

**CITY OF GEORGETOWN
ORDINANCE NO. 17- 011**

AN ORDINANCE AMENDING VARIOUS PROVISIONS OF THE CHAPTER 19, ARTICLE II OF THE GEORGETOWN CODE OF ORDINANCES REGARDING SOLID WASTE COLLECTION AND DISPOSAL.

SUMMARY

Amends section 19-16 of the Georgetown Code of Ordinances to include waste from portable toilets in the definition of hazardous waste; amends section 19-20 to revise the rates for residential garbage collection to require payment of an additional \$5 per month, per additional Herbie-Curbie for residents who request more than one Herbie; the existing \$15 Standard Residential Rate for a single Herbie is not being changed; provides a maximum of three Herbies per dwelling unit and requires a minimum of 12 months' use for additional Herbies; allows customers who purchased an additional Herbie within the 12 months preceding the effective date of the Ordinance to request a pro-rata refund of the price; amends the rate structure for Commercial Herbie collection to eliminate the classification-based system and replace it with a rate matrix based on the number of collection times per week and number of Herbies collected; limits the number of Commercial Herbies to 5 per business; allows the Director of Public Works to limit the number of Commercial Herbies per parcel or to require a business or property owner to seek private dumpster collection when necessary; eliminates the requirement that customers over age 65 must use a single 65-gallon Herbie in order to obtain the \$8 Reduced Residential Herbie Rate; states that Reduced Residential Rate customers will incur \$5 per month increase for each additional Herbie requested; amends section 19-21 to allow customers with a medical condition making compliance impractical to request a waiver from the requirements that Herbies be kept behind the front facade of a residence and/or that limits the times during which customers may place Herbies at the curb; provides that unless specified in a Citation, violations of the nuisance provisions of the Solid Waste codes must be remedied within 24 hours of notice; repeals the enforcement provisions contained in Section 19-24; amends section 19-25 to make violations of the Article subject to enforcement through the Georgetown Code Enforcement Board Ordinance and subject to the standard penalty schedule; provides for repeal of inconsistent ordinances, severability of provisions and an effective date of September 1, upon passage and publication.

The full text of Ordinance 17-011 is available for examination in the City Clerk's Office, 100 North Court Street, Georgetown, Kentucky 40324 or at www.georgetownky.gov.

INTRODUCED AND PUBLICLY READ FIRST TIME: June 22, 2017

PUBLICLY READ SECOND TIME AND PASSED: July 10, 2017

APPROVED: Tom Prather
Tom Prather, Mayor

ATTEST: Tracie Hoffman
Tracie Hoffman, City Clerk

I, Andrew S. Hartley, hereby certify I am an Attorney licensed to practice law in the Commonwealth of Kentucky. My office is located at 100 North Court Street, Georgetown, Kentucky 40324. I further certify the foregoing Summary of Ordinance 17-011, of the City of Georgetown, Kentucky, was prepared in accordance with the requirements of KRS 83A.060(9), and is a true and accurate summary of the contents of said Ordinance.

Andrew S. Hartley
Andrew S. Hartley

CITY OF GEORGETOWN

ORDINANCE NO. 17-011

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SPONSOR: Council Member

WHEREAS, the City of Georgetown desires to make changes to the Solid Waste Collection and Disposal Article of the Code of Ordinances in order to maximize efficiency, improve service levels and ensure that revenues are adequate to offset expenses.

NOW, THEREFORE, Be it ordained by the City of Georgetown, Kentucky:

SECTION ONE

Sec. 19-16 of the Georgetown Code of Ordinances, entitled "Definitions," is amended as follows:

The following definitions shall apply to the interpretation and enforcement of this section:

(1) *Solid wastes.*

a. *Municipal waste* consists of both putrescible and nonputrescible waste containing food waste, paper, household products, appliances (white goods), electronics, discarded furniture, and other nonputrescible material.

b. *Commercial waste* consists of paper and packaging.

c. *Construction and demolition debris* consists of materials from building, remodeling, repairing or demolishing buildings or structures. Construction and demolition debris must be limited to a volume equivalent to that of the approved container and not exceeding the weight of that of the approved container. Debris exceeding these limits must be disposed of by the person by other means. Carpet shall not be placed in approved containers, but in bundles not to exceed four (4) feet in length and fifty (50) pounds in weight. Fence material must be cut into panels not to exceed four (4) feet in width and length and fifty (50) pounds in weight.

d. *Composting material* consists of tree trimming and yard wastes. Composting material, other than leaves and grass, shall not be placed in approved containers, but in bundles not to exceed four (4) feet in length and fifty (50) pounds in weight. Leaves shall be placed in approved heavy-

duty plastic bags of minimum of sixty-five hundredths (0.65) mils thickness. These bags shall be of minimum capacity of ten (10) gallons and a maximum capacity of thirty two (32) gallons.

