

ORDINANCE NO. 80-3

AN ORDINANCE REPEALING ALL PRIOR ORDINANCES RELATING TO THE COLLECTION OF GARBAGE AND THE DISPOSAL OF SAME IN THE CITY OF SOMERSET, KENTUCKY; PROVIDING FOR THE REGULATION, COLLECTION AND DISPOSAL OF GARBAGE; DEFINING GARBAGE AND REFUSE; REGULATING THE CONTAINERS FOR THE ACCUMULATION OF SAME AND THE PLACING AND MAINTENANCE FOR SUCH COLLECTION; PROHIBITING THE DISPOSAL OF GARBAGE AND REFUSE WITHIN THE CITY LIMITS OF THE CITY OF SOMERSET, KENTUCKY, UNLESS SAID SITE IS APPROVED FOR GARBAGE AND REFUSE DISPOSAL BY THE CITY COUNCIL, THE LOCAL HEALTH DEPARTMENT OR ITS' DESIGNATED REPRESENTATIVE; FIXING SCHEDULE AND REASONABLE CHARGES TO BE MADE FOR THE COLLECTION OF SAID GARBAGE AND REFUSE; PROVIDING FOR THE COLLECTION OF SAME AND ESTABLISHING A LIEN FOR UNPAID CHARGES; PROHIBITING MATERIALS FROM DISPOSAL SITES; DECLARING UNCOLLECTED GARBAGE A NUISANCE; REQUIRING PERMIT FOR CERTAIN PERSONS TO COLLECT GARBAGE; AND PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY, AS FOLLOWS:

Section I.

1. GARBAGE: The term "Garbage" shall be interpreted to mean all putrescible wastes, except sewage and body wastes, including vegetable and animal offal and carcasses of dead animals, but excluding recognizable by-products and shall include all substances from all public and private establishments and from all residences.

2. REFUSE: The term "Other Refuse" shall be interpreted to mean ashes, glass, crockery, tires, appliances, junk, metals, furniture, trees, tree limbs, and all other similar non-putrescible wastes. The term shall not include any materials such as earth, sand, brick, stone, plaster or other similar substances that may

accumulate as a result of construction operations.

3. PREMISES: The term "Premises" shall be interpreted to mean land or buildings or both, or parts of either or both, occupied by a householder or commercial operator.

4. COMMERCIAL OPERATOR: The term "Commercial Operator" shall be interpreted to mean all persons, firms or corporations, who own or operate stores, restaurants, industries, institutions, and other similar places, public or private, charitable or non-charitable, and includes all responsible persons other than householders, upon the premises of which garbage and other refuse or both is or are treated.

5. RESIDENTIAL GARBAGE: Residential garbage shall be interpreted to mean garbage produced by occupants of dwelling structures with fewer than ten dwelling units, and all churches with fewer than 200 members that produce less than two cubic yards of uncompact trash per week.

6. COMMERCIAL GARBAGE: The term "Commercial Garbage" shall be interpreted to mean all garbage within the City of Somerset which is not specifically defined as residential garbage.

Section II.

ACCUMULATION OF GARBAGE AND REFUSE

1. APPROVED CONTAINERS REQUIRED FOR ACCUMULATION: No

owner, tenant or lessee of any public or private premises shall permit to accumulate upon his premises any garbage or refuse except in (Min. size 10 gal. or Max. size 30 gal.) covered containers of rodent proof metal, plastic or equivalent construction with close fitting lid to be kept in place at all times other than loading or unloading. All garbage shall be drained of liquids or wrapped. Boxes, papers and all articles shall be stacked in a maximum of 50 pounds, bundles not to exceed five feet in length to be handled by two men in normal loading process.

Section III.

COLLECTION OF GARBAGE AND REFUSE:

1. PERMITS: No person, firm or corporation shall collect, transport, or dispose of garbage or refuse within the city limits who does not possess a permit, said permit shall be issued only by the City Council and approved by the Mayor or his designated representative, and only upon the payment of any annual permit fee which is to be set by the City Council and only after the Mayor has satisfied himself that the licensee is capable of complying with the requirements of this code. The permit may be revoked when deemed necessary to the public welfare by the Mayor or upon recommendation of the City Council.

2. PLACING AND MAINTENANCE OF CONTAINERS: No garbage or refuse shall be collected by any authorized agency that is not in proper sanitary containers under stated conditions in a place near

the street or alley where garbage truck runs or where the Mayor may otherwise designate. Containers shall be in a safe and sanitary condition at all times.

