

(Published at www.belaireks.gov on _____, June, 2025.)

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 2, OF
THE CODE OF THE CITY OF BEL AIRE, KANSAS
REGARDING THE SOLID WASTE UTILITY AND CURBSIDE
RECYCLING SYSTEM; ESTABLISHING ADMINISTRATION
FEES, AND REPEALING ORDINANCE NO. 358.

WHEREAS, the City of Bel Aire, Kansas (hereinafter referred to as the “City”) has previously adopted Chapter 15, Article 2 of the Code of the City of Bel Aire, Kansas (hereinafter referred to as the “Code”), which contains provisions regarding the solid waste utility and curbside recycling system; and

WHEREAS, THE City finds it necessary and advisable to amend Chapter 15, Article 2 of the Code.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BEL AIRE, KANSAS:

Section 1. Definitions.

In addition to the words, terms and phrases elsewhere defined in this ordinance, the following words, terms and phrases as used in this ordinance shall have the following meanings:

1. “Contract recycling program hauler” means any individual, firm, partnership, corporation, or company under contract with the City of Bel Aire, Kansas to provide curbside recycling.
2. “Curbside recycling” means the weekly collection, by the contract recycling program hauler, of recyclable materials, contained in bags and containers provided by the contract recycling program hauler, at the public street curb of each residential dwelling unit.
3. “Recyclable materials” means newspaper, glossy paper including magazines and catalogs, white and pastel colored office paper, metals and plastics, glass, cardboard and brown paper sacks, motor oil, automotive batteries, household batteries, and clothing.
4. “Residential dwelling unit” means a singular unit providing independent living facilities for one or more persons in a single-family, duplex, multifamily or condominium residential property, located within the corporate limits of the City of Bel Aire, Kansas, which receives a monthly water and sewer utility bill from the City of Bel Aire, Kansas.

- 41 5. “Solid waste utility” means the utility created by this ordinance to administer the curbside
42 recycling system set forth in this ordinance.

43
44 Section 2. Creation of Solid Waste Utility.

45 The City of Bel Aire, Kansas does hereby establish a solid waste utility and curbside recycling
46 system and declares its intention to be responsible for the operation and administration of said
47 solid waste utility and curbside recycling system.

48
49 Section 3. Findings and Determinations.

50 It is found determined, and declared that the elements of said curbside recycling system which
51 provides for the collection and recycling of recyclable materials are of benefit and are designed to
52 provide services to all residential dwelling units within the corporate limits of the City of Bel Aire,
53 Kansas. It is further found, determined, and declared that the collection and recycling of recyclable
54 materials, as part of said curbside recycling system, should be provided by a contract recycling
55 program hauler pursuant to a written contract with the City of Bel Aire, Kansas.

56
57 Section 4. Administration

58 The solid waste utility, under the direction of the city administrator or his/her designee, shall have
59 the power to:

- 60
61 1. Administer and oversee the operation of the curbside recycling system;
62
63 2. Negotiate consecutive contracts with a contract recycling program hauler to operate the
64 curbside recycling system pursuant to this ordinance, ~~including an initial contract with~~
65 ~~South Central Recycling, 417 W. 11th, Newton, Kansas;~~
66
67 3. Administer and enforce this ordinance and all contracts, regulations and procedures
68 adopted relating to the operation of the curbside recycling system;
69
70 4. Advise the City Council on matters relating to the curbside recycling system;
71
72 5. Make recommendations to the City Council concerning establishing ordinances and
73 regulations concerning recycling and solid waste management;
74
75 6. Collect the solid waste fees established pursuant to this ordinance and make payments to
76 the contract recycling program hauler pursuant to any contract entered into pursuant to this
77 ordinance; and
78
79 7. Analyze the cost of services and benefits provided by the curbside recycling system and
80 the fees and other revenues of the solid waste utility annually.

81
82 Section 5. Solid Waste Fee Established.

83 Commencing on March 1, 2002, there is imposed on each and every residential dwelling unit
84 located within the corporate limits of the City of Bel Aire, Kansas a solid waste fee of \$4.00 per
85 month. Such solid waste fee may be amended from time to time by a resolution of the City Council
86 of the City of Bel Aire, Kansas.