Piles of leaves will be accepted during approved leaf collection seasons in November and December of each year but those piles shall not exceed four (4) feet in height by ten (10) feet in length. Collection of these materials is scheduled in a manner similar to special collections.

e. *Hazardous waste* consists of any waste product or other substance which is classified under any federal or state statute, regulation or other rule as hazardous to public health or safety now or hereinafter. The classification of such waste by federal or state authorities shall be deemed conclusive evidence of the nature of the waste insofar as the city and any user or customer of the garbage disposal facilities thereof is concerned. The term hazardous waste shall also include but not be limited to medical waste (as defined below), tires, batteries, liquids, waste generated from portable toilets and all other wastes defined by the cabinet for environmental and public protection as hazardous shall not be collected by the city. All collection of these wastes shall be disposed of in accordance with applicable state regulation.

f. *Industrial*: The term "industrial" shall mean any house, building or other structure used for manufacturing or industrial processes or purposes and which generates or may be expected to generate waste or waste products of a character not typical of residential or other business uses.

g. *Medical waste* consists of any waste product or other substance generated by any hospital, physician or dentist's office, medical laboratory or other medical facility which is classified under any federal or state statute, regulation or other rule as hazardous to public health or safety now or hereinafter. The classification of such waste by federal or state authorities shall be deemed conclusive evidence of the nature of the waste insofar as the city and any user or customer of the garbage disposal facilities thereof is concerned.

h. *Recycling* means any process by which materials which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products, including refuse-derived fuel when processed in accordance with administrative regulations established by the governing state or federal governmental

agency/cabinet/entity, but does not include the incineration or combustion of materials for the recovery of energy.

(2) *Approved containers* shall be constructed of hot-stamped plastic injection-molded material with volume capacity of sixty-five (65) and ninety-six (96) gallon containers. All such containers shall have at least one (1) handle and a tight-fitting lid. The city will provide the container(s) at the customer's expense meeting these criteria to each customer and shall be known as a "Herbie Curbie". Inside weight allowance shall be two hundred (200) pounds for each container. Composting material, other than leaves and grass, shall not be placed in approved containers, but in bundles not to exceed four (4) feet in length and fifty (50) pounds in weight. Leaves and grass shall be placed in heavy-duty plastic bags of a minimum of sixty-five hundredths (0.65) mils thickness. These bags shall be of a minimum capacity of ten (10) gallons and a maximum capacity of thirty-two (32) gallons.

SECTION TWO

Sec. 19-20 of the Georgetown Code of Ordinances, entitled "Rates for collection," is amended as follows:

(1) In order to make the service proposed in this article revenue producing and to defray the cost of collection, removal, disposal, maintenance, costs of acquiring or construction of a waste disposal system and necessary facilities, the following schedule of fees, rates and charges for waste collection and removal, is adopted:

(2) The within rates apply to municipal waste only, except where noted. These charges are subject to adjustment for abnormal volume or conditions:

<i>[Item</i>	<i>Pickups per week</i>	<i>Charge</i>
Residential, per dwelling unit	1	\$15.00 (03)
Senior citizen residential, per dwelling unit	1	\$8.00(43)
Residential duplex (w/one water meter)	1	\$30.00 (74)
Business and retail EST.	3	\$22.50 (63)
Commercial businesses (3-4 plexes)	3	\$ 66.00 (66)

