

ORDINANCE NUMBER 18-10919

AN ORDINANCE AMENDING CHAPTER 34 OF THE SALINA CODE BY ADDING NEW ARTICLE VI RELATING TO A CITY RECYCLING CENTER AND PROVIDING FOR THE LEVYING OF CHARGES TO FUND THE STORAGE, COLLECTION, TRANSPORTATION, PROCESSING, AND DISPOSAL OF RECYCLABLES GENERATED WITHIN THE CITY OF SALINA PURSUANT TO K.S.A. 65-3410.

BE IT ORDAINED by the Governing Body of the City of Salina, Kansas:

Section 1. New Article. Chapter 34 of the Salina Code is amended by adding Article VI, which reads as follows:

ARTICLE VI. CITY RECYCLING CENTER

Sec. 34-97 Purpose.

In conjunction with its consideration of this article, the governing body makes the following findings:

- (a) The reduction of the amount of waste generated within the city and conservation of recyclable materials is an important public concern by reason of the growing problem of municipal waste disposal and its impact on the environment.
- (b) K.S.A. 65-3410, as amended, authorizes the governing body to provide for the storage, collection, transportation, processing, and disposal of recyclables generated within the city's boundaries, and to do all things necessary for a proper and effective recycling program, including the levying of fees and charges upon persons receiving service.
- (c) It is the policy of the governing body to encourage the recycling of materials which might otherwise be treated as waste and to encourage the reduction in the volume of material which is being transported to the city's landfill.

Sec. 34-98. Definitions.

Whenever used in this article, the following terms shall be defined as follows:

- (a) "Recyclables" means any materials that will be used or reused, or prepared for use or reuse, as an ingredient in an industrial process to make a product, or as an effective substitute for a commercial product. "Recyclables" includes, but is not limited to, paper, glass, plastic, municipal water treatment residues, as defined by K.S.A. 65-163, and amendments thereto, and metal, but does not include yard waste.
- (b) "Recycling center" means the facilities owned, leased, or operated by the city and used to conduct the recycling program.
- (c) "Recycling charges" means the fees and charges levied by the city pursuant to K.S.A. 64-3410, and amendments thereto, to fund the recycling program.
- (d) "Recycling program" means the program for the recycling center for purposes of providing for the collection, storage, transportation, processing, or disposal of recyclables generated within the city.

Sec. 34-99. Management of recycling program.

The city manager shall be responsible for management of the recycling program and administration of this article.

Sec. 34-100. Use and operation of recycling center.

- (a) All owners or occupants of property within the limits of the city which subscribe to any city water or wastewater utility service, and such other persons as may be authorized by the city in accordance with applicable law, shall be allowed to dispose of recyclables at the recycling center and avail themselves of services offered by the city through the recycling program.
- (b) The city manager shall formulate such rules and regulations as may be necessary to provide for the operation of the recycling center and the recycling program. The rules and regulations shall become effective when filed with the city clerk.

Sec. 34-101. Recycling charge.

- (a) Commencing with the first month following the month that collection under the recycling program begins at the recycling center, there is levied on each city water or wastewater service account a recycling charge, which shall be used to pay the costs of the recycling program.
- (b) The governing body shall, by resolution, from time to time as it deems necessary, establish the amount of the recycling charge as is necessary for the operation of the recycling program.
- (c) The city manager shall recommend to the governing body any adjustment in the amount of the recycling charge as is necessary to pay the costs of the operation of the recycling program.

Sec. 34-102. Billing procedures.

- (a) The recycling charge shall be billed and collected monthly along with the monthly water bill. The recycling charge shall be part of a consolidated statement for utility customers that shall be paid by a single payment.
- (b) Recycling charges shall be subject to a penalty for late payment that is the same as that levied for late payment of water and wastewater utility charges.
- (c) If a partial payment is received, the payment shall be applied to the water and wastewater portion of the account first and then to the recycling charge portion of the account. Unless otherwise provided for herein, all bills for recycling charges shall become due and payable in accordance with rules and regulations that pertain to water and wastewater utility charges.

Sec. 34-103. Collection of delinquent recycling charges.

Any recycling charges which remain unpaid for a period of sixty (60) or more days after the date upon which they were billed may be collected thereafter as follows:

- (a) At least once a year the governing body shall cause to be prepared a report of delinquent recycling charges. The governing body shall fix a time, date, and place for hearing the report and any objections or protests thereto.
- (b) The governing body shall cause notice of the hearing to be mailed to the property owners listed on the report not less than ten (10) days prior to the date of the hearing.
- (c) At the hearing the governing body shall hear any objections or protests of property owners liable to be assessed for delinquent recycling charges. The governing body may make

such revisions or corrections to the report as it deems just, after which, by resolution, the report shall be confirmed.

- (d) The delinquent recycling charges set forth in the report as confirmed shall constitute assessments against the respective parcels of land and are a lien on the property for the amount of such delinquent charges. A certified copy of the confirmed report shall be filed with the county clerk for the amounts of the respective assessments against the respective parcels of land as they appear on the current assessment roll. The lien created attaches upon recordation, in the office of the county clerk, of a certified copy of the resolution of confirmation. The assessment may be collected at the same time and in the same manner as ordinary county ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for such taxes. All laws applicable to the levy, collection, and enforcement of county ad valorem property taxes shall be applicable to such assessment.

Section 2. Summary of Ordinance for Publication. At such time as the City has fully secured an operable recycling center as determined by the city manager, the city clerk is directed to publish a summary of this ordinance once in the official city newspaper in the following format:

Ordinance No. 18-10919 Summary

On June 25, 2018, the City Commission passed Ordinance No. 18-10919. The Ordinance amends Chapter 34 of the Salina Code by adding new Article VI relating to a city recycling center and providing for the levying of fees and charges to fund the storage, collection, transportation, processing, and disposal of recyclables generated within the City of Salina pursuant to K.S.A. 65-3410, and amendments thereto. A complete copy of the Ordinance can be found at www.salina-ks.gov or in the office of the City Clerk, 300 W. Ash, free of charge. This summary is certified by the City's legal counsel.

Section 3. Effective Date of Ordinance. This ordinance shall take effect and be in full force from and after its passage by the governing body and publication of a summary of thereof in the official city newspaper.

Introduced: February 5, 2018

Passed: June 25, 2018

Karl F. Ryan, Mayor

[SEAL]
ATTEST:

Shandi Wicks, CMC, City Clerk

The publication summary set forth above is certified this ____ day of June, 2018.

Greg A. Bengtson, City Attorney