

**SUMMARY OF ORDINANCE NO. 2023-41 ENTITLED “AN ORDINANCE ESTABLISHING REQUIREMENTS FOR THE PICKUP AND DISPOSAL OF GARBAGE, AND OTHER ARTICLES AND SUBSTANCES IN THE CITY OF LONDON, KENTUCKY, WITH CLASSIFICATIONS OF SERVICE AND APPLICABLE SERVICE RATES AND CONSUMER PRICE INDEX ADJUSTMENTS, RECYCLING, AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE, INTEREST FOR OVERDUE ACCOUNTS AND ESTABLISHING RENTAL FEES FOR BUSINESSES THAT USE CITY OWNED DUMPSTERS”**

This summary is prepared by Larry G. Bryson, London City Attorney as a true and correct summary of Ordinance No. 2023-41. This summary only addresses the changes made from the previous Ordinance No. 2014-10.

Throughout this Ordinance, changes are made reflecting that recycled materials are no longer picked up at curbside and must be brought to the Recycling Center. The Recycling Center is open 6:00 a.m. to 6:00 p.m., Monday through Friday and 10:00 a.m. to 2:00 p.m. on Saturday.

Because of issues in the past, the Ordinance is revised to so that the property owner is ultimately responsible for Herbie Curbie and dumpster fees; in the past there have been disputes as to whether the builder, contractor, renter or lessee were responsible. The Owner may continue to contract for this, but if not paid by someone else, the owner is responsible for fees, penalties and interest and interest and penalties are also charged on overdue rentals of City owned dumpsters, compactors, dumping fees and on overdue fees. The rates are based on the size of the dumpsters (cubic yard size) and compactors. Surcharges are made per ton for loads greater than the maximum allowed. No roll off containers for businesses are permitted until the City Clerk issues a Privilege License. Transfer Station Rates are included in the Ordinance.

The public is requested to place their Herbie Curbies on the curb the evening before pickup because the collection trucks begin their pickup as early as 3 a.m. Herbie Curbies (95 gallon) are provided to residents of the City at no charge.

Since at least 2014, the City has used the Consumer Price Index ("CPI") for rate and rental adjustments. No rates or rental fees are changed, but they continue to be adjusted each year with the CPI of the previous year from the US Department of Labor, Bureau of Labor Statistics. The current rates and rentals are on file with the CPI adjustments at the City Clerk's Office and the Office of Public Works during normal business hours.

Some rental fees that were in Ordinance No. 2014-10 are not in this Ordinance because we do not have those sizes of dumpsters. Clean-up months of April and October are recognized, but in other months, the cost of fees for ½ pickup load are changed to \$20, \$40 for a full pickup load and \$50 for a ton truck load.

Any violations of the Ordinance are to be brought before the Code Enforcement Board.

This is a true and correct summary of Ordinance No. 2023-41 of the changes made from Ordinance No. 2014-10 and is prepared by Larry G. Bryson who is authorized to practice law in the Commonwealth of Kentucky.

This the 6<sup>th</sup> day of November, 2023.

  
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Larry G. Bryson  
London City Attorney

## COMMONWEALTH OF KENTUCKY

## CITY OF LONDON

## ORDINANCE NO. 2023-41

AN ORDINANCE ESTABLISHING REQUIREMENTS FOR THE PICKUP AND DISPOSAL OF GARBAGE, AND OTHER ARTICLES AND SUBSTANCES IN THE CITY OF LONDON, KENTUCKY, WITH CLASSIFICATIONS OF SERVICE AND APPLICABLE SERVICE RATES AND CONSUMER PRICE INDEX ADJUSTMENTS, RECYCLING, AND PROVIDING PENALTIES FOR VIOLATION OF THIS ORDINANCE, INTEREST FOR OVERDUE ACCOUNTS AND ESTABLISHING RENTAL FEES FOR BUSINESSES THAT USE CITY OWNED DUMPSTERS

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BE IT ORDAINED BY THE CITY OF LONDON, KENTUCKY, AS FOLLOWS:

WHEREAS, the public health, safety, and welfare of the citizens of the City of London require an organized system of garbage, trash, and recycling collection and disposal. “Recycling” as used herein is a process to change waste materials into new products to prevent waste of potentially useful materials, reduce the consumption of fresh raw materials, reduce energy usage, reduce air pollution (from incineration) and water pollution (from landfilling) by reducing the need for “conventional” waste disposal. Recycling is a key component of modern waste reduction. Recyclable materials as used herein include glass, paper, metal, plastic, old cardboard containers, and electronics. Materials to be recycled are brought to a collection center, then sorted, cleaned, and reprocessed into new materials bound for manufacturing. The collection described herein is not for revenue generation purposes, 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: This means any house, building, or structure occupied by one or more family units for residential purposes only.
- (2) BUSINESS: This 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: This means authorization to place garbage in a dumpster by one other than the renter of the dumpster.

