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**RESOLUTION NO. 16-397**

**A RESOLUTION REPLACING RESOLUTION NO. 13-152 OF THE CITY OF WICHITA, KANSAS, WHICH ESTABLISHED THE TIPPING FEES FOR CONSTRUCTION AND DEMOLITION WASTE TRANSPORTED FOR DISPOSAL AT BROOKS LANDFILL.**

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**WHEREAS**, the City of Wichita, Kansas (the “City”) is a municipal corporation, duly created, organized and existing under the Constitution and laws of the State;

**WHEREAS**, the Governing Body is authorized, pursuant to K.S.A. 65-3410, to provide for the disposal of solid wastes and shall have the power to do all things necessary for a proper effective solid waste management system including the levying of fees and charges upon persons receiving service;

**WHEREAS**, the Governing Body has authorized the City’s Department of Public Works & Utilities to operate Brooks Landfill beginning December 1, 2015; and

**WHEREAS**, the Governing Body has heretofore by Resolution No. 13-152 of the City, authorized the following described tipping fee:

The tipping fees for construction and demolition waste transported for disposal at Brooks Landfill shall be Thirty-Four Dollars (\$34) per ton.

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, AS FOLLOWS:**

**SECTION 1.** That the cost of tipping fees for construction and demolition waste transported for disposal at Brooks Landfill shall not exceed Thirty-Four Dollars (\$34) per ton in 2016 and Thirty-Four Dollars and Fifty Cents (\$34.50) in 2017, plus any applicable fees for special handling or special materials.

**SECTION 2.** That the cost of said tipping fees may be adjusted by an amount not to exceed the percent increase for the preceding year(s) since the previous tipping fee increase in the Consumer Price Index for All Urban Consumers (CPI-U) for the U.S. city average for expenditure category “Garbage and trash collection” as published by the U.S. Department of Labor Bureau of Labor Statistics.

**SECTION 3.** That the cost of said tipping fees may be adjusted by an amount as determined by a majority of the City Council.

**SECTION 4.** That all costs of said tipping fees, when ascertained, shall be assessed against the owner/operator of the privately owned hauled waste transporter that is transporting waste with the intention of disposing of said waste herewith at the Brooks Landfill facility.

**SECTION 5.** Pursuant to K.S.A. 65-3415b or as amended, that the City will allocate to the State of Kansas the state solid waste tonnage fee, currently One Dollar (\$1) per ton.

**SECTION 6. Effective Date.** This Resolution shall be in full force and effect from and after its adoption by the Governing Body.

**ADOPTED** by the City Council of the City of Wichita, Kansas, on October 11, 2016.

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Jeff Longwell, Mayor

(SEAL)

ATTEST:

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Karen Sublett, City Clerk

APPROVED AS TO FORM:

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Jennifer Magaña, City Attorney and Director of Law