

**Chapter 7.36**  
**COLLECTION AND STORAGE OF**  
**SOLID WASTE AND RECYCLABLES**

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- 7.36.020 Solid Waste Storage. (Repealed)
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- 7.36.150 Permit Fees. (Repealed)
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### 7.36.010 Definitions.

Repealed.

(History: Ord. SW-1714 §2, 91; SW-872 §1, 76)

### 7.36.020 Solid Waste Storage.

Repealed.

(History: Ord. SW-1714 §2, 91; SW-1523 §1, 88; SW-872 §2, 76)

### 7.36.030 Solid Waste Collection.

Repealed.

(History: Ord. SW-1714 §2, 91; SW-921 §1, 77; SW-872 §3, 76)

### 7.36.040 Penalty.

Repealed.

(History: Ord. SW-1714 §2, 91; SW-872 §4, 76)

### 7.36.050 Severability.

Repealed.

(History: Ord. SW-1714 §2, 91; SW-872 §5, 76)

## **7.36.090 Incorporation.**

Repealed.

(History: Ord SW-2927 §35, 2011; SW-1760 §1, 92; SW-1714 §1, 91)

## **7.36.100.100 Definitions.**

Where a word or term is not defined in this Chapter but is defined elsewhere in the Code, such definition shall be applicable unless the context indicates that a standard dictionary definition is more appropriate. Where a word or term is defined in this Chapter and also defined elsewhere in this Code, the definition contained in this Chapter shall be generally applicable unless the context clearly indicates otherwise.

(History: Ord. SW-2927 §1, 2011; SW-1760, 92; SW-1714, 91)

### **7.36.100.105 "Administrative Regulations."**

"Administrative Regulations" means the *Regulations for the Collection and Storage of Solid Waste and Recyclables in Overland Park, Kansas*, as adopted and administered by the Administrator pursuant to O.P.M.C. Section 7.36.105 B.

(History: Ord. SW-2927 §2, 2011)

### **7.36.100.110 "Administrator."**

"Administrator" means the Director of Planning and Development Services or his\her designee.

(History: Ord. SW-2783 §1, 2009; SW-1760, 92; SW-1714, 91)

**7.36.100.120 "Bulky Waste."**

"Bulky Waste" means non-putrescible Solid Waste items too large to be placed in Solid Waste Containers including, but not limited to appliances, furniture, tires, large automobile parts, motor vehicles, trees, limbs, stumps and so forth, and which are not collected as part of a Hauler's routine Collection service.

(History: Ord. SW-2927 §3, 2011; SW-1760, 92; SW-1714, 91)

**7.36.100.130 "City."**

"City" means the City of Overland Park, Kansas.

(History: Ord. SW-1760, 92; SW-1714, 91)

**7.36.100.140 "Collection."**

"Collection" means the removal and transportation of Solid Waste or Recyclables from their place of Storage to their place of processing or Disposal.

(History: Ord. SW-2927 §4, 2011; SW-1760, 92; SW-1714, 91)

**7.36.100.145 "Community Interest Group."**

"Community Interest Group" means a group or association of residential property Owners, including but not limited to a Homes Association, having the legal power to provide or contract for Solid Waste and Recycling services for the members of the group or association.

(History: Ord. SW-2927 §5, 2011)

**7.36.100.150 "Construction and Demolition Waste."**

"Construction and Demolition Waste" means Solid Waste resulting from the construction, remodeling, repair or demolition of residential, industrial, commercial or other structures, roads, sidewalks or utilities.

(History: Ord. SW-2927 §6, 2011; SW-1760, 92; SW-1714, 91)

**7.36.100.155 "County Solid Waste Regulations."**

County Solid Waste Regulations are the regulations adopted by County for the purpose of governing solid waste management in Johnson County, Kansas, and which are entitled and sometime referred to as the *Johnson County Code of Regulations for Solid Waste Management, 2010 Edition* (as may be amended from time to time).

(History: Ord. SW-2927 §7, 2011)

**7.36.100.160 "Disposal."**

"Disposal" means depositing Solid Waste in or at a facility approved for disposal of said wastes by the appropriate agencies.

(History: Ord. SW-2927 §8, 2011; SW-1760, 92; SW-1714, 91)

**7.36.100.170 "Dwelling Unit."**

"Dwelling Unit" means any room or group of rooms located within a structure and forming a single habitable unit with facilities which are used, or are intended to be used for residential living, sleeping, cooking, and eating.

