

CHAPTER 50: GARBAGE; SOLID WASTE

Section

- 50.01 Definitions
- 50.02 Accumulation of garbage and refuse
- 50.03 Collection and disposal of garbage and refuse within the city
- 50.04 Rates for garbage collection service
- 50.05 Containers required for large amounts of garbage; alternate rates
- 50.06 Construction wastes; disposal of
  
- 50.99 Penalty

§ 50.01 DEFINITIONS.

For the purpose of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

(A) "CITY COUNCIL." The Council of the City of Morehead, Kentucky.

(B) "GARBAGE AND REFUSE." It shall be deemed and construed in the ordinary and generally accepted meanings, which include, but is not limited to, all unclean or useless material which is discarded, and would otherwise tend to menace the public health or obstruct the public ways and sidewalks. The term shall include but not be limited to, such items as waste paper, cardboard, ashes, metal cans, bottles, and foods. Garbage and refuse shall not include liquid waste, sewage, body waste, hazardous waste, or demolition products.

(C) "LANDLORD." Any person owning real property within the city limits, which property is rented or leased to other persons for residential purposes.

(D) "RESIDENCE, MOBILE HOME, APARTMENT." A single-family unit dwelling place. In the application of monthly rates, each apartment unit, mobile home, and house shall be treated as a separate dwelling unit.

(E) "DIRECTOR OF PUBLIC WORKS." The director of public works of the City of Morehead, Kentucky.

(F) "UTILITY PLANT BOARD." The city Utility Plant Board.  
(Ord. passed 5-10-72; Am. Ord. passed 3-16-78; Am. Ord. 16:2010, passed 8-9-10)

§ 50.02 ACCUMULATION OF GARBAGE AND REFUSE.

The following rules and regulations shall govern the accumulation of garbage and refuse:

(A) Regular containers. It shall be the duty of owners, tenants, or persons in charge of every dwelling, store, manufacturing establishment, office building, or other structure in the city to place or cause to be placed all garbage and refuse accumulating on the premises in containers of sufficient size and quantity to properly hold all garbage or refuse generated at that location. Containers shall be of nonrusting, watertight metal, or rigid plastic, of a substantial construction with tight-fitting covers sufficient to keep out water, prevent disturbance by animals, and the entrance of insects. The containers shall be equipped with suitable handles by which they may be lifted, shall be of such size as to be easily handled by one man, and shall not have a capacity of more than 35 gallons, unless they are designed to be mechanically handled and emptied by a garbage truck operated by the city or other garbage collection service which is authorized to operate within the city. Any collection of garbage or refuse that does not comply with the requirements of this section shall be collected only after prior approval of the director of public works.

(B) Bulk containers. It shall be the duty of owners, tenants, or persons in charge of every dwelling, store, manufacturing establishment, office building, or other structure in the city to provide a bulk container for the storage or holding of garbage or refuse which cannot reasonably be held or stored in the regular containers identified in division (A) above. Permitted under this section are containers commonly known as Demster-Dumpster or containers with similar design. Bulk containers shall not be used by more than one dwelling, store, manufacturing establishment, office building, or other structure without the prior written consent of the director of public works. Any collection of garbage or refuse that does not comply with the requirements of this section shall be collected only after prior approval of the director of public works.

(C) Containers maintained in good condition. Containers, whether bulk or regular size, shall be maintained in good condition. Any garbage container that does not conform to the provision of this chapter, or which has ragged or sharp edges or any other defects which may hamper or injure the person collecting the contents thereof must be promptly replaced by a proper container upon written notice from the city. If the containers are not replaced within 10 days after delivery of the written notice, the nonconforming or defective containers may be collected and disposed of by order of the Director of Public Works.

(D) Location of containers for collection. Garbage in proper containers shall be set out on collection days at such places as shall be in accordance with directions from the Director of Public Works. Containers placed on the sidewalk shall be promptly removed therefrom after they have been emptied. Unless otherwise directed by the Director of Public Works, containers may be located in the same place as has been used for them in the past.

(E) Scattering of garbage prohibited. No person shall throw, place, or discard garbage or other refuse in any street or other public place or on any public or private property except in proper waste containers. No person shall upset or turn the contents of any garbage container on any street, sidewalk, alley, or other public place.

(F) Removal of garbage from containers. No person, other than the city or other authorized garbage collection service, shall remove any garbage from any container which has been set out for collection without the consent of the occupant, owner, or manager of the premises, unless specifically authorized in writing to do so by the Director of Public Works.

(Ord. passed 5-10-72; Am. Ord., passed 3-16-78; Am. Ord., passed 3-2-79; Am. Ord., passed 2-8-88; Am. Ord. 16:2010, passed 8-9-10) Penalty, see § 50.99

§ 50.03 COLLECTION AND DISPOSAL OF GARBAGE AND REFUSE WITHIN THE CITY.

The following rules are established pertaining to collection and disposal of garbage and refuse within the city.

(A) Every residence, mobile home, and apartment shall utilize the garbage and refuse collection service of the city unless, on the date of enactment of this chapter, the residence, mobile home, or apartment was utilizing the services of a private and authorized garbage collection service. In the event the collection service of a private and authorized garbage collection service is interrupted for any reason, the residence, mobile home, or apartment shall then commence to use the garbage collection service provided by the city. Any residence, mobile home, or apartment desiring to continue use of a private and authorized garbage collection service after the date of enactment of this chapter shall provide to the Director of Public Works, within 30 days of such enactment, written verification from the owner or operator of the private collection service that the residence, mobile home, or apartment was using the service on the date of enactment of this chapter.

