

COMMONWEALTH OF KENTUCKY
CITY OF LONDON
ORDINANCE NO. 2014-10

AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR THE PICKUP AND DISPOSAL OF GARBAGE, TRASH, RECYCLING, 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, 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 either brought to a collection center or picked up from the curbside, 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: 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 or recycling 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. It is open 24 hours a day, 7 days a week.
- (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.

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 and recycling 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 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

regulation equipment. For health reasons, the cleanliness of the dumpster and herbie curbie is very important and must be kept clean by the user. 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. The Customer is responsible for placing items in garbage container in a manner that will easily empty out.

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

(4) All garbage or recyclables that 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. Special pick up items shall be called in to the Public Works Department when they are set by the City Street. 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, weeds, or grass or one load of junk items will be picked up at no cost to keep in good standing during Cleanup Months of April and the last two (2) weeks of October. No leaves or debris shall be blown into the streets. The above 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, 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 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. Old tires shall be returned to a tire retailer for proper recycle.

(c) 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.

(6) All herbie curbies, recycling, and garbage containers pick up locations will be designated by the Public Works Department upon delivery of the herbie curbie, recycling, and garbage containers. The consumer shall be responsible for placing their herbie curbie, recycling, and garbage container at that pick up location before six (6) a.m. on the assigned collection day. 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. 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.

(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 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.

(a) 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 to the standards set forth by the Public Works Department.

(8) 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.

(9) No employee or agent of the Sanitation 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.

(10) The monthly rate and rental provided herein is based on the Consumer Price Index ("CPI") from 2007 and 2013 for rate and rental 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 when Ordinance Nos. 2007-13 and 2013-02 were first adopted by the City of London; this Ordinance adopts those rates together with the CPI from those dates. The monthly rate and rental payment fee shall continue to 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.

MONTHLY RATES AND SERVICE

All rates described herein include solid waste and recycling. Any resident or commercial customer that does not comply with the standard separation of recycle set forth by the Public Works Department shall have their rate increased one and a half times (1.5) their normal rate in addition to their normal rate until they are deemed in compliance with the separation standards according to the Public Works Department.

RESIDENTIAL: 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 and recyclables 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 or recyclables 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 \$15.52 per month 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.

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 of a 95 gallon or 300 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. Charges are fixed by volume as is hereinafter stated. All plastic bags must be placed in the appropriate containers.

Commercial recycle bins outside of the City limits are required to be inside an enclosed bin or a secure area approved by the City of London Public Works Department.

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 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. 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. Class A is subdivided and the rate per month for each division is as follows:

Class	Unit Type	Rate per month	Call-in pickups
A-1	Herbie Curbie (95 gal) provided by the City of London provided at no charge.		
A-2	Two Yard Dumpster, once per week	\$90.00	\$22.50
	Or a 300 gal Herbie Curbie once per week		
	(Multiple pickups per week available at multiples of \$90.00)		
A-3	Four Yard Dumpster, once per week	\$120.00	\$35.00
	(Multiple pickups per week available at multiples of \$120.00)		
A-4	Six Yard Dumpster, once per week	\$140.00	\$47.50
	(Multiple pickups per week available at multiples of \$140.00)		
A-5	Eight Yard Dumpster, once per week	\$145.00	\$60.00
	(Multiple pickups per week available at multiples of \$145.00)		

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 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

For the 10, 20, 25, 30, 34, and 40-yard compactors, the rent cost of the receiver box only 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, supplemental labor are installed at the

customer's expense; the labor shall be at the rate of \$65.00 per hour per man. 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 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 haul fee of \$125.00,
- \$65 per hour for labor,
- cost of any parts or materials used in the repair, and for,
- any on site repairs there shall be a \$75 trip fee plus \$65.00/ per hour for all labor, plus cost of any parts or materials used in the repair.
- (e) 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.

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 or recycling material 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 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 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.

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 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 300 gallon herbie curbie, 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:

- Herbie Curbie (300 gal) \$18.00 per month
- Two Cubic Yard dumpster \$18.00 per month
- Four Cubic Yard dumpster \$28.00 per month
- Six Cubic Yard dumpster \$35.00 per month
- Eight Cubic Yard dumpster \$40.00 per month
- Ten (10) Cubic Yard Open-Top (new size) \$3.50 per day
- Twenty (20) Cubic Yard Open-Top \$3.50 per day
- Thirty (30) Cubic Yard Open-Top \$3.50 per day
- Forty (40) Cubic Yard Open-Top \$3.50 per day
- 6 Cubic Yard Compactor \$145.00 per month

- 8 Cubic Yard Compactor \$160.00 per month
- 20 Cubic Yard Compactor \$215.00 per month
- 25 Cubic Yard Compactor \$225.00 per month
- 30 Cubic Yard Compactor \$240.00 per month
- 34 Cubic Yard Compactor \$250.00 per month
- 40 Cubic Yard Compactor \$265.00 per month
- 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.
- For construction projects, set and relocate fees for roll-off containers are \$50 per trip.
- 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.

City of London residents and businesses only (no outside garbage will be accepted).

\$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.


Troy Rudder, Mayor

ATTEST:


Carolyn Adams, City Clerk

First Reading: December 1, 2014
Second Reading: December 3, 2014
Publication: December 10, 2014