87
88 Section 6. Solid Waste Fee Collection.

89 The solid waste fee shall be billed and collected monthly with the monthly water and sewer utility
90 bill. The solid waste fee shall be part of a consolidated statement for utility customers which shall
91 be paid by a single payment. In the event that a partial payment is received, the payment shall be
92 applied to the water and sewer portion of the account first and then to the solid waste fee portion
93 of the account. Unless otherwise provided for herein, all bills for solid waste fees shall become
94 due and payable in accordance with rules and regulations that pertain to water and sewer utility
95 charges. Solid waste fee bills for any given property shall initially be the responsibility of the
96 person who is paying for water and/or sewer service for the property. If no person is in possession
97 of the property, then the solid waste fees shall be the responsibility of the property owner. The
98 property owner is responsible for the solid waste fees not paid by the occupant.

99
100 Solid waste fees shall be subject to a penalty for late payment which is the same as that imposed
101 for late payment of water and sewer utility charges. In addition to any other remedies or penalties
102 provided by this or any other ordinance of the city, failure to pay such charges promptly when due
103 shall subject such user to discontinuance of water services and the city administrator, or the city
104 administrator's designee, is empowered and directed to enforce this provision as to any and all
105 delinquent users in accordance with provisions for failure to pay water and sewer utility charges.
106 Users shall be entitled to notice and shall have the right to a hearing in accordance with provisions
107 for failure to pay water and sewer utility charges, before such users' water service is discontinued
108 for failure to pay solid waste fees.

109
110 Solid waste fees authorized to be charged in this ordinance when delinquent may be certified by
111 the City Clerk of Bel Aire, Kansas to the County Clerk of Sedgwick County to be placed on
112 the tax roll for collection, subject to the same penalties and to be collected in like manner as
113 other taxes, and such charges shall, thereafter, constitute a lien upon the real estate against
114 which such charges were made, regardless of whether the solid waste fees were incurred when
115 a property owner was in possession of the property or a nonowner was in possession of the
116 property.

Section 7. is hereby created to read as follows:

“Section 7. Curbside Recycling System, Administration Fee.

All residential dwelling units will be billed one dollar (\$1.00) per month for the administration services provided by the City associated with the Curbside Recycling System. This administration fee is in addition to the curbside recycling collection fee and amended by the terms and provisions of the effective service agreement between the City and the contract recycling program hauler. This administration fee will be set and amended from time to time by Resolution of the Governing Body.”

Section 8. is hereby created to read as follows:

“Section 8. Residential Solid Waste Collection, Administration Fee.

All residential dwelling units receiving solid waste collection services from the contract recycling program hauler will be billed three dollars and twenty-five cents (\$3.25) per month for the administration services provided by the City associated with solid waste collection. This administration fee is in addition to the solid waste fee / collection fee and amended by the terms and provisions of the effective service agreement between the City and the contract recycling program hauler. This administration fee will be set and amended from time to time by Resolution of the Governing Body.”

Section ~~7~~ 9. Solid Waste Utility Enterprise Fund.

Solid waste fees collected by the city shall be paid into an enterprise fund which is created, to be known as the "solid waste utility fund." Such fund shall be used for the purpose of paying the contractual debts incurred by the City of Bel Aire, Kansas pursuant to the provisions of this ordinance and all other operating expenses of the utility.

Section ~~8~~ 10. Severability.

In the event that any portion or section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this ordinance which shall remain in full force and effect.

Section ~~9~~ 11 Effective Date

This Ordinance shall take effect and be in force from and after its publication in the official city newspaper.

Section 10. Repealer

Ordinance No. 358 is repealed. All other ordinances or parts of other ordinances in conflict herewith are repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

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PASSED, ADOPTED, AND APPROVED by the Governing Body of the City of Bel Aire, Kansas,
on the _____ day of June, 2025.

APPROVED by the Mayor on the _____ day of June, 2025.

CITY OF BEL AIRE, KANSAS

Jim Benage, Mayor

ATTEST:

Melissa Krehbiel, City Clerk

APPROVED AS TO FORM ONLY:

Maria A. Schrock, City Attorney