(History: Ord. SW-2927 §9, 2011; SW-1760, 92; SW-1714, 91)

**7.36.100.173 "Hauler."**

"Hauler" means a Person who performs the act of the Collection of Solid Waste or Recyclables from the production, Storage or Collection point. Provided, however, this definition shall expressly exclude the removal and transportation of Solid Waste or Recyclables by an individual not otherwise in business as a "Hauler" for the purposes of this Chapter and where:

- A. The Solid Waste or Recyclables are generated by the individual, or the individual's family or immediate neighbors, and the Solid Waste or Recyclables are disposed of properly at a licensed or permitted Solid Waste or recycling facility; or
- B. The Disposal is made as an incidental or related part of services or work performed by the individual or affiliated Person, such as landscaping, roofing, remodeling, or similar service or work, and where the Solid Waste or Recyclables are properly disposed of at a licensed or permitted Solid Waste or recycling facility.

(History: Ord. SW-2927 §10, 2011)

**7.36.100.175 "Hauler Permit."**

"Hauler Permit" means a permit issued by the City certifying that a Person is an authorized Hauler for the Collection of Solid Waste and Recyclables within the City in accordance with this Chapter and the Administrative Regulations.

(History: Ord. SW-2927 §11, 2011)

**7.36.100.177 "Hauler Vehicle Permit."**

"Hauler Vehicle Permit" means a permit issued by the City certifying that a Collection or transportation vehicle is certified to operate within the City for the purpose of the Collection of Solid Waste and Recyclables in accordance with this Chapter and the Administrative Regulations.

(History: Ord. SW-2927 §12, 2011)

**7.36.100.180 "Hazardous Waste."**

"Hazardous Waste" means those materials which are corrosive/caustic, flammable, explosive/reactive, toxic/poisonous or radioactive. It shall include those materials determined to be hazardous waste as specified by the Kansas Department of Health and Environment regulations.

(History: Ord. SW-2927 §13, 2011; W-1760, 92; SW-1714, 91)

**7.36.100.190 "Homes Association."**

"Homes Association" means an incorporated association of residential property Owners having the legal power to provide or contract for Solid Waste and Recycling services for the members of the association.

(History: Ord. SW-2927 §14, 2011; SW-1760, 92; SW-1714, 91)

**7.36.100.200 "Open Burning."**

"Open Burning" means the burning of any materials in which contaminants resulting from combustion are emitted directly into the ambient air without passing through an enclosed chamber that meets all applicable state and federal air pollution regulations, but shall not include "smoking" as that term is defined in O.P.M.C. Section 11.52.150.

(History: Ord. SW-2927 §15, 2011; POC-2632 §8, 2008; SW-1760, 92; SW-1714, 91)

**7.36.100.210 "Owner."**

"Owner" means any Person who, alone or jointly or severally with others, has legal title to, or sufficient proprietary interest in, or has charge, care or control of any Dwelling Unit or of any other improved real property, as title holder, as employee or agent of the title holder, or as landlord or manager or as trustee or guardian of the estate or Person of the title holder.

(History: Ord. SW-2927 §16, 2011; SW-1760, 92; SW-1714, 91)

**7.36.100.220 "Person."**

"Person" means an individual, partnership, co-partnership, firm, company, public or private corporation, association, joint stock company, trust, estate, political subdivision or any agency, board, environmental department or bureau of the state or federal government or any other legal entity whatsoever which is recognized by law as the subject of rights and duties, or their legal representative, agent or assigns.

(History: Ord. SW-2927 §17, 2011; SW-1760, 92; SW-1714, 91)

**7.36.100.223 "Recyclables."**

"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, and metal, but does not include Yard Waste.

(History: Ord. SW-2927 §18, 2011)

**7.36.100.225 "Recycling Container."**

"Recycling Container" means a container designed and manufactured specifically for the Storage and Collection of Recyclables.

(History: Ord. SW-2927 §19, 2011)

**7.36.100.228 "Residential Customer."**

"Residential Customer" means a Person who (directly or indirectly) engages a Hauler for the regular Collection of Residential Solid Waste and Recyclables.

(History: Ord. SW-2927 §20, 2011)

**7.36.100.230 "Residential District."**

"Residential Districts" means any place or area where the property is zoned for residential occupancy including single-family, and multi-family dwellings.

(History: Ord. SW-1760, 92; SW-1714, 91)

**7.36.100.240 "Solid Waste."**

"Solid Waste" means any unwanted or discarded waste materials in a solid or semi-liquid or liquid state; but "Solid Waste" shall not include Hazardous Waste or Recyclables.