(4) The City of London Regional Recycling Center on TLC Lane accepts many items for recycling. The City of London Regional Recycling Center is open 6 am to 6 pm, Monday through Friday and 10:00 am to 2:00 pm on Saturday.

(5) HERBIE CURBIE: A “herbie curbie” is a plastic refuse container provided, in keeping with the terms of this Ordinance, at no charge to the customer. It holds approximately 96 gallons of waste, or about 5 large garbage sacks.

(6) RATES, RENTALS AND AND CHARGES: All rates, rentals and charges referred to herein are based on the rates, rental fees and charges in effect at the time of the passage of this Ordinance. The City of London authorizes and requires rate adjustments, rental adjustment and other charge adjustments to be made each year based on the Consumer Price Index (“CPI”) of the preceding year for rate and rental in the United States Department of Labor, Bureau of Labor Statistics for each rate and rental payment fees. All charges including, but not limited to rates, rental fees and any other charges of any nature pursuant to this Ordinance that are overdue more than sixty (60) days are subject to interest and penalties in keeping with this Ordinance.

#### GENERAL PROVISIONS

1. “Persons” or “person” as used herein means all individuals, associations, firms, corporations, businesses, or any legal entities residing in or operating a business in the City of London, Kentucky. All such persons shall subscribe to and use the garbage collection system and service provided by the City of London, Kentucky, in conformity with the terms and rules provided for in this Ordinance.

2. “Garbage” as used herein, unless otherwise indicated, is intended to mean any refuse, trash, waste, or litter. Special provisions herein relate to tree leaves, tree limbs, construction materials and other similar debris.

3. The owner, operator, tenant, or person in charge of any residence or business in the City of London shall place all garbage in a herbie curbie or in an approved regulation dumpster. No person, association, firm, or corporation subject to the provisions of this Ordinance shall use any metal cans or barrels other than dumpster or herbie curbie equipment described herein. For

health reasons, the cleanliness of the dumpster and herbie curbie is very important and must be kept clean by the user.

4. 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. Any violation of this portion of this Ordinance may result in the matter being presented to the Code Enforcement Board. The Customer is responsible for placing items in garbage container in a manner that will easily empty out.

5. 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 herbie curbie or a dumpster container. No garbage may be placed in either a herbie curbie or a dumpster without first being placed in a bag.

6. All garbage that cannot be placed in a herbie curbie or regulation metal dumpster 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.

7. Special pick up items shall be called in to the Public Works Department when placed to the closest city street. An extra fee will be charged for all such material.

One pick-up truck load of cut tree limbs, weeds, or grass or one load of junk items will be picked up at no cost to the customer during "Cleanup Months" of April and the last two (2) weeks of October. For any special called pickup for collection of refuse or garbage, other than the special designated Clean-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 rate charge in keeping with the rates herein stated.

(A) No leaves or debris shall be blown into the streets. Otherwise, the above items must be scheduled on an individual basis, a minimum of three days between call-in and pick-up is required.

(B) Rates for cut brush and junk items (with the exceptions herein stated) are based on one half pickup, full pick up loads and a ton load are the same as present rates but shall be adjusted based on the Consumer Price Index ("CPI") as hereinafter stated.

(C) Requirements for hauling brush and junk are as follows:

(a) Cut Brush – Limbs, tree branches, weeds, and/or grass clippings 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 stumps or uprooted items heavier than fifty (50) pounds will be taken. Limbs, trees and stumps 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.

8. Debris from remodeling, such as roofing material or any approved construction material, will only be picked up in a City open-top unit. The construction rate for these units are the same as present rates at the time of this Ordinance, but shall be adjusted based on the Consumer Price Index ("CPI") as hereinafter stated. Regardless of any contract, rental, lease agreement or any other agreement between the owner and any third party, the ultimate responsibility for payment for all units under this Ordinance is that of the owner of the property where the unit is located.

