COMMONWEALTH OF KENTUCKY
CITY OF LONDON
ORDINANCE NO. ~~2007-13~~ 2013-02

AN ORDINANCE AMENDING AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR THE PICKUP AND DISPOSAL OF GARBAGE, TRASH, AND OTHER ARTICLES AND SUBSTANCES IN THE CITY OF LONDON, KENTUCKY, WITH CLASSIFICATIONS OF SERVICE AND APPLICABLE SERVICE RATES, AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE, AND PROVISIONS CONCERNING SERVICE FURNISHED TO NON-RESIDENTS AND AN ORDINANCE ESTABLISHING RENTAL FEES FOR BUSINESSES THAT USE CITY OWNED DUMPSTERS AND COMPACTORS AND REPEALING ORDINANCE NO. 972

BE IT ORDAINED BY THE CITY OF LONDON, KENTUCKY, THAT LONDON CITY ORDINANCE 2007-13 BE AND IS HEREBY AMENDED AS FOLLOWS:

WHEREAS, the public health, safety, and welfare of the citizens of the City of London require an organized system of garbage and trash collection and disposal and not for other revenue measures but for the purpose only of creating sufficient funding for the services provided, the following requirements, rules, and regulations are hereby enacted and adopted:

DEFINITIONS

(1) RESIDENTIAL: Means any house, building, or structure occupied by one or more family units for residential purposes only.

(2) BUSINESS: Means any building, house, or structure used for any business or commercial or industrial purpose, whatever the description or classification of the business.

(3) AUTHORIZATION FOR DISPOSAL IN DUMPSTER: Means authorization to place garbage in a dumpster by one other than the renter of the dumpster.

GENERAL PROVISIONS

(1) All persons, associations, firms, corporations, businesses or legal entities residing in or operating a business in the City of London, Kentucky, shall subscribe to and use the garbage collection system and service provided by the City of London, Kentucky, in conformity with the terms, rules and regulations, and penalties provided for in this Ordinance.

(2) The owner, operator, tenant, or person in charge of any residence or business in the City of London shall place all garbage in regulation metal dumpsters or regulation metal or plastic garbage containers with tight fitting lids. Such containers shall not be larger than forty gallons and should be manufactured solely for the purpose of containing solid waste. No person, association, firm, or corporation subject to the provisions of this Ordinance shall use any metal cans or barrels other than regulation equipment. For health reasons, the cleanliness of

the dumpster is very important and must be kept clean by the user. No brush or debris other than bagged garbage or boxes may be placed inside a garbage can or dumpster. No scrap wood or other construction material, metal, brush, gravel, dirt, sod, tires, car batteries, liquid paint, paint cans, chemical containers, human or animal feces, urine, or any hazardous material may be placed in the can or dumpster.

(3) All kitchen and table scraps, materials or substances of a perishable nature shall be placed in standard plastic garbage bags which shall be closed and tied in a substantial manner as to prevent the spillage or leakage of the contents thereof, and shall also be placed in a garbage can or a metal dumpster container. No garbage may be placed in either a can or a dumpster without first being placed in a bag.

(4) All wooden, plastic, or cardboard shipping packages or boxes, which cannot be placed in a garbage can or regulation metal dumpsters, shall be crushed or collapsed and tied in bundles with substantial cord or string and said bundles shall be confined in size and shape so as to be expeditiously handled by one man and shall not exceed fifty (50) pounds in weight for each bundle. An extra fee will be charged for all such material in accordance with the quantity thereof.

(5) One pick-up truck load of cut tree limbs or one load of junk items will be picked up at no cost to the homeowner during Cleanup Months of April and the last two (2) weeks of October. Since these items must be scheduled on an individual basis, a minimum of three days between call-in and pick-up is required. Additional loads of either cut brush or junk items may be picked up at the following rates: $10.00 for one-half pickup load, $20.00 for a full pickup load, and $32.00 for a ton truckload. Requirements for hauling brush and junk are as follows:

(a) Cut Brush - Limbs and shrubbery cut by the homeowner may be placed adjacent to roadway for pickup. Pieces should be no longer than 7 feet in length. No pieces of wood heavier than fifty (50) pounds will be taken, as well as any stumps or uprooted items. Limbs cut by professional tree trimmers must be removed by same.

(b) Junk Items - junk furniture items may be picked up with the following exceptions. Any items with a freon compressor, such as an air conditioner or a refrigerator, will not be picked up with the compressors intact. Certification must be provided showing that the refrigerant has been removed in a legal manner by a certified technician. No refrigerator with food inside will be picked up. Debris from remodeling, such as roofing material, will only be picked up in a City open-top unit. The construction rate for these units will apply. Car tires of 15 inches or less may be picked up for $5.00 each and larger tires for $10.00 each.