- A. "Commercial Solid Waste" means Solid Waste resulting from the operation of any commercial, industrial, institutional, agricultural or other non-residential establishment or use. Solid Waste produced by a grouping of Dwelling Units where Solid Waste Collection service is not offered to each Dwelling Unit on an individual basis is also to be defined as Commercial Solid Waste.

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- B. "Residential Solid Waste" means Solid Waste emanating or resulting from the operation of Dwelling Units where Solid Waste Collection service is offered to each Dwelling Unit on an individual basis.

(History: Ord. SW-2927 §21, 2011; SW-1760, 92; SW-1714, 91)

### **7.36.100.250 "Solid Waste Container."**

"Solid Waste Container" means a container designed and manufactured specifically for the Storage and Collection of Solid Waste.

(History: Ord. SW-2927 §22, 2011; SW-2783 §2, 2009; SW-1760, 92; SW-1714, 91)

### **7.36.100.260 "Storage."**

"Storage" means the keeping, maintaining, or containment of Solid Waste or Recyclables from the time of their production until the time of their Collection.

(History: Ord. SW-2927 §23, 2011; SW-1760, 92; SW-1714, 91)

### **7.36.100.270 "Yard Waste."**

"Yard Waste" means grass clippings, leaves, and tree and brush trimmings, and other organic yard materials; but "Yard Waste" shall not include agricultural waste resulting from the production of farm or agricultural products.

(History: Ord. SW-2927 §24, 2011; SW-1760, 92; SW-1714, 91)

## **7.36.105 Administration.**

- A. Administration. The Administrator is the principal City official for the administration of this Chapter for the purpose of governing Solid Waste and Recyclables in the City. The Administrator may delegate any or all of the duties hereunder.

- B. Administrative Regulations.

1. The Administrator may adopt and administer the Administrative Regulations for the purpose of providing further detail and regulations for:
  - a. Hauler and Hauler Vehicle Permit requirements and procedures (*in addition to those set forth in O.P.M.C. Sections 7.36.110 and 7.36.112*);
  - b. Required Hauler services (*in addition to those set forth in O.P.M.C. Section 7.36.115*);
  - c. Haulers' communication requirements with customers and the City; and
  - d. Any other applicable regulations concerning the Collection or Storage of Solid Waste and Recyclables.

The Administrative Regulations shall supplement and must be consistent with the provisions of this Chapter. To the extent there is any conflict, the provisions of this Chapter shall apply.

2. The Administrative Regulations shall be adopted and amended by the Administrator following a public input process which shall include the following minimum steps:
  - a. Posting on the City website the proposed Administrative Regulations in draft form for a minimum of 14 days prior to the Administrator holding a public informational meeting;

- b. Providing a written or electronic copy of the proposed Administrative Regulations in draft form to all Haulers with a current Hauler Permit at least 14 days prior to the public informational meeting; and
- c. Extending a written comment period for a minimum of 14 days after the public informational meeting.

A new public input process is not required for revisions to the proposed draft Administrative Regulations if the same is adopted by the Administrator within 60 days of the public informational meeting.

- 3. The Administrative Regulations (as adopted and amended) are hereby incorporated by reference into this Chapter for the purpose of enforcing compliance with the same. No fewer than three (3) copies of the Administrative Regulations shall be marked Official Copy and include the date of adoption, and shall be filed with the City Clerk to be open to inspection and available to the public at all reasonable business hours. The Municipal Court and all administrative departments of the City charged with enforcement of this Chapter and the Administrative Regulations shall be supplied at the cost of the City such number of official copies as may be deemed expedient.

(History: Ord. SW-2927 §25, 2011)

