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ORDINANCE NO. 92-15

AN ORDINANCE PROVIDING FOR THE PUBLIC HEALTH AND SAFETY BY SETTING FORTH THE CONDITIONS FOR THE COLLECTION AND DISPOSAL OF WASTE VEHICLE TIRES AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

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

SECTION 1: As used herein, the following terms should be defined as shown unless the context otherwise requires:

- (a) "Abatement" means the processing or removing to an approved storage site of waste tires which are creating a danger or nuisance.
- (b) "Beneficial use" means the use or storage of waste tires in a way that creates an on-site economic benefit, other than from processing or recycling, to the owner of the tires.
- (c) "Landfill" means a disposal site in which the method of disposing of solid waste is by landfill, dump or pit and which has a solid waste disposal area permit issued under K.S.A. 65-3401 et seq., and amendments thereto.
- (d) "Person" means any individual, association, partnership, limited partnership, corporation or other entity.
- (e) "Secretary" means the Secretary of Health and Environment.
- (f) "Store" or "storage" means the placing of waste tires in a manner that does not constitute disposal of the waste tires. Storage includes the beneficial use of waste tires as fences, silo covers and erosion control, and such other beneficial uses as the secretary determines do not create health or environmental risks.
- (g) "Tire" means a continuous solid or pneumatic rubber covering encircling the wheel of a vehicle.
- (h) "Tire retailer" means a person in the business of selling new or used replacement tires at retail.
- (i) "Vehicle" has the meaning provided by K.S.A. 8-1485 and amendments thereto.
- (j) "Waste tire" means a whole tire that is no longer suitable for its original intended purpose because of wear, damage, or defect.
- (k) "Waste tire collection center" means a site where used or waste tires are collected from the public prior to being offered for recycling and where fewer than 1,000 tires are kept on the site on any given day.
- (l) "Waste tire processing facility" means a site where equipment is used to cut, burn or otherwise alter whole waste tires so that they are no longer whole.
- (m) "Waste tire site" means a site at which 1,000 or more whole tires are accumulated.

AAJ430

- (n) "Dispose" means to deposit, dump, spill, or place any waste tire on any land or into any water.
- (o) "Financial assurance" means a performance bond, letter of credit, cash deposit, insurance policy, or other instrument for the purpose of guaranteeing a required regulatory action that must be performed by the permittee.
- (p) "Recycle" or "recycling" means any process by which solid waste materials are transformed into new products in such a manner that the original products lose their identity.
- (q) "Retreader" means a person engaged in the business of recapping tire casings to produce recapped tires for sale to the public.
- (r) "Rick" means stacking tires securely by overlapping so that the center of a tire is offset from the center of the tire below it.
- (s) "Tire collector" means a person who transports waste tires to a permitted tire collection center, processing facility, or permitted solid waste disposal facility for the purpose of storage, processing, or disposal of waste tires. The term "tire collector" does not include the following:
- (1) Solid waste collectors collecting mixed residential solid waste and who transport fewer than 5 tires at a time from any location.
  - (2) Persons who transport fewer than five tires for disposal.
- (t) "Tire monofill" means a permitted solid waste landfill or landfill cell in which only processed waste tires are placed.
- (u) "Tire processor" means a person engaged in the processing of waste tires.
- (v) "Tire derived products" means tire chips or other usable materials produced from the physical processing of a waste tire.
- (w) "Truck tire" means a tire with a rim diameter of 18 inches or more.
- (x) "Waste tires generated in Kansas" means those tires which first become a waste tire in Kansas. A tire casing imported into Kansas for potential recapping, but which proves unusable for that purpose, is a waste tire generated in Kansas. Other examples of waste tires generated in Kansas include but are not limited to:
- (1) Tires accepted by a Kansas tire retailer at the time of exchange for new replacement; and
  - (2) Tires removed from a junked motor vehicle at a wrecking yard in Kansas.