9. Old tires shall be returned to a tire retailer for proper recycle.

10. At the discretion of the City of London Public Works Department, apartment complexes, homes, and/or rentals, etc., may require the use of an open top container or may haul the debris

themselves to the transfer station, for the safety of the employees due to bed bugs, roaches, etc., all at regular rates as described herein.

11. All herbie curbies and garbage containers pick up locations will be designated by the Public Works Department upon delivery of the herbie curbie and garbage containers.

12. The consumer shall be responsible for placing their herbie curbie and/or garbage container at that pick up location the night before the assigned collection day. Some pick ups begin as early as 3:00 am.

13. All brush or other debris, shall be adjacent to the public street right-of-way, in such a way as to be immediately accessible to the City garbage trucks and equipment.

14. 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, unless pre approved by the Public Works Department.

15. 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 constructed according to the standards set forth by the Public Works Department. A copy of these standards will be available at the City of London Public Works Department. The City of London is not responsible for any cleanup of any dumpster enclosure and if the dumpster is overfilled, the City shall dump at its discretion and if the overfill is spilled, the property owner is responsible for the clean-up.

16. No Commercial building permit shall be issued by the Building Inspector until the builder/owner produces documentation from the Public Works Department approval that a

container enclosure is constructed in accordance with the standards set forth by the Public Works Department.

17. Regardless of any agreement between the owner, builder or renter or lessee or anyone else, the owner shall be responsible to the City for full payment, interest and penalties of any and all dumpster fees.

18. Any objects which cannot be picked up by the Public Works Department shall be the responsibility of the owner and/or person in possession of such objects to dispose of by private means.

19. No employee or agent of the Public Works Department of the City of London shall make garbage collection pick-ups unless collection of garbage and/or objects and substances is accomplished in conformity with the terms and provisions of this Ordinance.

#### MONTHLY RATES AND SERVICE

All rates and services described herein include solid waste. All rates pursuant to this Ordinance are the same as the present rates at the time of the passage of this Ordinance. All rates will be evaluated each year and the City of London authorizes rate and rental adjustment each year based on the Consumer Price Index ("CPI") of the preceding year for rate and rental in the United States Department of Labor, Bureau of Labor Statistics for each rate and rental payment fees. These rates, fees and service charges shall be available for review at the Public Works Department or the Office of the City Clerk during normal business hours.

Interest rates on all accounts more than sixty (60) days shall be at one and one-half (1.5%) per cent interest, compounded monthly.

RESIDENTIAL SERVICE: All residential pick-ups will be made once a week in conformity with the regular schedules fixed by the Sanitation Department. The City of London will furnish herbie curbies, according to the description, for use in holding bagged garbage. All bagged garbage must be placed in a herbie curbie. 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. Herbie Curbies may not be overfilled and the lid must completely close. No garbage outside of the herbie curbie will be picked up.

The rate for each single-family unit and for each family unit in a multi-family dwelling, including apartment houses, shall be the rate in effect at the time of the passage of this Ordinance for each family unit. Residential customers will be assessed an extra fee for each additional container of volume garbage required or used on a regular basis. The City of London trucks are equipped to pick up only containers furnished by the City of London.

The owner of any rental property is responsible for a herbie curbie from the City and is responsible for the replacement cost of same should the herbie curbie be lost or stolen.

No residential pick-ups will be made outside the London City limits.

**BUSINESS SERVICE:** Pickups at business locations will be made in keeping with the rate structure in effect at the time of the passage of this Ordinance. Each business owner, occupant, or operator shall use either an approved size of a 95 gallon herbie curbie, 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. All plastic bags must be placed in the appropriate containers. Charges are fixed by volume and at the rate in effect at the time of the passage of this Ordinance.

Commercial pick-ups outside of the City limits shall be discretionary by the City and only if the business has a business location or office within the City limits to which the account shall be charged. Commercial bins outside the city limits are required to be inside an enclosed bin or a secure area approved by the City of London Public Works Department. There is no legal obligation of the City of London to pick up such containers outside to the City limits of the City of London.

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 a herbie curbie dumped with an automated loader truck or front-end loader may have five-day service only, Monday through Friday. 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 City vehicle or employe may enter a building to empty a dumpster. The City may refuse to pick-up garbage service if garbage is on dumpster lids or dumpsters that are over-filled.