Churches w/day care	3	\$ 22.50 (11)
Churches w/o day care	1	\$ 11.00 (10)
Groceries, less than three (3) cubic yards	3	\$ 27.00 (06)
Groceries less than ten (10) cubic yards	3	\$ 66.00 (07)
Groceries more than ten (10) cubic yards	5	\$150.00 (08)
Restaurants	5	\$ 66.00 (20)
Self-serve stations	1	\$ 22.50 (21)
Garages	1	\$ 33.00 (22)
Service agencies	3	\$ 22.50 (23)
Industry, up to 35 employees	3	\$ 60.00 (30)
Industry, up to 36 to 74 employees	3	\$120.00 (31)
Industry, over 75 employees	5	\$225.00 (32)
Schools	5	\$187.50 (09)]

- A. Standard Residential Herbie Collection. The monthly rate for once-weekly residential waste collection shall be fifteen dollars (\$15) per dwelling unit for a single Herbie-Curbie. Customers may request additional Herbie-Curbies for five dollars (\$5) per Herbie, per month, with a maximum of three Herbies per dwelling unit. Additional Herbies requested after the effective date of this Ordinance must be retained by the customer for a minimum of 12 months. Any customer who, within the 12 months immediately preceding the effective date of this Ordinance, paid for an additional Herbie may apply for a pro-rata refund of the purchase price, provided the customer keeps the Herbie for at least 12 months from the time the Herbie was originally received. For example, if a customer purchased a Herbie 3 months prior to the effective date of this Ordinance, customer may receive a refund equal to $\frac{3}{4}$ of the purchase price $(12-3)/12$.
- B. Commercial Herbie Collection. The monthly rates for commercial Herbie collections shall be as follows:

<u>Rate Item</u>	<u>Weekly Frequency</u>				
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
<u>First Herbie</u>	<u>\$20.00</u>	<u>\$40.00</u>	<u>\$60.00</u>	<u>\$80.00</u>	<u>\$100.00</u>
<u>Each Additional Herbie</u>	<u>\$5.00</u>	<u>\$10.00</u>	<u>\$15.00</u>	<u>\$20.00</u>	<u>\$25.00</u>

Commercial customers shall be limited to a maximum of 5 Herbies per business.

The Director of Public Works shall have the right to limit the number of Herbies per parcel and, if necessary, to require a particular business or property owner to obtain private dumpster collection.

(3) The services included for the fees set out in this schedule do not include the collection of the following types of waste: offal, sewage, construction and demolition debris, electronics, appliances (white goods), discarded furniture, tree trimmings ~~(if not in)~~ except bundles not in excess of four (4) feet in length and in excess of fifty (50) pounds in weight, or hot ash. Offal and sewage shall not be disposed of through the city's municipal solid waste disposal program. The city will collect limited amounts of appliances (white goods), electronics, discarded furniture, construction and demolition debris from residential persons and tree trimmings over four (4) feet in length and in excess of fifty (50) pounds in weight on a monthly basis according to a scheduled route and time. Notice of this monthly route will be published on the city's internet website. At other times, the city may collect such items upon special collection request to public works. Special collections shall be assessed an additional charge commensurate with the additional service required by their particular need in an amount to be determined by sanitation director which will be published twice a year. The city shall have the right to deny waste collection, removal or disposal service to any person whose waste requirements exceed the city's capabilities or are of such nature that the city is without appropriate means for the waste's disposal. Buildings or dwellings not readily accessible to city public works employees, persons setting out waste not properly contained or prepared, or users requiring service more frequently than regularly scheduled, shall be assessed an additional charge commensurate with the additional service required by their particular need.

(4) Reduced Residential Herbie Rate. Any ~~residential~~ customer who is at least sixty-five (65) years of age ~~[and uses a sixty-five (65) gallon collection receptacle]~~ may request a ~~[reduction in their]~~ Reduced Residential Herbie Rate ~~[garbage rate to equal the sum]~~ of eight dollars (\$8.00)

per month per dwelling unit. Application for the reduced rate must be made in person at the collection agent's office. Water service must be in the name of the applicant. Reduced Residential Herbie Rate customers may request additional Herbie-Curbies for five dollars (\$5) per Herbie, per month, with a maximum of three Herbies per dwelling unit.

(5) All revenue generated will remain the sanitation fund excepting therefrom any revenue received for reimbursement of "Herbie-Curbie" receptacles which shall be transferred to the city's general fund.

SECTION THREE

Sec. 19-21 of the Georgetown Code of Ordinances, entitled "Nuisance regulations," is amended as follows:

The following acts and conditions are declared to be nuisances and unlawful, and subject to enforcement pursuant to the provisions of the Georgetown Code Enforcement Board Ordinance.

