

ORDINANCE NO. 23, 2016 SERIES

AN ORDINANCE AMENDING SECTIONS 50.03, 50.06, 50.13 AND 50.14 OF THE CITY OF FRANKFORT CODE OF ORDINANCES RELATING TO GARBAGE; SOLID WASTE

WHEREAS, the Board of Commissioners wishes to remove the fee for residential garbage collection and make other revisions to the ordinances governing the collection of garbage in the City, including providing for the exchange of trash containers, prohibiting the placement of trash in a container not assigned to the residence where the trash was generated, and amending the remedies available to the City in the event the garbage ordinance is not complied with.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF FRANKFORT, KENTUCKY, that Sections 50.03, 50.06, 50.13 and 50.14 of the City of Frankfort Code of Ordinances which relate to Garbage: Solid Waste, are amended as follows.

Section 50.03 PREPARATION, STORAGE, PLACEMENT FOR COLLECTION.

1. Garbage and household trash:

(A) No owner, tenant, or lessee of any public or private premises shall permit to accumulate upon his premises any garbage or refuse except in suitable containers. Wheeled containers with an approximate capacity of thirty-five (35), sixty-five (65) and ninety-five (95) gallons shall be provided by the city to each dwelling unit qualifying for residential service at no initial cost. Each eligible dwelling unit shall be assigned a serial numbered trash container of the size requested by the owner of the unit. The property owner may exchange the trash container for a container of a different size upon payment to the city of the fifty (\$50) fee for the trash container in accordance with the procedure set by the Department of Public Works. The fee may be waived by the Director of Public Works on a city-wide basis. Damaged or stolen containers will be replaced upon request. Waste material which may be excepted from containerization is brush and bulky items such as old furniture, appliances, and the like. Recyclables material shall be placed in special containers provided by the city.

(B) All owners, tenants, or lessees of any public or private premises shall place garbage, waste, or recyclables to be collected in front of their premises near the street edge so that city sanitation workers may pick up and dispose of same without leaving the street or sidewalk unless, as determined by the Director of Public Works, the premises are occupied solely by one or more persons with physical limitations which prevent the persons from placing the container at the curbside or the topography of the premises prevents the placement of the container at the curbside or as provided in § 50.02(A). If the Director determines that physical or topographical limitations exist, an exemption is available through the Solid Waste Division and waste can be placed curbside in a provided City of Frankfort trash bag. Otherwise, no waste shall be collected outside designated street or alley rights-of-way. Properties which do have rear yard access may be exempt from this provision upon approval by the Director of Public Works.

(C) All garbage and household trash shall be drained free of liquids and placed in the city-issued container or prepaid garbage bag. City-issued containers shall be placed at least 3 feet from other objects (containers, mailboxes, parked cars, trees, lights, etc). The trash container shall not be filled so that the attached lid cannot be completely closed, nor shall the bags be filled such that they cannot be securely fastened shut or weigh more than 50 pounds. Garbage and household trash placed in containers other than in the city-issued container or prepaid garbage bag will not be collected except on unlimited pickup days scheduled pursuant to Section 50.02(B).

(D) Ashes shall be separated from all other types of waste, and the ashes shall be completely extinguished and placed in an airtight noncombustible container. Animal excrement must be bagged prior to placing into container.

(E) The city will not collect waste from dumpsters.

(F) No waste or recycling containers shall be allowed to remain exposed, within a public street or any place where the sight of them would be a public nuisance for a longer time than shall be reasonably necessary for collection. The containers shall be promptly removed from the sidewalk or public right-of-way after they have been emptied. Waste and recycling containers shall be placed at the curb no sooner than the evening prior to collection and no later than 7:00 a.m. on the day of collection and removed that evening. No container shall be allowed to remain at curbside or roadside at times other than those permitted by this chapter.

(G) All city-issued containers shall be used for garbage or recycling purposes only and shall be kept clean by the owner thereof. No dead animals, maggots or petroleum products shall be permissible in the waste containers. Paint shall be solidified with sand, dirt, or kitty litter. No garbage or refuse shall be permitted to ferment or putrefy. (-70 Code, § 6.12.120)

§ 50.06 PROHIBITED DISPOSAL.

(A) (1) No person shall throw, place or deposit waste on any street or other public property except in proper waste containers with the lid closed or tied.

(2) No person shall turn over or upset the contents of any waste container on any street or other public property.

(3) When waste has been set out in containers on public property for collection no person shall remove the waste from the containers.