#### **7.36.110 Hauler Permit Requirements.**

- A. No Person shall engage in the business of the Collection of Solid Waste or Recyclables within the City without first obtaining a Hauler Permit, and a separate Hauler Vehicle Permit for each Collection or transportation vehicle to be operated within the City.
- B. The Hauler and Hauler Vehicle Permit fee schedule shall be as approved by the Governing Body, and those fees shall be paid in full upon application.
- C. No Hauler or Hauler Vehicle Permit shall be issued to any Person who has not first obtained any necessary or applicable license or permit from the County in accordance with the County Solid Waste Regulations. In addition, the expiration, revocation or other termination of any such County license or permit shall have the effect of terminating any Hauler or Hauler Vehicle Permit provided for herein.
- D. A subcontractor providing Collection services on behalf of and under a subcontract with a Hauler with a valid Hauler Permit shall not be required to obtain a separate Hauler Permit; provided, however, that the Hauler agrees and consents to be responsible and liable for said subcontractor in the performance of the subcontractor's services; and further provided, said subcontractor's Collection or transportation vehicles must have valid and separate Hauler Vehicle Permits and meet any applicable requirements set forth in this Chapter and the Administrative Regulations.
- E. Hauler and Hauler Vehicle Permits shall not be required for the Collection or Disposal of Bulky Waste, Construction and Demolition Waste, or earth and rock material from grading or excavation activities; provided, however, all such material shall be conveyed in vehicles, trucks, or receptacles so constructed and maintained that none of the material being transported shall spill upon the public rights-of-way.
- F. Additional Hauler and Hauler Vehicle Permit procedures and requirements may be set forth in the Administrative Regulations.

(History: Ord. SW-2927 §26, 2011; SW-2783 §3, 2009; SW-1760, 92; SW-1714, 91)

**7.36.112 Hauler Insurance Requirements.**

No Hauler or Hauler Vehicle Permit shall be issued unless the Hauler, or when applicable, a subcontractor with a Hauler Vehicle Permit, agrees to maintain insurance coverage of the types and minimum liability as set forth below, and shall furnish to the City a Certificate of Liability Insurance verifying such coverage. The certificate holder on the Certificate of Insurance shall be as follows:

City of Overland Park, Kansas  
8500 Santa Fe Drive  
Overland Park, KS 66212

Such policies shall be maintained in full force and effect during the permit period. No permit shall be issued until and unless the Hauler/subcontractor, in addition to all other requirements, shall file the proper Certificate of Liability Insurance with the City.

- 1) Commercial General Liability insurance on an occurrence basis in amounts no less than \$500,000 bodily injury and property damage per occurrence, including personal and advertising injury; \$1,000,000 general aggregate. Coverage shall include independent contractors and subcontractors.
- 2) Automobile Liability insurance in an amount no less than \$500,000 bodily injury and property damage combined single limit, including all owned (if any), hired and non-owned autos.

Industry Ratings – The City will only accept coverage from an insurance carrier who carries a Best's policyholder rating of A-:VIII or better; or is a company mutually agreed upon by the City and the Hauler/subcontractor.

(History: Ord. SW-2927 §27, 2011)

**7.36.115 Required Hauler Services.**

In addition to the requirements in the County Solid Waste Regulations, Haulers operating within the City must meet the following minimum levels of service to their customers:

- A. Residential Service.
  1. *Solid Waste.*
    - a. All Residential Solid Waste properly placed for Collection by the Residential Customer shall be collected at least weekly. Provided, however, Yard Waste and Bulky Waste shall be collected as specified hereafter.
    - b. Haulers may provide each Residential Customer with a Solid Waste Container designed and manufactured for curbside Collection. Sample Solid Waste Containers must be submitted to the Administrator for approval prior to distribution. All Solid Waste Containers provided by the Hauler that exceed 24 gallons in capacity shall be equipped with a lid.
  2. *Recyclables.*
    - a. All Recyclables properly placed for Collection by the Residential Customer shall be collected at least weekly. This Collection shall, at a minimum, collect all materials specified as Recyclables in the County Solid Waste Regulations and in the Administrative Regulations.



- b. The charge for the Collection of Recyclables shall be included in the Hauler's basic service charge and shall allow for an unlimited amount of curbside recycling.
  - c. Haulers must provide each Residential Customer with a Recycling Container designed and manufactured for curbside Collection. Sample Recycling Containers must be submitted to the Administrator for approval prior to distribution. All Recycling Containers provided by the Hauler that exceed 24 gallons in capacity shall be equipped with a lid.
- 3. *Yard Waste.*
  - a. All Yard Waste properly placed for Collection by the Residential Customer shall be collected at least weekly for a minimum of 40 weeks per year.
  - b. The charge for Yard Waste Collection shall be included in the Hauler's basic service charge. The Hauler shall establish the base collection amount for bags/bundles of Yard Waste included under the basic service charge; and the Hauler may enact a volume base rate structure for Yard Waste Collection above this base collection amount in accordance with the County Solid Waste Regulations.
- 4. *Bulky Waste.*  
Haulers shall furnish special Collection services for Bulky Waste to each Residential Customer. The price for said services is to be negotiated between the Hauler and the Customer, and the Bulky Waste shall be collected within two working days of the Customer's request.
- 5. *Exemptions.*
  - a. As an exception to the requirements in subsection A.3., a Hauler shall not be required to provide Yard Waste Collection to Residential Customers associated with a Community Interest Group when: (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.
  - b. As an exception to the requirements in subsections A.1. and A.2., a Hauler only providing regular Yard Waste Collection for a Community Interest Group, as contemplated by subsection A.5.a., shall be exempt from any requirement to also provide for the Collection of Solid Waste or Recyclables for the Community Interest Group; provided, however, said Hauler must still obtain any necessary permits required by O.P.M.C. Section 7.36.110.
- B. *Commercial Service.*
  - 1. All Commercial Solid Waste properly placed for Collection shall be collected as often as necessary to prevent health and nuisance conditions, but at least once every six months.
  - 2. Haulers must close Commercial Solid Waste Container lids following the Collection.
  - 3. Haulers must maintain Commercial Solid Waste Containers which may contain putrescible waste in a manner as to be leak proof and to be bird and rodent resistant.