(6) All approved cans and dumpster equipment, as well as brush or other debris, shall be placed by the owner and/or occupant of the property immediately adjacent to the public street right-of-way, in such a way as to be immediately accessible to the City garbage trucks and equipment. The business owner or resident shall have the responsibility to keep dumpster equipment unblocked from immediate accessibility for dumping by City employees. All dumpsters shall be placed on a concrete or asphalt surface and not gravel, dirt, or sod. This area must be immediately adjacent to the City right-of-way. No dumpster equipment may be placed underneath electric, cable, or telephone wires.

(7) Any enclosure built by the owner/occupant for City dumpster equipment shall be of sufficient size to allow safe dumping of the dumpster. If enclosures have doors, they shall be kept in good working order. The doors must be able to be held open securely with metal rods that slide down into the blacktop. No debris or grease pits may be stored inside dumpster enclosures. Any enclosure shall be pre-approved by the City of London Public Works Department as to its proper construction.

(a) No Commercial building permit shall be issued by the Building Inspector until the builder/owner produces documentation from the City that a container enclosure had been obtained from the City.

(8) Any wooden, metal, or plastic objects which cannot be picked up by the crews operating the equipment shall be the responsibility of the owner and/or person in possession of such objects for the disposal of the same by private means.

(9) No employee or agent of the Sanitation Department of the City of London shall make garbage collection pick-ups unless preparation of garbage and/or objects and substances is accomplished in conformity with the terms and provisions of this Ordinance.

MONTHLY RATES AND SERVICE

RESIDENTIAL: All residential pick-ups will be made once a week in conformity with the regular schedules fixed by the Sanitation Department. The homeowner is responsible for furnishing their containers, according to the description, for use in holding bagged garbage. All bagged garbage must be placed in a trash can. An extra fee will be assessed for picking up extra bagged trash and boxes in accordance with item five of the General Provisions section of this Ordinance. Garbage cans may not be overfilled and the lid must completely close.

The rate for each single-family unit and for each family unit in a multi-family dwelling, including apartment houses, shall be~~$10.00~~ $15.52 per month for each family unit. Residential customers will be assessed an extra fee if more than three containers are used on a regular basis. If more than three cans are used, a~~$3.00~~ $5.00 per month per can surcharge shall be made.

Owners of residential properties shall be charged $3.00 per month per rental container for each curb tipper unit. The owner of any rental property is responsible for requesting a curb tipper unit from the City and is responsible for the replacement cost of same.

BUSINESS: Pickups at business locations will be made in keeping with the rate structure as is hereinafter stated. Each business owner, occupant, or operator shall use either an approved size (not larger than 40-gallon) can, a dumpster container, an open-top container, or a compactor, sufficient in number and size to accommodate all accumulated garbage and refuse between pickup periods. Charges are fixed by volume as is hereinafter stated. All plastic bags must be placed in the appropriate containers.

The following rates are hereby adopted:

CLASS A:

This Classification is for any business using either an approved size can or metal dumpster. Any business having a dumpster or an approved size can dumped with a rear-loader truck may have five-day service only, Monday through Friday. A business having a dumpster dumped with a front-loader truck may have six-day service, Monday through Saturday. No scrap wood or other construction material, metal, brush, gravel, dirt, sod, tires, car batteries, liquid paint, paint cans, chemical containers, human or animal feces, urine, or any hazardous material may be placed in the can or dumpster. Dumpsters shall not be overloaded. No garbage should be stacked on dumpster lids. No dumpster may be kept inside a building where a City vehicle must enter the building to dump the dumpster.

The rates for dumpsters are in addition to a monthly rental fee. Owners of business properties shall be charged $3.00 per month per rental container for each curb tipper unit. The owner of any rental property is responsible for requesting a curb tipper unit from the City and is responsible for the replacement cost of same. Class A is subdivided and the rate per month for each division is as follows:

