

RESOLUTION NO. 1024

PERTAINING TO ATCHISON COUNTY REGULATIONS FOR HAULING AND DISPOSING OF SOLID WASTE

WHEREAS, the Board of County Commissioners of Atchison County, Kansas, hereinafter referred to as Board, desires to implement a solid waste management resolution for the County of Atchison, State of Kansas, hereinafter referred to as "County":.

NOW, THEREFORE, BE IT RESOLVED by the Board that to insure proper financial contribution by those engaged in the business of disposing of solid waste within Atchison County, and to provide regulation for the general hauling and disposal of solid waste, this resolution, as set out herein, shall hereby be the governing law for the County regarding the use of the Atchison County Landfill, hereinafter referred to as "Landfill" by those engaged in the business of collecting and disposing of solid waste within said County.

SECTION 1

POLICY: It is hereby declared to be the purpose of this article to regulate the disposal of solid waste in order to protect the public safety, health and welfare, and to enhance the environment of the people of Atchison, Kansas.

SECTION 2

GENERAL: No person or entity shall engage in the business of disposing of solid waste within Atchison County, without first obtaining a permit appropriate for his particular operation. Provided, however, that this provision shall not be deemed to apply to employees of the holder of any such permit.

SECTION 3

COLLECTION AND TRANSPORTATION VEHICLE LICENSES: Any individual or entity desiring to be in the business of disposing of solid waste in Atchison County shall obtain an annual permit from the Director for each vehicle to be used for said disposition of solid waste. Provided, however, that this requirement shall not be construed to apply to vehicles operated by any municipality within Atchison County.

SECTION 4

PERMITS: The Director of Atchison County Solid Waste Department, hereinafter referred to as "Director" is hereby authorized to require application forms for the disposal of solid waste in the landfill No. 1 requiring the following information:

1. The name and business address of the applicant (individual, partnership, corporation);
2. The methods of transport, unit volume, schedule of movement, routes used and the identity of the persons in the next management step;
3. The number, city location and type (residential, business, or school) of all individual or entity for whom applicant picks up and/or hauls solid waste, said waste being that which will be disposed of in the Landfill.
4. For each business or school to be listed in paragraph 3 above applicant must indicate name, location of business or school, type and estimated volume of solid waste to be hauled from said entity each month.
5. Applicant must promise to pay to the Atchison County Clerk by the 10th of each month the charge assessed by the Director for said ensuing month based on answer to paragraphs 3 & 4 above, if payment is not made as provided, said permit will be terminated and no further disposal will be allowed at Landfill.

SECTION 5

PERMIT FEE AND MONTHLY CHARGE: Each application for permit and renewal of application shall be accompanied by a check in the amount of \$10.00 for business use of the Landfill for deposit of solid waste.

Applicant shall pay to the County Clerk by the 10th of each month for the ensuing month \$2.00 for each out of county residence and \$5.00 or more for each out of county business or school for which said applicant disposes solid waste in the county; Amounts for businesses and schools will be based on size of school or business; Applicant shall keep the Director informed of any changes in the information relative to the permit described in Section 4.

SECTION 6

TRANSFERRING OF PERMIT: No permit issued hereunder shall be assigned or transferred by persons holding same as permit holder.

SECTION 7

NEW APPLICATIONS AND REFUNDS: New applicants shall pay a prorated fee based on the number of months remaining in the permit year and the fee schedule. Once a fee has been paid, no refunds shall be made.

SECTION 8

NEWLY REGISTERED VEHICLES: Vehicles to be newly registered shall be inspected and approved by the Director in the manner herein provided.

SECTION 9

TERM OF PERMIT: The term of all permits to be issued hereunder shall be for a period of 1 year commencing on the 1st day of April and expiring on the 1st day of April the following year.

SECTION 10

TRANSPORTATION OF SOLID WASTE: Maintenance and construction of transporting vehicle - All transportation vehicles shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for transportation of solid waste shall be constructed with covers which shall be an integral part of the vehicle or shall have 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 as an alternate, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers.

SECTION 11

PROHIBITED ACTIVITIES:

Littering - It shall be unlawful to place or allow to be placed any solid waste upon the roads, streets, public or private property within the County contrary to the provision of this resolution.

Acts contrary to Resolution - It shall be unlawful to dispose of any solid waste within the boundaries of the County contrary to the provisions of this resolution.

Vehicle construction - It shall be unlawful to transport any solid waste in any vehicle which permits the contents to blow, sift, leak or fall therefrom.

Disposing of solid waste originating outside of Atchison County and disposing of said solid waste within Atchison County without making an application pursuant to Section 4 and payments pursuant to Section 5 of this Resolution.

Scavenging prohibited - It shall be unlawful for any person to scavenge any solid waste within the Landfill.

Disposing of Solid Waste which has been picked up outside of Atchison County anywhere in Atchison County other than Atchison County Landfill No. 1.

False Information - It shall be unlawful for any person to make any false statement in any application required by this resolution.

Hazardous Waste - No person shall place any hazardous waste in any container for collection, transport and disposal at any Landfill.

SECTION 12

COMPLAINT AGAINST PERMIT HOLDER: Upon complaint, or by the request of the Board or the Director, proceedings shall commence to revoke the permit of any hauler.

SECTION 13

AUTHORITY OF DIRECTOR TO INSPECT: In order to insure compliance with the laws of this state, this resolution and the rules and regulations authorized herein, the director is authorized to inspect all phases of solid waste disposed within the County of Atchison, including necessary payments for use of the Landfill. In all instances where such inspections reveal violation of this resolution, the rules and regulations authorized herein for disposal of solid waste or the laws of the State of Kansas, the director may issue a notice for each such violation stating therein the violation or violations,

SECTION 14

AUTHORITY OF DIRECTOR TO SUSPEND OR REVOKE PERMIT: The Director may commence proceedings to revoke the permit of the hauler; permits may be revoked for violation of this resolution. The Director shall cause a hearing to be set before the Board of Atchison County Commissioners and 10 days notice in writing shall be delivered to the hauler in question specifying cause for the proposed revocation. At the hearing the Board shall rule and determine whether the permit in question shall be revoked and if revoked the hauler shall not be eligible to be reinstated for one year from the date of revocation. The findings and determinations of the Board shall be final and binding on all parties and not subject to further appeal or review.

SECTION 15


PENALTY: Any person or entity violating any terms of this Resolution shall be deemed guilty of a misdemeanor and a penalty of no less than \$25.00 and no more than \$500.00 may be assessed against said violator for each violation.

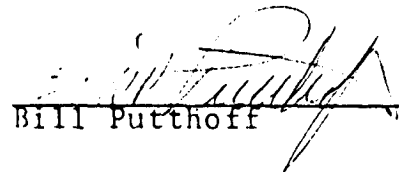
BE IT FURTHER RESOLVED that this resolutuion shall be effective upon its adoption and publication.

ADOPTED this 23 day of March, 1984.

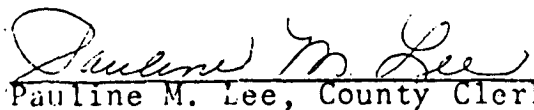
BOARD OF COUNTY COMMISSIONERS
ATCHISON COUNTY, KANSAS


Tom Lykins, Chairman of the Board


Al Pickman


Bill Putthoff

ATTEST:


Pauline M. Lee, County Clerk