

ORDINANCE NO. B2005-22

AN ORDINANCE AMENDING IN ITS ENTIRETY AND ADOPTING AS AMENDED CHAPTER 51: GARBAGE, AN ORDINANCE PERTAINING TO PUBLIC HEALTH, SAFETY, AND WELFARE; REGULATING STORAGE, COLLECTION, TRANSPORTATION, PROCESSING AND DISPOSAL OF SOLID WASTE; PROVIDING FOR COLLECTION AND DISPOSAL OF SOLID WASTE; PROVIDING A PENALTY FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Bardstown, Kentucky, that this ordinance shall be known as the Solid Waste Management Ordinance.

Section

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**SECTION 51.01 Definitions**

For the purpose of this ordinance, the following terms shall be deemed to have the meaning indicated below:

APPROVED INCINERATOR - an incinerator which complies with all current regulations of the responsible local, State, and Federal air pollution control agencies.

BULKY RUBBISH - non-recyclable solid wastes consisting of combustible and/or non-combustible waste materials from dwelling units, commercial, industrial, institutional, or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors, with the equipment available therefore.

CITY - The City of Bardstown, Kentucky

COUNTY - The County of Nelson, Kentucky.

COLLECTION - removal of solid waste from the designated pickup location to the transportation vehicle.

CONSTRUCTION AND DEMOLITION WASTE - Waste, including plumbing fixtures, resulting from land development and the construction, remodeling, repair, and demolition of structures and uncontaminated solid waste consisting of vegetation resulting from land clearing and grubbing, utility line maintenance, and seasonal and storm related cleanup.

CUSTOMER - Any person required to utilize the City's solid waste collection service by this ordinance.

DIRECTOR - The City's Officer in Responsible Charge, also known as the Superintendent of Public Works. The Director manages the operation of the Solid Waste Collection program, and is the designated Solid Waste Coordinator for the City of Bardstown performing all functions as required by the Kentucky Department for Environmental Protection.

DISPOSAL - The discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment, be emitted into the air or be discharged into any water, including groundwater.

DWELLING UNIT - 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 living, sleeping, cooking and eating.

HAZARDOUS WASTE - any waste or combination of wastes which is identified as hazardous by the Kentucky Department for Environmental Protection because of its quantity, concentration, or physical, chemical, or infectious characteristics as waste that may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness, or pose a substantial present or potential threat to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed.

MULTIPLE HOUSING FACILITY - a housing facility containing more than one dwelling unit under one roof.

OCCUPANT - any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or of

any other improved real property, either as owner or as a tenant.

PERSON - any individual, partnership, corporation, association, joint stock company, trust, estate, political subdivision, or organization of any kind, or their legal representative, agent or assigns.

PROCESSING - incinerating, composting, baling, shredding, salvaging, compacting and use of other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

SOLID WASTE - any garbage, refuse, sludge and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from residential, industrial, commercial, mining (excluding coal mining waste, coal mining by-products, refuse and overburden), and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges.

- A. Commercial solid waste - solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment.
- B. Commercial solid waste producer -
  - 1. Small Commercial Solid Waste Producer - any producer of commercial solid waste who produces a solid waste volume of less than 3 cans of a nominal capacity of 35 gallons each per week.
  - 2. Large Commercial Solid Waste Producer - any producer of commercial solid waste who produces a solid waste volume of more than the above per week.
- C. Residential solid waste - solid waste resulting from the maintenance and operation of dwelling units.

SOLID WASTE CONTAINER - receptacle used by any person to store solid waste during the interval between solid waste collections.

SOLID WASTE DISPOSAL - the process of discarding or getting rid of unwanted material, and in particular the final disposition of solid waste by man.

SOLID WASTE MANAGEMENT - the administration of solid waste activities: source reduction, storage, collection, source separation, transportation, transfer, processing, treatment and disposal.

STORAGE - keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

TRANSPORTATION - the transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.

YARD WASTES - grass clippings, leaves, twigs and tree trimmings and very small limbs and other similar yard and garden waste suitable for placement in solid waste containers as defined and specified elsewhere in this ordinance.

