

ORDINANCE NO. 7-2020

FIRST READING 7/21/2020  
SECOND READING 8/18/2020

AN ORDINANCE ESTABLISHING REGULATIONS FOR STORAGE, HANDLING,  
COLLECTION AND DISPOSAL OF GARBAGE, REFUSE, AND RUBBISH (TRASH) IN  
THE CITY OF MT. STERLING, KENTUCKY

WHEREAS, the existing city ordinances did not provide an adequate tool for addressing garbage, refuse, and rubbish (trash) enforcement;

WHEREAS, the City Council desires to supplement the Mt. Sterling Code of Ordinances by establishing a program to set regulations for storage, handling, collection, and disposal of garbage, refuse, and rubbish (trash) within the city limits;

NOW THEREFORE, PURSUANT TO KRS CHAPTER 65.8829 AND THE INTERNATIONAL PROPERTY MAINTENANCE CODE, WHICH THE CITY HAS ADOPTED, BE IT ORDAINED BY THE CITY OF MT. STERLING, KENTUCKY AS FOLLOWS:

SECTION 1 – DEFINITIONS

- (A) Garbage – Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, serving, or consumption of food and including food containers.
- (B) Refuse – Discarded waste materials in a solid or semi-liquid state, consisting of garbage, rubbish, or a combination thereof.
- (C) Rubbish – Non-putrescible solid waste consisting of combustible and non-combustible materials, including yard and garden waste in containers or bundles.
- (D) Trash – For purposes of this ordinance, trash is defined as any garbage, rubbish, or refuse.
- (E) Litter - Rubbish, refuse, waste material, offal, paper, glass, cans, bottles, trash, debris or any foreign substance of whatever kind or description and whether or not it is of value.
- (F) Container – A receptacle made of plastic, metal, or fiberglass with a capacity not to exceed thirty-five (35) gallons; with a loaded weight of no more than fifty (50) pounds; with a tight fitting lid; and handles of adequate strength for lifting.
- (G) Bags – Plastic sacks designed for refuse with a sufficient wall strength to maintain physical integrity when lifted by the top or scavenged by small animals; should be securely tied at the top for collection; with a capacity not to exceed thirty-five (35) gallons and a loaded weight not to exceed fifty (50) pounds.

## SECTION 2- GENERAL INFORMATION

- (A) The City of Mt. Sterling has a franchise agreement for trash collection services, which include residential, commercial, and bulky (oversized) within the city limits. All fees associated with this service are collected on monthly bills issued by the Mount Sterling Water and Sewer office. It is mandatory for each business and household to be billed for trash collection if there is a water meter operating on the property. Service rates are listed in the franchise agreement. Businesses and households may not “opt out” of trash collection services. However, property owners of vacant dwellings or buildings may request a temporary exemption in accordance with Ordinance 216-93 and the franchise agreement.
- (B) All trash should be placed in container or in a sealed bag for collection. Containers and bags should be air-tight, fly-tight, and water-proof. The franchise holder may set limits on the total number of containers or bags that may be collected per week.
- (C) Trash collection services within the city limits will be determined by the franchise holder. Additional collection services may be negotiated with the franchise holder or another collection entity.
- (D) It is the duty of all residents and property owners to make sure that loose trash or litter that is not collected by the franchise holder is disposed of in a timely manner.
- (E) Trash for collection should be placed curbside or directly beside a city street, or in a designated collection area identified by the city or trash collection franchise holder. Trash and containers may not be placed on sidewalks in such a manner to block pedestrians from using a sidewalk. Trash should not be placed in or on a street or road where it creates a hazard for vehicle traffic. Trash should be placed out beside the street or road no more than 24 hours before scheduled pickup. All containers used to store or collect trash should be removed from the side of the street or from the designated collection area no later than 24 hours after collection.
- (F) Trash will only be collected for city residents. Residents from outside of the city who are suspected of dumping trash on any property in the city limits will be criminally prosecuted and assessed a fee for the cost of collection and disposal of the trash.
- (G) The City may choose to promote community clean up events and offer trash collection outside the normal dates of collection services. Those dates and instructions will be provided separately from this ordinance.
- (H) Some larger or bulky items require special instructions before disposal. The trash collection franchise holder will provide specific information and instructions to customers wishing to dispose of large or bulky items.
- (I) Items which are not be included in trash collection services include batteries, tires, liquids, combustible materials, or any item deemed to be “hazardous”. Additionally, rock, construction materials, concrete, brick, or any hard metals are not a part of the trash collection contract and should be disposed of at the property owners’ expense.

