

ORDINANCE NO. 20:2024

AN ORDINANCE AMENDING TITLE V: PUBLIC UTILITIES, CHAPTER 50 GARBAGE; SOLID WASTE OF THE CITY OF MOREHEAD CODE OF ORDINANCES BY MAKING GARBAGE COLLECTION MANDATORY WITH CITY PROVIDED TIPPER CANS.

WHEREAS, a majority of the City's Garbage and Solid Waste Chapter 50 of the Code of Ordinances has not been updated since 2010;

WHEREAS, the City of Morehead Department of Public Works provides the citizens of Morehead with garbage collection service;

WHEREAS, the City of Morehead has determined that it is necessary and appropriate to update Chapter 50 relating to Garbage and Solid Waste to more efficiently streamline this service provided to the citizens of Morehead;

WHEREAS, efficient garbage and solid waste collection benefits the citizens of the City of Morehead by reducing missed pick-ups, is more sustainable by utilizing the city provided Tipper Cans, optimizes services provided by the Public Works Department, allows for more well-organized routes and cost savings in trash collection, and will assist with enforcement of City ordinances;

WHEREAS, inefficient garbage and solid waste collection can be unsanitary, unsightly, a public nuisance and may adversely affect property values and economic development in the cities;

NOW, THEREFORE, BE IT ORDAINED by the Board of City Council of the City of Morehead, Kentucky that Title V, Public Utilities, Chapter 50, Garbage; Solid Waste of the City of Morehead Code of Ordinances shall be amended as follows:

CHAPTER 50: GARBAGE; SOLID WASTE

§ 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.~~]The City of Morehead, Kentucky; a municipality organized and existing under the laws of the Commonwealth of Kentucky.

(B) "GARBAGE AND REFUSE." It shall be deemed and construed in the ordinary and generally accepted meanings, which includes, 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 wastepaper, cardboard, ashes, metal cans, bottles, and foods. Garbage and

refuse shall not include liquid waste, sewage, body waste, hazardous waste, or demolition products. Garbage and refuse may also be referred to as solid waste.

(C) "HAZARDOUS WASTE." Means any discarded material or material intended to be discarded or substance or combination of such substances intended to be discarded, in any form which because of its quality, concentration or physical, chemical or infectious characteristics 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 hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed; provided that household waste meeting the definition of 401 KAR 31:101 Section (4)(2)(a) is not hazardous waste.

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

(E) "PERSON". Any individual including an agent, guardian, trustee, or other fiduciary of such individual, corporations, partnerships, associations, firms, governmental entities including its subdivisions and agencies, institutions and organizations producing, generating or accumulating garbage and refuse as defined herein.

~~(D)~~ F) "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)~~ G) "DIRECTOR OF PUBLIC WORKS." The director of public works of the City of Morehead, Kentucky.

~~(F)~~ H) "UTILITY PLANT BOARD." The [city] Morehead Utility Plant Board.

§ 50.02 DECLARATION OF AUTHORITY

It is hereby declared that the storage, collection and disposal of non-hazardous solid waste generated within the corporate limits of the city is a matter of public health and safety requiring the enactment and enforcement of this solid waste collection ordinance under the authority of KRS 82.082.

§ 50.03 GARBAGE COLLECTION MANDATORY.

Garbage collection by the City's Department of Public Works shall be mandatory at all residences, including single and multiple apartment units, businesses, health care facilities, private offices, factories, except as otherwise provided herein, within the City limits where garbage may be produced and accumulated; provided, however, the Director of Public Works may not be required to collect garbage at any location not fronting on a dedicated public way which has been accepted by the City or which is maintained by any governmental unit. There shall be no private cans utilized by any residences, and all residences shall be required to utilize the City provided Tipper Cans as described in Section 50.04.

§ ~~[50.02]~~ 50.04 ACCUMULATION OF GARBAGE AND REFUSE - RULES.

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

(A) ~~[Regular Containers]~~ Tipper Cans. 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 tipper cans ~~[containers]~~ of sufficient size and quantity to properly hold all garbage or refuse generated at that location. ~~[Containers]~~ Tipper cans shall be those Tipper Cans provided by the City as detailed in section 50.04(B) hereinbelow. Tipper Cans 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 Tipper Cans [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 95 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]~~ at the discretion of the director of public works.

(B) The City shall provide each residence a 95 gallon wheeled Tipper Can in which residents are required to place garbage into said Tipper Can. If more than one Tipper Can is needed, the City will provide one additional Tipper Can for a fee of \$3.00 per month for the additional Tipper Can. Each residence as defined in Section 50.01(F) is limited to two (2) Tipper Cans per residence.

(1) Each city provided Tipper Can is serial numbered and is issued to a specific address and person. Said Tipper Can shall not be removed from the assigned premises. If the resident moves, the resident shall contact the Department of Public Works to return the Tipper Can.

(2) The Tipper Can remains the property of the City of Morehead. The Tipper Can shall not be painted, abused, mutilated, altered or modified in any manner. If the

Tipper Can is damaged beyond repair, the resident will be held responsible for replacement costs of the Tipper Can.

(3) If a Resident's Tipper Can is stolen, the resident is required to report the Tipper Can stolen immediately to the Department of Public Works. Failure to immediately report may delay the replacement of the Tipper Can.

(4) The Tipper Can lid shall be kept closed at all times, except when placing household garbage in the Tipper Can. This prevents water from entering placing unnecessary weight on the Tipper Can. It also prevents trash from blowing out an entry of insects.