## **SECTION 51.02 Storage of Solid Waste**

### **A. Storage Containers Required**

The occupant or owner of every dwelling unit and of every institutional, commercial, business, industrial, or agricultural establishment producing solid waste within the corporate limits of the City shall provide sufficient and adequate containers for the storage of all solid waste, except bulky rubbish and construction and demolition waste, to serve each such dwelling unit and/or establishment; said containers shall be originally designed and manufactured for the outdoor storage of solid waste.

### **B. Solid Waste to be Stored in a Manner Prescribed by Ordinance**

The occupant or owner of every dwelling unit and of every institutional, commercial, industrial, agricultural or business establishment shall place all solid waste to be collected in proper solid waste containers, except as otherwise provided herein for construction and demolition wastes and bulky rubbish, and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times. Solid waste shall be stored in a manner that will not provide harborage to rodents and vermin, will not create a fire hazard, and will minimize the scattering of solid waste by winds and/or animals.

### **C. Standards for Residential Storage Containers**

Residential solid waste containers shall be containers of not more than 35 gallons nor less than 10 gallons in nominal capacity. Containers shall be leak proof, waterproof, and fitted with a fly-tight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. The containers shall have handles, bails or other suitable devices or features that facilitate lifting and deposit into the collection vehicle. Disposable solid waste containers

may be used for yard wastes only, and shall be disposable plastic or paper bags with a capacity of 10 to 35 gallons. All solid waste containers shall be of a type originally designed and manufactured for outdoor storage of solid waste.

#### **D. Standards for Commercial Storage Containers**

Commercial solid waste from a small producer shall be stored in solid waste containers as described in Section 51.02 C. Commercial solid waste from a large producer shall be stored in a City provided garbage dumpster or such other container as may be approved by the City's Director. The containers shall be waterproof, leak proof and shall be covered at all times except when depositing waste therein or removing the contents thereof; and shall meet all requirements set forth pursuant to Section 51.07.

#### **E. Yard Wastes and Storage Thereof**

Brush, tree limbs, and small pieces of lumber, less than 4" in diameter, may be stored by either securely tying them in bundles not larger than 48" long and 18" in total diameter or by storing them in solid waste containers. Other yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public rights of way. The weight of any individual bundle or container and its contents shall not exceed 40 pounds. Disposable solid waste containers may be used only for yard waste.

#### **F. Storage Containers Not in Compliance**

Solid waste containers not meeting the specifications as outlined in this Ordinance shall be considered waste and will be collected together with their contents and disposed of.

### **SECTION 51.03 Collection of Solid Waste**

#### **A. City Responsibility Defined**

The City shall provide for the collection of solid waste as follows:

1. The City of Bardstown provides municipally owned solid waste collection service, including normal solid waste collection, special bulky item pickup, tree limb pickup, and the pick up of large quantities of leaves in the Fall.
2. The City authorizes industrial and large institutional solid waste generators to independently manage their solid waste disposal, provided proof is submitted, upon request, showing that the waste is

disposed of in accordance with this ordinance. All other solid waste transportation and disposal requirements of this ordinance shall apply to these industrial and large institutional entities.

## **B. Universal Collection**

Every dwelling unit, commercial enterprise, or other waste producing entity within the City of Bardstown shall subscribe to the waste collection services authorized by this ordinance. Every dwelling unit in the City and every commercial, industrial and institutional producer served by the City's collection service shall be billed by the City and shall make payment to the City.

## **C. Collection Points**

All solid waste, including yard waste and bulky rubbish, but excluding solid waste stored for collection in City provided dumpsters, shall be placed at the edge of the street, no closer than the property owner's side of the street curb or ditch, for collection. Any solid waste containers, tree limbs, yard wastes, or other solid waste permitted by this ordinance to be placed at the said location for collection shall be so placed by 7:00 a.m. local time on the scheduled collection day, but not more than 24 hours before collection. All containers shall be removed from the said location no later than 24 hours after collection.