Additional minimum service requirements may be set forth in the Administrative Regulations.  
(History: Ord. SW-2927 §28, 2011; SW-2783 §4, 2009)

**7.36.120 Permit Requirements.**

Repealed.

(History: Ord. SW-2783 §9, 2009; SW-1760, 92; SW-1714, 91)

**7.36.130 Solid Waste Collection.**

Repealed.

(History: Ord. SW-2783 §9, 2009; SW-1760, 92; SW-1714, 91)

**7.36.140 Minimum Standards for the Transportation of Solid Waste.**

Repealed.

(History: Ord. SW-2783 §9, 2009; SW-1760, 92; SW-1714, 91)

**7.36.150 Permit Fees.**

Repealed.

(History: Ord. SW-2783 §9, 2009; SW-1760, 92; SW-1714, 91)

**7.36.160 Homes Association Contract Areas.**

Repealed.

(History: Ord. SW-2783 §9, 2009; SW-1760, 92; SW-1714, 91)

**7.36.170 Storage of Solid Waste and Recyclables.**

- A. The Owner or occupant of every Dwelling Unit and of every institutional, commercial, business, industrial or other non-residential establishment producing Solid Waste or Recyclables within the City shall provide sufficient and adequate containers for the Storage of such Solid Waste or Recyclables in adequate number to serve each such Dwelling Unit or establishment.
- B. All Solid Waste and Recyclables shall be stored in a manner that:
  - 1. Does not attract birds; or rats, flies, mosquitoes or other disease vectors;
  - 2. Does not provide shelter or a breeding place for disease vectors;
  - 3. Does not create a fire, health or safety hazard;
  - 4. Is not unsightly;
  - 5. Does not cause an offensive odor off-site;
  - 6. Does not infiltrate or pollute any natural streamway or enclosed stormwater system; and
  - 7. Does not violate any other provision of this Chapter, the Code, the Administrative Regulations or the County Solid Waste Regulations.
- C. All Solid Waste and Recyclables shall be removed from properties as often as necessary to prevent health and nuisance conditions. Residential Solid Waste and Recyclables other than composting Yard Waste and Bulky Waste must be removed at least once a week.

(History: Ord. SW-2927 §29, 2011; SW-2783 §5, 2009; SW-1760, 92; SW-1714, 91)