- SECTION 2: (1) On and after the effective date of this ordinance, no person shall:
- (a) Maintain a waste tire site unless: (A) such site is an integral part of the person's waste tire processing facility; or (B) the tires accumulated at such site are for use in the person's tire

retreading business;

- (b) dispose of waste tires in the state unless the waste tires are disposed of for processing, or collected for processing, at a solid waste processing facility, a waste tire site which is an integral part of a waste tire processing facility, a waste tire processing facility or a waste tire collection center or are made available to: (A) The department of wildlife and parks for use by the department; or (B) a person engaged in a farming or ranching activity, including the operation of a feedlot as defined by K.S.A. 47-1501, and amendments thereto, as long as the accumulation has a beneficial use to the person accumulating the tires and (1) the secretary determines that the use has no adverse environmental effects and (2) the accumulation is in accordance with all applicable zoning regulations;
- (c) deposit waste tires in a landfill as a method of ultimate disposal, except that the secretary, by rules and regulations, may (A) authorize the final disposal of waste tires at a permitted solid waste disposal facility provided the tires have been cut into sufficiently small parts to assure their proper disposal or are utilized as part of a proven and approved leachate collection system in their original state and (B) allow waste tire material which has been cut into sufficiently small parts to be used as daily cover material for a landfill.

- SECTION 3: (1) On and after the effective date of this act, no person shall:
- (a) Own or operate a waste tire processing facility or waste tire collection center or act as a waste tire collector unless such person holds a valid permit issued therefor by the secretary;
  - (b) own or operate a waste tire processing facility or waste tire collection center or act as a waste tire collector except in compliance with the standards established by the secretary.
- (2) The provisions of Section (1) shall not apply to:
- (a) A tire retreading business where fewer than 1,000 waste tires are kept on the business premises;
  - (b) a business that, in the ordinary course of business, removes tires from motor vehicles if fewer than 1,000 of these tires are kept on the business premises;
  - (c) a retail tire-selling business which is serving as a waste tire collection center if fewer than 1,000 waste tires are kept on the business premises;
  - (d) the department of wildlife and parks;
  - (e) a person engaged in a farming or ranching activity, including the operation of a feedlot as defined by K.S.A. 47-1501, and amendments thereto, as long as the accumulation has a beneficial use.

- SECTION 4: (1) If waste tires are stored, collected, or held outdoors, the following standards shall be observed:

AAJ430

- (a) All requirements of K.A.R. 28-29-31 (b) (1), as amended from time to time.
- (b) No waste tire pile shall be more than 50 feet wide or six feet tall, and no waste tire pile shall occupy more than 5,000 square feet.
- (c) Each waste tire pile shall be ricked if the tires are held or to be held more than one month.
- (d) Each waste tire pile shall be completely surrounded by at least 50 feet of clear space.
- (e) Each waste tire pile shall be located at least 100 feet from the nearest real property not owned or controlled by the person owning or controlling the waste tire pile, and all vegetation within 100 feet of a waste tire pile shall be maintained at a maximum height of 4 inches.
- (f) No building shall be located within 60 feet of a waste tire pile.

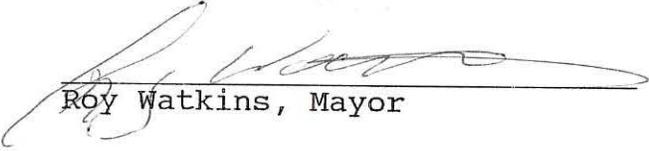
- SECTION 5: (1) Any person who transports waste tires and who qualifies as a waste tire collector, i.e. transports five or more tires at one time, must:
- (a) Display on the vehicle a current permit issued by the Kansas Department of Health and Environment;
  - (b) Keep and maintain records for three years showing the number of tires collected, where and from whom the tires were collected, and where the tires were deposited.

- SECTION 6: (1) Any person who violates any portion of this action shall be subject to a fine of not less than \$10 nor more than \$100 for each violation.
- (2) Each day that a violation continues shall be deemed a separate violation.

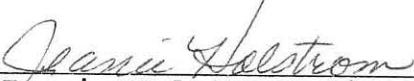
SECTION 7: This ordinance shall be in full force and effect on and after its publication in the official city newspaper.

Passed by the City Council and approved by the Mayor this

3rd day of November, 1992.

  
Roy Watkins, Mayor

ATTEST:

  
Jeanie Holstrom, City Clerk

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AAJ430