Class	Unit Type	Rate per month	Call-in pickups, each
A-1_	Approved cans, not larger than 40-gallon size, maximum three (There shall be a~~$3~~ $5 per month surcharge per can beyond the three permitted, if three cans are not sufficient, then a dumpster must be used)	~~$20.00~~$26.03	~~$10.00~~$15.00
A-2	Two Yard Dumpster, once per week (Multiple pickups per week available at multiples of ~~$50.00~~$90.00)	~~$50.00~~$90.00	~~$12.50~~$22.50
A-3	Four Yard Dumpster, once per week (Multiple pickups per week available at multiples of ~~$80.00~~$120.00)	~~$80.00~~$120.00	~~$25.00~~$35.00
A-4	Six Yard Dumpster, once per week (Multiple pickups per week available at multiples of ~~$100.00~~$140.00)	~~$100.00~~$140.00	~~$37.50~~$47.50
A-5	Eight Yard Dumpster, once per week (Multiple pickups per week available at multiples of ~~$105.00~~ $145.00)	~~$105.00~~$145.00	~~$50.00~~$60.00

CLASS B:

This classification is for any business using an open-top container. Rates are subdivided depending on the size of the unit. No tires, liquid paint, refrigeration units with compressors or any hazardous materials are permitted. Open-tops may not be filled above the top of the container. An open-top unit may not be filled more than half its capacity with dirt. If units are loaded heavier than the maximum weight specified, a $45 per ton surcharge will be assessed. The rates for open-top containers are in addition to a monthly rental fee. Multiple pickups are available at multiples of the specified rates. The customer is responsible for damages other than ordinary wear and tear to roll-off containers, compactors and dumpsters at the rate of $65 per hour for labor plus the cost of materials for the repair. Repair costs will be added to the customer's bill. Class B is subdivided and the rate for each division is as follows:

CLASS B:

Class	Unit Type	Charge per dump
B-1	10 Cubic Yard Open-Top, maximum 2 tons	$175.00
B-2	20 Cubic Yard Open-Top, maximum 4 tons	$350.00
B-3	30 Cubic Yard Open-Top, maximum 6 tons	$525.00
B-4	40 Cubic Yard Open-Top, maximum 7 tons	$700.00

CLASS C:

This classification is for any business using a compaction system. The rates specified indicate the size of the box used to hold the compacted garbage and the rate for each dump made on the unit.

Class	Unit Type	Charge per dump
C-1	6 Cubic Yard Compactor	$85.00
C-2	8 Cubic Yard Compactor	$96.00
C-3	16 Cubic Yard Compactor	$115.00
C-4	20 Cubic Yard Compactor, maximum 6 tons	$275.00
C-5	25 Cubic Yard Compactor, maximum 8 tons	$345.00
C-6	30 Cubic Yard Compactor, maximum 9 tons	$420.00
C-7	34 Cubic Yard Compactor, maximum 10 tons	$475.00
C-8	40 Cubic Yard Compactor, maximum 12 tons	$485.00

The monthly rental provided herein is based on the Consumer Price Index for rent in the United States city average for urban wage earners and clerical workers as determined by the United States Department of Labor, Bureau of Labor Statistics. ~~It is agreed by the parties hereto that~~ The monthly rental payment fee shall be adjusted on the basis of the Consumer Price Index, or if there should be no Consumer Price Index, then by the successor of the most nearly comparable index.

For the 10, 20, 25, 30, 34, and 40-yard compactors, the rent cost of the receiver box only is $140.00 per month. This rate is applicable for customers who own their own compactors but who need to rent a receiver box from the City of London. When compactors are installed by the City of London, customer is responsible for materials and labor to connect compactor to the owner's building (if necessary) all material, supplemental labor are installed at the customer's expense; the labor shall be at the rate of $65.00 per hour. The City of London does not provide any locking devices for dumpsters. If the customer places any locks on the dumpster, they must be removed on the day that it is emptied and must not be a hindrance to City equipment.

For the operation of a temporary business, that business shall obtain a roll off container from the City prior to the issuance of a Privilege License by the City Clerk.

There will be a surcharge of $45 per ton assessed for loads greater than the maximum permitted.

For businesses who own their own compactor and request the City to make repairs to the same, the City=s rates are as follows:

(a) a haul fee of $125.00,

(b) $65 per hour for labor,

(c) actual cost of any parts or materials used in the repair, and for,

(d) any Aon site@ repairs there shall be a $75 trip fee plus $65.00/ per hour for all labor, plus actual cost of any parts or materials used in the repair.

OTHER GARBAGE COLLECTION: Garbage collection service will be furnished to certain non-resident business establishments at their request only, which rates shall be established by this Ordinance based on their classification.

Private collection of garbage within the corporate limits of the City of London is prohibited.

For any special called pickup for collection of refuse or garbage, other than the special designated AClean-Up-Month,@ of April and the last two (2) weeks of October, due to the volume or the type of refuse to be picked up, the particular collection shall be assessed a fee as follows: $10.00 for one-half pickup load, $20.00 for a full pickup load, and $32.00 for a ton truck load.