(1) No person shall permit solid waste to accumulate in any manner other than required in this ~~section~~ Article for its proper disposal;

(2) No person shall or permit the accumulation of solid waste upon any premises owned, or used by them. Such an accumulation is unsightly, unsanitary and hazardous to the health, safety or welfare of the public. Such an accumulation is also detrimental to the value of the property upon which the waste is permitted to accumulate as well as those in proximity. Both owner and tenants shall be accountable for the accumulation of waste on rental property. The owner shall be responsible for the accumulation of waste on owner-resident property.

(3) No person shall deposit, by any means, solid waste upon any premises, street or alley, whether public or private, irrespective of an intent to later remove the waste, in any manner other than that prescribed by this section. No person shall suffer or permit the accumulation of waste, on any premises owned, occupied or controlled by such person.

(4) No city employee, while acting within the scope of his employment, shall remove waste from any premises, unless such waste is properly contained as prescribed by this section.

(5) No person shall place or keep solid waste containers, even if otherwise in conformity with this section, nearer to the street than the front facade of the residence or the commercial,

industrial, or service building in which the waste is generated or otherwise on or about the sidewalk, curb or street at any time other than after 6:00 p.m. on the day before the city is scheduled to collect that street's municipal waste and no later than 10:00 p.m. on the day on which the city collects that street's municipal waste. If collection day falls on a city holiday, the holiday schedule will be published via public notice in the local newspaper, the city's internet website and included in the preceding Georgetown Municipal Water and Sewer Service bill. Collection schedules and route information is available to the public from the department of public works and published annually. A person may apply to the City for an exception to this subsection (5) upon a showing that a medical condition makes strict compliance with the provisions of the subsection impractical. A person so excepted shall use reasonable efforts to comply with the provisions of this subsection when practical.

(6) Unless otherwise specified by in the Citation, violations of this Section shall be remedied within 24 hours of notice.

SECTION FOUR

Sec. 19-24 of the Georgetown Code of Ordinances, entitled "Penalties," is repealed in its entirety.

Sec. 19-25 of the Georgetown Code of Ordinances, entitled "Enforcement," is amended as follows:

~~[Enforcement of this article shall be the responsibility of the Georgetown police department, the Georgetown building inspection office, the code enforcement official and any other city officer or employee so designated by the mayor.~~

~~Except for the citation authority of the city police officers, which would empower them to cite a violation occurring in their presence, third or subsequent violations shall only be charged by an enforcement officer signing a criminal complaint with the county attorney's office and the issuance of a criminal summons to Scott District Court.]~~

(a) Violation of any section of this Article shall constitute a civil offense which shall be enforced according to the procedures set forth in the Georgetown Code Enforcement Board Ordinance by the Code Enforcement Board, hearing officers, code enforcement officers, citation officers and other persons duly authorized to investigate and enforce the violations through investigation, inspection and issuance of citations.

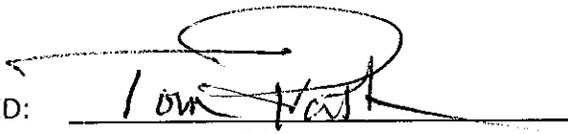
(b) The penalty for violations of this Article shall be as set forth in Section 15 of the Georgetown Code Enforcement Board Ordinance.

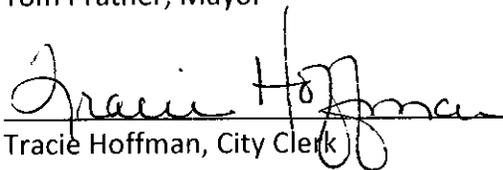
(c) A citation for a violation of any section of this Article and any applicable penalties will be waived only if the same or similar violation has not occurred on the property within the past 24 months and the violation is remedied within the time period specified by the citation.

This ordinance shall take effect September 1, 2017 after its passage and publication according to law.

PUBLICLY INTRODUCED AND READ FIRST TIME: June 26, 2017

PUBLICLY READ SECOND TIME AND PASSED: July 10, 2017

APPROVED: 
Tom Prather, Mayor

ATTEST: 
Tracie Hoffman, City Clerk