(4) It shall be unlawful for any person to place any garbage or trash upon the property of another, or within a trash container assigned to another residence.
(-70 Code, § 6.12.170) (Am. Ord. 16, 2001, passed 10-11-01)

(B) The disposal of any garbage or refuse by any individual, householder or establishment in any place, public or private, within the city limits other than at a licensed and permitted private landfill or transfer station is prohibited. (-70 Code, § 6.12.180)

§ 50.13 PROSECUTION.

(A) Whenever a condition is identified that is in violation of this chapter, the Director of Public Works or his designee may issue a Notice of Violation giving the property owner or the property owner's agent five (5) days to remedy the situation. Notices shall be issued by posting the notice on the container for the residence or by sending the notice by first class mail to the owner. If, after five (5) days of the issuance of notice, the violation has not been brought into compliance, the city may send employees or other workers onto the property to effect compliance. The property owner shall be liable for the reasonable value of labor and materials in remedying the situation as determined by the Director of Public Works (\$25 per event). If payment is not received within forty-five (45) days after invoice is issued, a lien against the property for the invoice amount shall be filed in the Franklin County Clerk's office bearing interest at 18% per annum thereafter until paid, all pursuant to KRS 381.770.

(B) Responsible Tenant: In the case of a Responsible Tenant, whenever a condition is identified that is in violation of this chapter the Director of Public Works or his designee may issue a Notice of Violation giving the Responsible Tenant five (5) days to remedy the situation. Notices shall be issued by posting the notice on the container for the residence or by sending the notice by first class mail to the Responsible Tenant. If, after five (5) days of the issuance of notice, the violation has not been brought into compliance, the city may send employees or other workers onto the property to effect compliance. The Responsible Tenant shall be liable for the reasonable value of labor and materials in remedying the situation as determined by the Director of Public Works (\$ 35 per event). If payment is not received within forty-five (45) days after invoice is issued, the City may take action as set forth in § 50.13(C). A Property Owner shall not be liable for violations caused by a Responsible Tenant.

(C) Citation to the Franklin District Court or the Frankfort Nuisance Code Board may be issued by a Solid Waste Collection Officer. In the event a citation issued for violation of this chapter is returnable before the Frankfort Nuisance Code Hearing Board, Sections 106 and 107 of the Frankfort Nuisance Code shall not apply.

(D) In addition to the other remedies set forth in this Chapter, where the owner, tenant or lessee of a residential unit fails to comply with the requirements of this Chapter after the issuance of a Notice of Violation, the City may 1) stop collection of garbage and recyclable material at all of the owner's, tenant's or lessee's residential units located within the City, and may collect the City issued trash container and the recycling container issued to all of the owner's, tenant's or lessee's residential units, and 2) where the owner, tenant or lessee has failed to pay amounts due under this Chapter, file a lien against all of the owner's, tenant's or lessee's residential units in the amount due the City for garbage collection and file suit to enforce the amount of the lien, and collect interest in the amount of eighteen percent (18%) per annum and reasonable attorneys fees. Thereafter, the City shall only issue a trash container and a recycling container to the owner's, tenant's or lessee's residential units upon payment in full of the amount due the City and compliance with the requirements of this Chapter, and payment of an administrative fee of \$50.00 for each residential unit.

§ 50.14 GARBAGE COLLECTION FEE.

(A) That, beginning January 1, 2017, the owner of each residence or building from which residential waste is collected by the city pursuant to § 50.02 of the City of Frankfort Code of Ordinances shall not be required to pay a collection fee.

(B) Garbage bags that will be picked up by the city, with the exception of garbage bags collected on "unlimited pickup days", may be purchased from the city or other approved vendor for \$6 for 6 bags.

This Ordinance shall take effect on January 1, 2017.

First Reading on the 24 day of October, 2016.

Final Adoption on the 28 day of November, 2016.

S/William I. May, Jr.
T/Mayor

Attest:

S/Chermie Maxwell
T/City Clerk

Summary: This ordinance amends Sections 50.03, 50.06, 50.13 and 50.14 of the City of Frankfort's Ordinances governing garbage and solid waste, and removes the fee for residential garbage collection, provides for the exchange of trash containers, prohibits the placement of trash in a container not assigned to the residence where the trash was generated, and amends the remedies available to the City in the event that an individual or entity fails to comply with the City's garbage ordinance. This ordinance is to take effect on January 1, 2017.

S/Robert C. Moore
T/City Solicitor

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