011 revisions to O.P.M.C. Chapter 7.36, and these Administrative Regulations. Such written notice shall be approved in advance by the Administrator.
- B. Haulers shall on a yearly basis provide all customers with written notice of the applicable City and County requirements and the Hauler's company policies and practices regarding the Collection and Storage of Solid Waste, Recyclables and Yard Waste. (See County Solid Waste Regulations, O.P.M.C. Chapter 7.36, and these Administrative Regulations.) Changes by the Hauler to its stated Collection policies and practices which would reduce, restrict, or eliminate service must be communicated in writing to the affected customers a minimum of 90 days prior to the effective date of such changes. Such changes must be communicated to the City a minimum of 120 days prior to the effective date of such changes. All such written notices shall be approved in advance by the Administrator.

The written notice to customers required by this subsection B. shall at a minimum provide the following information:

#### **Residential Customers**

1. Solid Waste, Recyclables and Yard Waste must be stored in a manner that: does not attract or provide shelter for animals, birds, insects or other disease vectors; does not create a fire, health or safety hazard; is not unsightly; does not produce offensive odors; and does not infiltrate or pollute any natural streamway or enclosed stormwater system.
2. Solid Waste and Recycling Containers must be designed and manufactured specifically for the storage of Solid Waste or Recyclables.
3. Solid Waste, Recyclables and Yard Waste may be placed at the curb for Collection no more than 24 hours prior to the scheduled Collection.
4. Those materials that will be collected by the Hauler as "Recyclables", and the fact that the Hauler's basic service will include the Collection of an unlimited amount of Recyclables.
5. The Hauler's policies as to the amount of Solid Waste and Yard Waste that will be collected as part of the Hauler's basic collection service, and the cost for any Collection in excess of the basic collection service.
6. The Hauler's policies as to items not collected as part of the Hauler's basic collection service.
7. The Hauler's policies, if any, for how Solid Waste, Recyclables and Yard Waste need to be prepared prior to Collection.
8. That, upon request, the Hauler will furnish Residential Customers with special Collection services for Bulky Waste within two working days of the customer's request at a price to be negotiated between the Hauler and the customer.

9. The telephone number at which Residential Customers may contact the Hauler.

**Commercial Customers**

1. Solid Waste, Recyclables and Yard Waste must be stored in a manner that: does not attract or provide shelter for animals, birds, insects or other disease vectors; does not create a fire, health or safety hazard; is not unsightly; does not produce offensive odors; and does not infiltrate or pollute any natural streamway or enclosed stormwater system.
2. Solid Waste and Recycling Containers must be designed and manufactured specifically for the storage of Solid Waste or Recyclables.
3. Container with lids or covers must be kept closed except when Solid Waste (or Recyclables when applicable) is being placed in the container, or when the container is in the process of being emptied.
4. All Solid Waste and Recyclables shall be removed from properties as often as necessary to prevent health and nuisance conditions. In the event the customer is aware of any such condition, the customer should contact the Hauler immediately to request Collection services.
5. The Hauler is required to close the container lid following Collection.
6. It is the responsibility of the customer to maintain the area surrounding the customer's Solid Waste and Recycling Containers in a clean, neat, and sanitary condition at all times.

**7.36-4 Hauler Communication Requirements to the City.**

- A. Haulers shall provide the City with copies of all written notices to residential and commercial customers pursuant to the Regulation 7.36-3 above.
- B. Within 30 days after the close of each calendar quarter, Residential Haulers shall submit to the City a report detailing the volume of Recyclables collected. Said report shall contain, at a minimum, a breakdown of materials collected and the total weight of each material collected during the quarter.

**7.36-5 Additional Hauler Collection Requirements and Provisions.**

- A. Hauler Collection operations within City must be conducted as to not create a nuisance and to protect the public health and safety.
- B. All Hauler vehicles shall clearly display the Hauler Vehicle Permit on each side of the vehicle.
- C. Collections within the City shall be limited to the hours of 7 a.m. through 10 p.m. Different hours for the Collection of Commercial Solid Waste may be allowed within a specific geographical area designated by the Administrator. This designation may be denied, modified or revoked by the Administrator if, in the Administrator's sole discretion, the additional Collection hours cause any disturbance, annoyance, hazard or other difficulty.
- D. Haulers shall make available to each Residential Customer the optional service of Collection for Solid Waste and Recycling Containers placed at or immediately behind

- the existing building line, not to exceed 50 feet from the front property line. A Hauler who imposes an addition charge for house-line Collection must develop a policy to allow for curb-line Collection cost rates for those Residential Customers who are physically unable to place their Solid Waste and Recyclables at the curb.
- E. Haulers are to return reusable Solid Waste and Recycling Containers in a manner to ensure that said containers are not blown or rolled into the street and do not obstruct the customer's driveway or parking lot.
  - F. No Solid Waste, Recyclables or Yard Waste shall be transported in vehicle loading hoppers.
  - G. All Solid Waste, Recyclables and Yard Waste shall be conveyed so that none of the Solid Waste or Recyclables being transported shall spill upon the public rights-of-way.
  - H. All Collected Solid Waste, Recyclables or Yard Waste must be transported by the Hauler to a facility licensed and approved by the appropriate regulatory authority for receipt of such Solid Waste, Recyclables or Yard Waste.
  - I. Pursuant to O.P.M.C. Section 7.36.110 D., a Hauler may subcontract with another Person to provide the Collection of Solid Waste, Recyclables or Yard Waste to the Hauler's Residential Customers; provided:
    - 1. The Hauler agrees and consents in writing to be responsible and liable for the subcontractor in the performance of the subcontractor's services;
    - 2. The subcontractor's Hauler vehicles must have valid and separate Hauler Vehicle Permits;
    - 3. The subcontractor is covered by the Hauler's insurance and/or provides its own proof of insurance meeting the requirements of O.P.M.C. Section 7.36.112; and
    - 4. The Collections by the Hauler and the subcontractor(s) must be coordinated to occur on the same day.