(B) Commercial establishments may elect to use the services of a private and authorized garbage collection service by notifying the Director of Public Works of their intention to do so.

(C) It shall be unlawful for any person or firm, except the city, to engage in or conduct the business of collection, removing, or disposing garbage or refuse within the corporate limits of the city, except by written authorization from the Board of City Council upon its determination that the person or firm has the facilities for the collection and disposal of the garbage and refuse which meet the requirements of law.

(D) Every landlord shall be directly responsible to the city for the payment of collection fees for each residence, mobile home, or apartment.

(E) Each residence, apartment building, office building, commercial establishment, industrial institution or other location within the city limits utilizing the service provided by the city shall be provided with regularly scheduled garbage and refuse collection and disposal service by the city. The schedule shall be determined by the Director of Public Works, and shall be not less than one (1) collections per week.

(F) Extraordinary household refuse shall be collected from time to time for a special pick up upon call to the City Clerk or Department of Public Works under conditions and regulations approved by the Director of Public Works. All leaves and grass and similar substances shall be considered a special pick up. Said items shall be placed in the type containers specified by his chapter, or in durable plastic bags, if they are to be collected by the city. Branches, tree limbs, and shrubs shall be cut in section so of not more than three (3) feet in length, and where practical, bound in bundles so that this matter can be easily handled by city employees.

(Ord. passed 5-10-72; Am. Ord., passed 3-16-78; Am. Ord. 06:2003, passed 3-10-03; Am. Ord. 16:2010, passed 8-9-10) Penalty, see § 50.99

#### § 50.04 RATES FOR GARBAGE COLLECTION SERVICE.

(A) Every residential unit shall be charged at the rate of nine dollars (\$9.00) per month, whether occupied or not, so long as water or gas is furnished to the residential unit by the Morehead Utility Plant Board, and provided that the residential unit is not utilizing the services of a private and authorized garbage collection service.

(B) Every commercial establishment shall be assessed a fee determined by the Director of Public Works and approved by the Board of City Council. The fee shall be based on a rate of sixty-three (\$63.00) dollars per hour for the use of equipment and manpower necessary to make the collection.

(C) Any residential unit or commercial establishment requesting a special trash pick-up of items which the garbage packers are not equipped to handle, or the landfill will not accept without extra charge, shall be assessed a fee. The fee shall be not less than twelve (\$12.00) dollars and no more than one hundred and twenty-five (\$125.00) dollars per load, exact fee to be determined by the Director of Public Works. These fees may be waived by Executive Order of the Mayor of the city due to a disaster or emergency such as a flood, tornado, and the like.

(Ord. passed 5-10-72; Am. Ord., passed 3-16-78; Am. Ord., passed 2-8-88; Am. Ord., passed 6-11-90; Am. Ord., passed 9-10-90; Am. Ord. 14:2007, passed 6-11-07; Am. Ord. 16:2010, passed 8-9-10)

§ 50.05 CONTAINERS REQUIRED FOR LARGE AMOUNTS OF GARBAGE; ALTERNATE RATES.

Every dwelling, retail building, manufacturing establishment, office building, or other structure located within the city limits which has an average of more than six 20-gallon garbage or refuse containers per week, whether serviced by the city garbage collection service or other authorized garbage collection service, shall be required to use garbage containers of cubic yard capacity, of a type approved by the Director of Public Works, rather than the regular garbage containers specified in § 50.02(A). Any customer of the city garbage collection service, or any combination of the customers, who are located adjacent or contiguous to each other, may elect to use such cubic yard containers.

(Ord. passed 5-10-72; Am. Ord. 16:2010, passed 8-9-10) Penalty, see § 50.99

§ 50.06 CONSTRUCTION WASTES; DISPOSAL OF.

All waste resulting from the construction, demolition, or remodeling of a building within the city shall be promptly removed from the city and disposed of in accordance with law. The responsibility for the collection, disposition, and transportation of the waste shall be on the owner of the building, and shall not be the responsibility of the city. The collection and transportation of the waste by the owner, or his agent, shall not be deemed a violation of this chapter.

(Ord. passed 5-10-72; Am. Ord., passed 3-16-78; Am. Ord. 16:2010, passed 8-9-10) Penalty, see § 50.99

§ 50.99 PENALTY.

(A) Any person, firm, or corporation, violating this chapter may be issued a Notice a Violation. The notice shall specify a period of time the offender has to remedy the violation. If the offender fails or refuses to remedy the violation, the offender shall be issued a citation by a Code Enforcement Officer of the city. If the Code Enforcement Officer believes that the violation presents a serious threat to the public health, safety and welfare or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible, or the violation is a repeated violation, the Code Enforcement Officer may issue a citation without a Notice of Violation. If the citation is not contested by the person, firm, or corporation charged with the violation, the following penalties shall apply; however, the Code Enforcement Board may waive all or any portion of said penalty in its discretion, the Code Enforcement Board determines that such waiver will promote compliance with Chapter 50.

- (1) First offense:           \$10.00

- (2) Second offense: 25.00
- (3) All others: 50.00

(B) If the citation is contested and a hearing before the Code Enforcement Board is required, the following maximum penalties may be imposed at the discretion of the Code Enforcement Board:

- (1) First offense: \$ 75.00
- (2) Second offense: 150.00
- (3) Third offense: 250.00

(C) In addition to the penalties in this section, any person becoming more than sixty (60) days in default on any payment due the City for garbage collection shall have his/her water service terminated forthwith, without notice, which service will not be reconnected until all delinquent garbage service charges have been paid in full.  
 (Ord. 27:97, passed 8-25-97; Am. Ord. 16:2010, passed 8-9-10)