- (J) Dumpsters may be necessary for disposal of materials used in construction, demolition, or remodel projects. Information and regulations pertaining to dumpsters may be found in Ordinance 3-2018.
- (K) Littering is a Class A Misdemeanor in the state of Kentucky. All littering citations will be issued by a law enforcement officer of the city and fall outside purview of this ordinance.

SECTION 3 - VIOLATIONS - PRACTICES THAT ARE VIOLATIONS OF THE PROPERTY MAINTENANCE CODE - PENALTIES FOR VIOLATION - IDENTIFIED VIOLATIONS AND NOTICE TO PROPERTY OWNERS – HEARING BOARD - LEINS

- (A) It shall be unlawful for any resident or property owner to place trash out for collection more than 24 hours prior to scheduled collection.
- (B) It shall be unlawful for any resident or property owner to leave trash containers beside a street or road after the date of collection.
- (C) It shall be unlawful for anyone to place trash or containers on a sidewalk or on a street where pedestrian or vehicle traffic is impeded or blocked.
- (D) It shall be unlawful for anyone to place prohibited items in the trash.
- (E) It shall be unlawful for anyone to rummage or scavenge through any public or private trash containers.
- (F) It shall be unlawful for anyone to dispose of trash in a container (public or private) which they do not pay services for.
- (G) It shall be unlawful for anyone to place trash or containers out for collection on property other than their own.
- (H) The Code Enforcement Officer shall be authorized to issue a notice of violation for failure to comply with any of the provisions herein.
- (I) Penalties/fines for violations of this section are as follows:
  - 1) 1<sup>st</sup> offense within 1-year period – Notice of violation and request to correct violation provided to resident or property owner
  - 2) 2<sup>nd</sup> offense within 1-year period \* \$25.00
  - 3)-Each additional offense within 1-year period \* \$50.00

\* Failure to pay a penalty or fine with 30 days will result in a lien being placed upon the property by the City of Mt. Sterling, Kentucky.

- (J) Residents and property owners shall be notified of any violations and provided a notice to correct the violation for all initial offenses. Failure to address the notice of violation will result in a penalty or fine, which will be determined and assessed by the

Code Enforcement Board. If multiple violations are identified on one property only one notice shall be given, with all identified violations listed.

(K) Should the city be required to take action to address or clean up trash, a lien will be placed on the property for the full amount of labor, materials used, and cost of disposal. This amount will be added to any fines which had previously been assessed by the Code Enforcement Board.

(L) The city Code Enforcement Board shall have the authority to conduct hearings and hear appeals in order to fairly and effectively enforce penalties of those citations issued by the Code Enforcement Officer and to hear and determine any contest of violation filed therewith. The citing Code Enforcement officer shall note the violation and digitally record the violation. This information must be provided in writing to the property owner with a timeframe provided, which will be seven days for the 1<sup>st</sup> offense, for the correction of the violation.

(M) Any property owner receiving a notice who wishes to appeal must notify the city in writing of a desire for a hearing within 30 days. A hearing will be scheduled at the monthly scheduled Code Enforcement Board meeting (2<sup>nd</sup> Thursday of every month at 4:00 PM.)

#### SECTION 4- SEVERABILITY

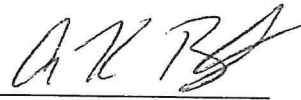
Each word, phrase, sentence, section, and provision (each "portion") of this Ordinance is hereby declared to be independent and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any portion of said Ordinance, the adoption thereof, or the application thereof to any person or circumstance is held to be invalid, the remaining portions and the application of such portions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is declared that such portions would have been passed independently of such portion or portions so held to be invalid.

#### SECTION 5-CONFLICTING CODE PROVISIONS REPEALED

Any provision(s) in the City of Mt. Sterling Code of Ordinances specifically in conflict with any provision in this Ordinance is hereby deemed inoperative and repealed.

#### SECTION 6-PUBLICATION

This Ordinance shall become effective upon passage and publication, but no sooner than October 1, 2020. Publication is authorized to be made in summary form as authorized in KRS 83.060 (9).



AL BOTTS, MAYOR

ATTEST:



JEANETTE BERTRAM

CITY CLERK