**7.36.180 Solid Waste and Recycling Containers.**

- A. The Owner or occupant of every Dwelling Unit and of every institutional, commercial, industrial, business or other non-residential establishment, from which Solid Waste or Recycling Collection is made under this Chapter, shall place all Solid Waste or Recyclables in proper Solid Waste or Recycling Containers that have been designed and manufactured specifically for the Storage and Collection of Solid Waste or Recyclables, except as otherwise provided herein, and shall maintain such Solid Waste or Recycling Containers and the area surrounding them in a clean, neat, and sanitary condition at all times
- B. Residential Solid Waste and Recycling Containers shall be leak proof and rain proof. Said containers, when stored outside, shall be closed at all times except when depositing Solid Waste or Recyclables therein or removing the contents thereof. Containers not intended to be disposed of shall have tapered sides for ease of emptying. Containers shall be of a light weight and sturdy construction and shall not exceed 96 gallons in capacity. The Hauler may determine the combined weight of any Solid Waste Container and Solid Waste that is permissible for all Residential Customers served by that Hauler.
- C. No Owner or occupant of any Dwelling Unit with individual Solid Waste and recycling service shall place any Solid Waste (including bundles of Yard Waste), Recyclables or Solid Waste or Recycling Containers in front of the front building setback or existing building line or in the public right-of-way more than 24 hours in advance of the scheduled Collection.
- D. Commercial Solid Waste and Recyclables shall be stored in containers that are rain proof and leak proof. Said containers shall be closed at all times except when depositing Solid Waste or Recyclables therein or removing the contents thereof; and shall meet all requirements as set forth in this Chapter, the Code, the Administrative Regulations or the County Solid Waste Regulations. Construction and Demolition wastes and other Bulky Waste may be stored in a non-covered container, provided the wastes are: non-putrescible, and not subject to being blown out of the container by wind. Storage sites for Commercial Solid Waste and Recyclables shall be well-drained, and maintained in a clean and sanitary condition.
- E. Non-conforming or unserviceable containers will be considered to have been placed for Collection and Disposal.
- F. All Solid Waste and Recyclables collected pursuant to this Chapter shall, upon being loaded into a Hauler's Collection or transportation vehicle, become the property of the Hauler.
- G. All Solid Waste and Recycling Containers, whether or not containing Solid Waste or Recyclables, shall, at all times other than when placed out for Collection within the allowable Collection time period, be screened from view from any public right-of-way or adjoining property and located behind the existing building line.

(History: Ord. SW-2927 §30, 2011; SW-2783 §6, 2009; SW-1760, 92; SW-1714, 91)

**7.36.190 Prohibited Acts.**

No Person shall:

- A. Deposit Solid Waste or Recyclables in any Solid Waste or Recycling Container other than that owned by them or under their control without the consent of the Owner or party responsible for such container.
- B. Tamper with, damage, and scavenge or remove a Solid Waste or Recycling Container or any contents thereof, or any Recyclables in proximity to a Recycling Container.

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- C. Intentionally place in any Recycling Container anything other than the appropriate Recyclables.
- D. Interfere in any manner with Solid Waste or recycling Collection equipment or with Haulers in the lawful performance of their duties.
- E. Dispose of Solid Waste or Recyclables at a facility which is not licensed and approved by the appropriate regulatory authority.
- F. Store or place any Solid Waste or Solid Waste or Recycling Containers in or on any curb, gutter, drainage area, sidewalk or paved portion of the street at any time for any purpose.
- G. Burn, or cause or permit the Open Burning of vegetation, leaves, wastes, or other combustible materials, except as specifically permitted by Section F-301.0 of the City's adopted edition of the International Fire Code.
- H. Improperly dispose of any Solid Waste or Recyclables by open dumping or in any manner prohibited by or not in compliance this Chapter, the Code, the Administrative Regulations or the County Solid Waste Regulations.

(History: Ord. SW-2927 §31, 2011; SW-2783 §7, 2009; SW-2465 §1, 2004; ROCR-2245 §12, 2001; SW-1760, 92; SW-1726 §1,92; SW-1714, 91)

### **7.36.200 Additional Exceptions.**

- A. The burning of wood, paper or other materials commonly used in a residential fireplace shall be permitted in an enclosed fireplace located entirely within a Dwelling Unit meeting all applicable building and fire code regulations.
- B. The burning of debris resulting from a declared disaster or emergency is allowed by City personnel or their designees on City-owned public property when authorized by the Governing Body.
- C. The setting of fires for purposes related to the training of government or industrial personnel in fire fighting procedures when such activity is approved by the Fire Department.

(History: Ord. SW-2927 §32, 2011; SW-1760, 92; SW-1714, 91)

### **7.36.210 Severability.**

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this Chapter or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portion of this Chapter or any part thereof.

(History: Ord. SW-2927 §33, 2011; SW-1760, 92; SW-1714, 91)

### **7.36.220 Penalty.**

- A. Any Person convicted of violating any of the provisions of this Chapter or the Administrative Regulations shall be deemed guilty of a public offense and subject to the general penalty provisions of O.P.M.C. Section 1.12.010.
- B. Any Hauler Permit issued by the City may be suspended, modified or revoked by the Administrator if the Person holding that permit, or their agent or employee, is convicted of, or enters into a diversion agreement concerning, any of the provisions of this Chapter or concerning any of the provisions of the County Solid Waste Regulations. Any affected Person is entitled to a hearing on that matter before the Administrator prior to said

suspension, modification or revocation. The procedure for such hearing shall generally follow that set forth in O.P.M.C. Section 8.08.160.

(History: Ord. SW-2927 §34, 2011; SW-2783 §8, 2009; SW-1760, 92; SW-1714, 91)

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