(5) The following items shall not be placed in the Tipper Can: Paint, gasoline, solvents, oils, liquids of any kind, hot ashes, hot charcoal, batteries, tires, hazardous wastes, bricks, blocks, building or construction material or any other items not normally found in household garbage. Contents of Tipper Cans shall be limited to normal household refuse which shall be placed in garbage bags.

(6) Tipper Cans shall be kept clean and in good condition. ~~[Containers,] Tipper Cans [whether bulk or regular size,] shall be maintained in good condition and shall be kept clean by the resident. [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.]~~

(7) If a Tipper Can is in need of repair, the resident should contact the Department of Public Works. The Department of Public Works shall make repairs due to normal wear and tear on Tipper Can at no charge. The resident will be responsible for the cost of repairs to or replacement of a Tipper Can due to neglect, abuse or destruction.

(8) Location of Tipper Cans for collection. Garbage or solid waste in proper Tipper Cans shall be set out curbside on collection days on the sidewalk or curb at any location fronting on a dedicated public way which has been accepted by the City or which is maintained by any governmental unit. All Tipper Cans must be placed along the curb or sidewalk as described above before pick up unless another location has been specifically approved by the Director of Public Works in writing. Tipper Cans placed on the curb or sidewalk shall be promptly removed therefrom after they have been emptied.

([B]C) 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]~~ Tipper Cans identified in

[division] paragraphs (A) and (B) above. Permitted under this section are containers commonly known as Dumpster-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]~~ at the discretion of the director of public works. Bulk containers shall be maintained in good condition.

~~[(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) D) 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) E) 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.~~

(F) Enclosures, Sheds, Storage or Corrals. Enclosures Sheds, Storage or Corrals, whether made or utilized for concealing and/or containing Tipper Cans or Bulk Containers (including Dumpsters), shall not be used 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 at the discretion of the Director of Public Works.

§ ~~[50.03]~~ 50.05 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 prior to 1997. 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~~] this 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.

§ ~~50.04~~ 50.06 RATES FOR GARBAGE COLLECTION SERVICE.

(A) Every residential unit shall be charged at the rate of twelve dollars (\$12.00) 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. Upon request, a residential unit may be provided with a second Tipper Can, and every residential unit shall be charged an additional rate of three dollars (\$3.00) per month for the second Tipper Can. There shall be a maximum of two (2) Tipper Cans per residential unit.

(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 seventy dollars (\$70.00) per hour for the use of equipment and manpower necessary to make the collection. If the commercial establishment elects to utilize a Tipper Can, the commercial establishment shall be charged at the rate of twelve dollars (\$12.00) per month for said Tipper Can. Upon request, a commercial establishment may be provided with an additional Tipper Can and shall be charged a rate of twelve dollars (\$12.00) per month for any additional Tipper Can. The maximum number of Tipper Cans per commercial establishment shall be at the discretion of the Director of Public Works. See **Rate Table 50-1** for commercial establishment rates.

(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 sixteen dollars (\$16.00) and no more than five hundred dollars (\$500.00) 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.

~~§ 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.]~~

§ ~~[50.06]~~ 50.07 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.

§ 50.99 PENALTY.

(A) Violation of this chapter shall constitute a civil offense which be enforced according to the procedures set forth in the City of Morehead Code Enforcement Board Ordinance by the Code Enforcement Board, Code Enforcement Officers, and other person duly authorized to investigate and enforce violations through investigation, inspection and issuance of citations.

(B) The penalties for violations of this chapter shall be set forth in § [34.132](#).

(C) Notwithstanding the penalties set forth in the City of Morehead Code Enforcement Ordinance, any person becoming more than sixty (60) days in default of 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.

RATE TABLE 50-1					
COMMERCIAL GARBAGE PICK-UP CHARGES					
CHARGED BASED ON \$70 PER HOUR (TWICE-A-WEEK PICKUP)					
		Per Week Pickup			
1 Tipper Container		\$12.00			
(95 gal. wheeled)					
Extra Tipper Container additional \$12.00 per month					
DUMPSTERS					
	Per Week Pickup		Twice Per Week Pickup		Three Times Per Week Pickup
1 1/2 Cu/Yd.	\$14.30		\$27.50		\$43.70

<u>2 Cu/Yd.</u>	<u>\$15.40</u>		<u>\$30.80</u>	<u>\$46.20</u>
<u>3 Cu/Yd.</u>	<u>\$22.82</u>		<u>\$45.65</u>	<u>\$68.47</u>
<u>4 Cu/Yd.</u>	<u>\$30.80</u>		<u>\$62.43</u>	<u>\$93.22</u>
<u>5 Cu/Yd.</u>	<u>\$37.95</u>		<u>\$76.17</u>	<u>\$114.12</u>
<u>6 Cu/Yd.</u>	<u>\$46.20</u>		<u>\$92.12</u>	<u>\$138.32</u>

The provisions of this ordinance are severable; and the invalidity of any provision of this ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

This Ordinance shall take effect and shall be in full force after its enactment and publication as required by law.

All ordinances or parts of any ordinances in conflict herewith, to the extent of the conflict, if any, are hereby repealed.

INTRODUCED, SECONDED AND GIVEN FIRST READING at a duly convened meeting of the Board of City Council of the City of Morehead, Kentucky held on this 12th day of August, 2024.

INTRODUCED, SECONDED AND GIVEN SECOND READING at a duly convened special meeting of the Board of City Council of the City of Morehead, Kentucky held on this 18th day of September 2024.

APPROVED:



LAURA WHITE-BROWN, MAYOR

9/24/24

DATE

ATTESTED:



HELEN SMITH, CITY CLERK