For residents and businesses located at the Court Square, the 100 and 200 blocks of North Third Street, the 100 blocks of East and West Flaget Avenues, and the 100 block of the north side of East and West Stephen Foster Avenues, solid waste will be collected from the alley or from city dumpsters rather than the curb or edge of the street. The only exception to these rules is for service by agreement.

## **D. City Solid Waste Collection Services and Items That Shall be Placed at the Collection Point for Each Service**

### **1. Normal Solid Waste Collection**

The normal weekly collection service shall be used by all customers only for the disposal of commercial and residential solid waste, and for residential customers for the disposal of yard waste, and small bulky rubbish which includes such items as small household furniture, brush, small tree limbs (less than 4 inches in diameter), shrubbery and the like no longer than 48 inches and either tied in bundles or placed in solid waste containers, the weight of any container, bundle, or item being limited to 40 pounds.

2. Special Bulky Rubbish and Tree Limb Collection

Residential customers desiring the collection of larger bulky rubbish and tree limbs should call City Hall and request such collection service. Tree limbs shall be no larger than 10 inches in diameter and 10 feet long. No such items shall be placed at the collection point until after calling and requesting a bulky item pickup.

3. Fall leaf collection service

Leaves may be placed in piles at the edge of the streets for collection but only during the Fall and early Winter during weeks designated each year by the Director. At all other times leaves shall be treated as yard waste and placed in solid waste containers for collection.

**E. Authority for Collectors to Enter Private Property**

Solid Waste employees of the City are hereby authorized to enter upon private property for the purpose of collecting solid waste as required by this ordinance. Solid waste collectors shall not enter dwelling units or other buildings for the purpose of collecting solid waste.

**F. Collection Frequency**

The following collection frequencies shall apply to collections of solid waste within the City:

All residential solid waste, other than bulky rubbish in excess of 40 pounds, shall be collected one (1) time each week. All multiple housing facility and commercial solid waste shall be collected at least once weekly and may be collected at such lesser intervals as may be fixed by/or approved by the Director or requested by the customer upon determination that such lesser intervals are necessary for the preservation of the health and/or safety of the public. All residential collections shall be made between 7 a.m. and 8 p.m.

Collections will not be made on the following eight major holidays: New Year's Day, Martin Luther King Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, the day following Thanksgiving Day, and Christmas.

Collections for such holidays will be made one business day later unless otherwise specified by the officer in responsible charge. Collections will be made on other holidays unless otherwise specified by the officer in responsible charge.

### **G. Ownership of Solid Waste**

All garbage and refuse placed in authorized storage containers and placed at the point of collection defined in Section 3.3, shall become the property of the City of Bardstown and no person shall be allowed to separate, carry off or dispose of the same without the written permission of the Director.

### **H. Collector's Responsibility Defined**

Solid Waste employees of the City shall be responsible for the collection of solid waste from the designated pickup location to the transportation vehicle provided the solid waste was stored in compliance with the provisions set forth in this ordinance. Any spillage or blowing litter caused as a result of the duties of the solid waste collector shall be collected and placed in the transportation vehicle by the solid waste collector.

### **I. Customer Quantity Limitations**

The fees established in Section 9 of this Ordinance are for the following quantities of solid waste collection:

**Residential units:** three (3) solid waste containers, as described elsewhere in this Ordinance, per week.

**Small commercial solid waste producer:** the same quantity.

**Large commercial solid waste producer:** The cubic yards that can be stored in the requested dumpster multiplied by the number of collections requested each week.

### **J. Prohibitions**

The following items shall not be deposited in solid waste containers and shall not be collected by the City: Hazardous waste, liquid waste, tires, construction and demolition waste, batteries, and any burning or smoldering materials.

### **K. Solid Waste Subject To Specific Rules**

Customers shall themselves deliver to the County Solid Waste Disposal Facility, or privately contract for said delivery, any solid waste weighing in excess of what the City can reasonably pick up, such as large appliances, tree trunks, and the like, and all construction and demolition waste.