The rates for dumpster garbage pick-up are in addition to a monthly dumpster rental fee. Regardless of any agreement or contract to the contrary, the owner of any rental property is responsible rental, pickup garbage pickup and replacement fees and costs for a herbie curbie from the City.

Class A is subdivided and the rate per month for each division is based on the Unit Type, rate per month and call-in pickups. All rates are based on the rates in effect at the time of the passage of this Ordinance, but shall be adjusted annually as stated hereinabove.

A-1 Herbie Curbie (95 gal) provided by the City of London provided at no charge.

A-2 Two Yard Dumpster, once per week (Multiple pickups per week available at multiples per month.)

A-3 Four Yard Dumpster, once per week (Multiple pickups per week available at multiples per month)

A-4 Six Yard Dumpster, once per week (Multiple pickups per week available at multiples per month)

A-5 Eight Yard Dumpster, once per week (Multiple pickups per week available at multiples of per month)

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 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 in keeping with the costs of parts, material and labor 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 is divided into unit container maximum loads by unit type and charge per dump:

- B-1 10 Cubic Yard Open-Top, maximum 2 tons
- B-2 20 Cubic Yard Open-Top, maximum 4 tons
- B-3 30 Cubic Yard Open-Top, maximum 6 tons
- B-4 40 Cubic Yard Open-Top, maximum 7 tons

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. These are based on classes, unit types and charges per dump:

- C-1 6 Cubic Yard Compactor
- C-2 8 Cubic Yard Compactor
- C-3 16 Cubic Yard Compactor

- C-4 20 Cubic Yard Compactor, maximum 6 tons
- C-5 25 Cubic Yard Compactor, maximum 8 tons
- C-6 30 Cubic Yard Compactor, maximum 9 tons
- C-7 34 Cubic Yard Compactor, maximum 10 tons
- C-8 40 Cubic Yard Compactor, maximum 12 tons

For the 10, 20, 25, 30, 34, and 40-yard compactors, the rent cost of the receiver box is 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 and labor are installed by the City of London but shall be reimbursed by the customer. The City of London does not provide any locking devices for dumpsters. If the customer places any locks on the dumpster or gates, the customer must provide the Public Works Department with three (3) keys that operate the lock, or 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 Business Privilege License by the City Clerk.

There will be a surcharge of \$45 per ton assessed for loads greater than the maximum permitted. City will only be responsible for containers we provide that we purchase and provide and modify to our specifications. If a customer requires a container that we do not provide on a regular basis then they are responsible for the purchasing, modifications, and installation of that equipment. All equipment not furnished by the City of London must be pre-approved before purchase and installment.

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

**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.

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 here 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.

PENALTIES: Any failure to abide by the terms and provisions of this Ordinance, including but not limited to any unauthorized use of a dumpster or open-top container shall be deemed a violation of this Ordinance and shall be referred to the Code Enforcement Board; the alleged violator shall have the option to pre-pay a penalty of \$50.00 and avoid appearing before the Code Enforcement Board. It is the responsibility of the alleged violator to get payment to the City Clerk at least 24 hours in advance of the Code Enforcement Board hearing. 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 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 two, four, six, and eight yard dumpsters per month and ten, twenty, thirty, forty cubic yard open top dumpsters per day and six, eight, twenty, twenty five, thirty, thirty four and forty yard compactors per month.

- Call-in rate for after hours compactor dumping and are in addition to regular fees. (Our hours are 6:00 a.m. to 6:00 p.m. Monday through Friday and 10:00 a.m. to 2:00 p.m. on Saturday)
- For construction projects, set and relocate fees for roll-off containers are per trip.
- Compactor and receiver boxes are charged separately.

TRANSFER STATION RATES:

A minimum rate is charged for deliveries to transfer station. This is available to City of London residents and businesses only. The charge is per ton plus KERF tax 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.

Failure to make payments for services provided by the City pursuant to this Ordinance shall cause the delinquency to be presented to the Code Enforcement Board for a determination of the delinquency, interest and appropriate penalties, which may then be enforced in the proper Kentucky court.

This Ordinance shall become effective upon publication. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

  
Randall Weddle, Mayor

ATTEST:

  
Katelin McPeek, City Clerk

First Reading: **NOVEMBER 6, 2023**  
Second Reading: **DECEMBER 4, 2023**  
Publication: **DECEMBER 13, 2023**