RECORD KEEPING: A current list of all business establishments with a classification and monthly charge to each customer will be maintained in the office of the City Clerk. This list will be supplemented

as the need therefore may appear to the City Council. All charges will be calculated on a monthly basis and the statement of services will be issued by the London Utility Commission and collection will be made on a monthly basis by the Commission.

Any non-payment of collection charges herein set out shall result in the withholding of garbage collection and disposal service. The owner and/or occupant of the premises will be held personally responsible for any nuisance created by the accumulation of garbage. The person owning, occupying, or otherwise having possession of the premises shall keep all premises clean and sanitary and will not permit offensive odors to be emitted there from.

FOR HEALTH AND SANITATION REASONS. In the event any renter fails to pay garbage fees in keeping with this Ordinance, the London Utility Commission shall refuse to provide water and/or sewer services. In the event any renter has moved and/or left unpaid any garbage fees in keeping with this Ordinance, The London Utility Commission shall refuse to provide water and/or sewer services to that address until or unless such fees are paid.

~~In addition, for all rental property, there is a $50.00 fee per tipper cart, to be refunded at the time the cart is returned to the City.~~

PENALTIES: Any violation of the terms and provisions of this Ordinance shall be deemed a misdemeanor and shall be punishable by a fine not to exceed $100.00, and/or imprisonment for a period of time not exceeding ten (10) days, or both.

Any unauthorized use of a dumpster or open-top shall be deemed a misdemeanor and shall be punishable by a fine of $50.00 and/or imprisonment for a period of time not exceeding ten (10) days or both. Each violation of this Ordinance shall be deemed a separate offense and shall be punished accordingly.

DUMPSTERS: The final decision of whether a business must use a dumpster rests with the City of London Public Works Department. All businesses that use either dumpster containers, open-tops, or compactors owned by the City of London for garbage pickup by the City of London shall be charged a monthly rental fee for the use of said equipment as follows:

(A)	Two Cubic Yard dumpster	$18.00 per month
(B)	Four Cubic Yard dumpster	$28.00 per month
(C)	Six Cubic Yard dumpster	$35.00 per month
(D)	Eight Cubic Yard dumpster	$40.00 per month
(E)	Ten (10) Cubic Yard Open-Top (new size)	$3.50 per day
(F)	Twenty (20) Cubic Yard Open-Top	$3.50 per day
(G)	Thirty (30) Cubic Yard Open-Top	$3.50 per day
(H)	Forty (40) Cubic Yard Open-Top	$3.50 per day
(I)	6 Cubic Yard Compactor	$145.00 per month
(J)	8 Cubic Yard Compactor	$160.00 per month
(K)	20 Cubic Yard Compactor	$215.00 per month
(L)	25 Cubic Yard Compactor	$225.00 per month
(M)	30 Cubic Yard Compactor	$240.00 per month
(N)	34 Cubic Yard Compactor	$250.00 per month
(O)	40 Cubic Yard Compactor	$265.00 per month

(P) Call-in rate for after hours (our hours are 7:00 a.m. to 4:00 p.m.) compactor dumping: $75.00. In addition to normal fees.

(Q) For construction projects, set and relocate fees for roll-off containers are $50 per trip.

(R) If customer has compactor and receiver box, must be charged rent for each of these.

TRANSFER STATION RATES:

$15.00 minimum rate for deliveries to transfer station.

$35.00 per ton plus KERF tax ($1.75 per ton) for deliveries to transfer station.

The monthly rental fee for each business shall be added to the fee for garbage pick-up and shall be collected monthly by the City of London Utility Commission.

There shall be a 1.5% interest, compounded monthly, for any account 30 days delinquent. Failure to make payments for services provided by the City pursuant to this Ordinance shall subject the property of the delinquent customer to a lien for such fees, interest and other penalties not paid under the terms of this Ordinance. This lien shall take precedence over other liens except as is otherwise stated in the Kentucky Statutes.

This Ordinance is not a revenue measure and is enacted for the purpose only of creating sufficient funding for the services provided and for the purpose of promoting the health, safety, and general welfare of the City of London and community at large.

This Ordinance shall become effective upon publication. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. ~~Ordinance No. 972 is expressly repealed~~.

Troy Rudder

Troy Rudder, Mayor

ATTESTED Carolyn Adams

Carol Adams, City Clerk

First Reading: May 6, 2013
Second Reading: May 23, 2013
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