## **SECTION 51.04 Disposal of Solid Waste**

Solid wastes shall be deposited at a processing facility or disposal area approved by the County and complying with all requirements of the most recent Kentucky Revised Statutes Chapter 224 and all applicable subchapters and the rules and regulations adopted there under.

## **A. Hazardous Waste Disposal**

Hazardous wastes require special handling and shall be disposed of only in a manner authorized by State regulations.

### **SECTION 51.05 Permits**

No person shall engage in the business of collecting, transporting and processing of solid waste or operation of a disposal facility for pay within the corporate limits of the City without first obtaining an approved annual permit therefore from the County, provided that this provision shall not be deemed to apply to employees of the holder of any such permit.

### **SECTION 51.06 Inspections**

The Director or Officer in Responsible Charge, or his duly authorized representative, after identifying himself, shall have the power to enter at reasonable times on private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of the provisions of this chapter.

### **SECTION 51.07 Rules and Regulations**

The Director or Officer in Responsible Charge shall make, amend, and/or revoke reasonable rules and regulations subject to Bardstown City Council approval, governing, but not limited to the following, and shall enforce all such rules and regulations:

- A. Preparation, drainage and wrapping of solid waste deposited in solid waste containers.
- B. Specifications for solid waste containers, including the type, composition, equipment, size and shape thereof.
- C. Identification of solid waste containers and of the covers thereof, and of equipment there appertaining, if any.
- D. Weight limitations on the combined weight of solid waste containers and the contents thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers.
- E. Storage of solid waste in solid waste containers.
- F. Sanitation, maintenance and replacement of solid waste containers.
- G. Schedules of and routes for collection and transportation of solid waste.
- H. Collection points of solid waste containers.
- I. Collection, transportation, processing and disposal of solid waste.

- J. Processing facilities and fees for the use thereof.
- K. Handling of special wastes such as sludge, ashes, agriculture, construction, bulky items, tires, automobiles, oils, grease, etc.
- L. The Chief Financial Officer or such other Officer in Responsible Charge who is responsible for preparing utility and other service charge billings for the City, is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billing of solid waste collection service charges, as hereinafter provided for.

A copy of any and all rules and regulations made and promulgated under the provisions hereof shall be filed in the office of the City Clerk.

### **SECTION 51.08 Prohibited Practices**

It shall be unlawful for any person to engage in the following activities:

- A. dispose of solid waste, refuse, rubbish or debris by dumping same on any premises in the City with or without the consent of the owner of the premises;
- B. deposit solid waste in any solid waste container other than his own, without the written consent of the owner of such container;
- C. interfere in any manner with solid waste collection and transportation equipment, or with solid waste collectors in the lawful performance of their duties as such;
- D. burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency;
- E. dispose of dead animals weighing more than 75 pounds in any container to be collected by the City without prior written authorization by the Director;
- F. own or operate a dump;
- G. dispose of solid waste at any facility or location that is not approved by the County of Nelson and/or the Kentucky Department for Environmental Protection;
- H. engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the City without a permit from the County or operate under an expired permit, or operate after a permit has been suspended or revoked;
- I. violate any section of this ordinance or any other rule or regulation promulgated under the authority of Section 51.07.

**SECTION 51.09 Fees/Charges**

The collection of solid waste and refuse from residences and commercial establishments shall be divided into the following classes and subject to the rates specified for each class:

	<u>Rate Per Month</u>
<b>Class I</b>	
For collection from a dwelling unit 3 can, or equivalent, maximum:	\$12.00
<b>Class II</b>	
For collection from small commercial, institutional, or industrial facilities not using dumpsters, 3 can, or equivalent, maximum:	\$13.50
<b>Class III</b>	
For collection from Multiple Housing Facilities, in addition to the per dwelling Unit fee established above, the owner may provide a dumpster for use by the facility occupants at the following dumpster rental fees.	
A. 1 yard dumpster	\$ 8.00
B. 2 yard dumpster	\$ 8.00
C. 3 yard dumpster	\$10.00
D. 4 yard dumpster	\$12.00
E. 6 yard dumpster	\$16.00
F. 8 yard dumpster	\$22.00

The Director may set a rate for additional service of said dumpsters should the owner desire more than one pickup per week.

**Class IV**

For collection from commercial, institutional, and industrial customers using the City's dumpster collection service, per the following table:

<b>C O L L E C T I O N   F R E Q U E N C Y</b>					
No. of Dumpsters <u>(YD)</u>	Once Per <u>Week</u>	Twice Per <u>Week</u>	Three Times <u>Weekly</u>	Four Times <u>Weekly</u>	Five Times <u>Weekly</u>
1 - 1 yd	26.88	39.76	52.64	65.52	78.40
2 - 1 yd	45.36	68.88	92.40	115.92	139.44
1 - 2 yd	40.88	64.40	87.92	111.42	134.96
2 - 2 yd	73.36	118.16	162.96	207.76	252.56
3 - 2 yd	105.84	171.92	238.00	304.08	370.16
4 - 2 yd	138.22	225.68	313.04	400.40	487.76

1 - 3 yd	53.76	87.92	122.08	156.24	190.40
2 - 3 yd	99.12	165.20	231.28	297.36	363.44
3 - 3 yd	144.48	242.48	340.48	438.48	536.48
4 - 3 yd	189.84	319.76	449.68	579.60	709.52
1 - 4 yd	68.88	114.24	159.60	204.96	250.32
2 - 4 yd	113.68	179.76	245.84	311.92	378.00
3 - 4 yd	158.48	255.92	353.36	450.80	548.24
1 - 6 yd	94.64	160.72	226.80	292.88	358.96
2 - 6 yd	180.88	310.80	440.72	570.64	700.56
1 - 8 yd	123.76	211.12	298.48	385.84	475.20
2 - 8 yd	239.12	411.60	584.08	756.56	929.04

**Class V Extra Labor Fee**

Customers who place solid waste for collection in containers not approved under the provisions of this ordinance and customers who place yard waste that is not in an approved container are presumed to create extra labor costs for the City's collection service and are assessed a charge equal To that customer's monthly charge, as provided above, for each month or portion of a month that the aforesaid actions occur, to cover that extra labor cost.

**SECTION 51.10 Delinquency**

Any bill not paid by the due date listed on the bill shall be deemed delinquent and a late payment penalty shall be assessed to the account in an amount equal to 5% of the amount of the unpaid charges, and a service fee of \$3.00 shall be assessed to the account, though where the bill includes charges for more than one utility service, there shall be no duplication of the penalty and service fee.

**SECTION 51.11 Uncollected Fees**

All uncollected fees, after judgment, may be placed on record in the locality where the property is located, as any other judgment lien and shall be released when paid.

**SECTION 51.12 Unoccupied Residences and Buildings**

The service and service charge shall be terminated upon presentation of satisfactory written proof to the Director that any such dwelling unit or establishment is unoccupied, and shall be commenced upon renewed occupancy thereof. Occupancy for any part of a month shall constitute occupancy for an entire month.

**SECTION 51.13 Penalties**

Any person who shall violate any of the provisions of this ordinance, or any lawful rules or regulations promulgated pursuant thereto, upon conviction, shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than two

hundred fifty dollars (\$250.00); provided, that each days' violation thereof shall be a separate offense for the purpose hereof. Violators of this ordinance may be issued a citation by the officer in responsible charge.

**SECTION 51.14 Appeal**

Any person who feels aggrieved by any notice of violation or order issued pursuant thereto by the Director may, within thirty (30) days of the act for which redress is sought appeal directly to the Court of Jurisdiction in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal.

**SECTION 51.15 Severability Clause**

The provisions of this ordinance are severable and if any provisions or part thereof shall be held invalid or unconstitutional or inapplicable, it shall not affect or impair the remaining provisions of this ordinance.

**CITY OF BARDSTOWN**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk

Dated: 7-26-05

Approved as to form and legality:

\_\_\_\_\_  
City Attorney

First Reading: 7-12-05

Second Reading: 7-26-05