3. INDIVIDUAL DISPOSAL: The disposal of garbage or refuse in any quantity by any individual, household or establishment in any place, private or public, within the city limits other than the site or sites authorized by the City Council, is prohibited.

4. DUTY TO COLLECT: It shall be the duty of the Mayor to collect or provide for the collection of all garbage from all premises within the City of Somerset, Kentucky, at least once a week. All garbage or other refuse transported on the streets or other public places or thoroughfares in the City of Somerset, Kentucky, shall be in containers as specified in Section II, Item 1, or shall be in vehicles, the bodies of which are leakproof and of easily cleanable construction, and shall be completely covered with metal or heavy canvas. Spillage or dripping from vehicles transporting garbage and refuse shall not be permitted. (Collection of garbage and refuse is compulsory for any person, firm or corporation, business or industry located on any street which is accessible and of a suitable hard surface material which will permit the operation for the City owned or private owned trucks or vehicles used in the collection of garbage and refuse.) Refuse as described in Section I, Part 2, shall be picked up on request according to schedule of rates set out in Section V, Part 2.

5. UNUSUAL CIRCUMSTANCES:

The Common Council shall have the authority to set a fair and reasonable charge to cover the service rendered at any place, where unusual circumstances warrant such charge.

6. DUMPSTER OR CONTAINER SERVICE:

a. CONTRACT: Any person, firm or corporation engaged in the business of Dumpster~~ess~~-like container service shall first obtain a contract from the City Clerk authorized by the Common Council ^{FOR} ~~at~~ a ~~cost~~ ^{FEE} of no less than \$600⁰⁰ per year. Any such person, firm, or corporation shall also be required to post a permanent annual performance bond of \$7,500⁰⁰, said performance bond to continue as long as said contract remains in effect. Failure to pay said yearly fee shall automatically terminate said contract after a delinquency of sixty days (60) and shall result in the forfeiture of said performance bond.

b. PERMITS: Any person, firm or corporation who shall pick up and transport and haul garbage, trash or refuse from any person living within the city limits of Somerset, shall first secure a permit from the Common Council and shall pay per month for the privilege of hauling and transporting garbage, trash, refuse, etc., from persons living in the City of Somerset \$ 450⁰⁰ per month. Dump fee to be paid at site by hauler.

c. CITY FEE EXEMPTION: Any person, firm or corporation availing themselves to dumpster or container service shall be exempt from fees charged by the City of Somerset by filing with the City Clerk a copy of the contract between them and the holder

of the contract for dumpster or container service set forth in

Section (a) above.

7. UNCOLLECTED GARBAGE DECLARED A NUISANCE: No garbage

or refuse shall be collected from any premises where the owner or lessee is in arrears for a period of one month. Fermenting, putrefying or odorous garbage in containers uncollected or dumped in the open due to failure to pay the garbage fees shall be declared a nuisance. The action applies to any person, firm or corporation, who is not participating under the city collection or paying monthly collection fee for the collection of garbage and refuse.

Section VI.

1. PENALTY: Any person, firm or corporation violating

the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in a sum of not less than 75 DOLLARS nor more than 225 DOLLARS on each day that any such person, firm or corporation shall violate provisions of this Ordinance. Each day's violation shall constitute a separate offense and be punishable as such.

Section VII.

PREVIOUS ORDINANCES REPEALED

All previous ordinances relating to the collection and

Section IV:

1. APPROVAL METHOD OF DISPOSAL: All garbage and other refuse created within the City of Somerset shall be disposed of on and by instructions of the Mayor of the City or local Health Officer or designated representatives in a manner so as not to cause a public health nuisance or health hazard.

2. All junk and other materials deposited at the dump site are the property of the landfill and no person shall be allowed to separate, collect and carry off or dispose of same without permission of the property owner or lessee.

3. The disposal of any and all garbage and refuse not set out in the above shall be done at the Mayor's direction.

Section V:

SERVICE CHARGE AND NON-COLLECTION:

1. Residences: The rate of charges to each householder for collection and disposal of garbage that can be hauled in packer shall be \$ 4⁵⁰ DOLLARS per month. The City Clerk shall bill and collect from householders within the city limits these garbage fees. The responsibility for payment of the fees shall be the property owner. If fees are not paid, service shall be discontinued and all utilities operating on a city franchise within the Somerset city limits shall also be discontinued until such delinquent fees are paid.

2. Commercial: Any commercial establishment operating on

a special license to haul garbage will lose said special license by revocation in the event delinquent bills are not paid within thirty days. The collection of garbage from commercial establishments

shall be on a volumetric basis, and the rate shall be \$ ~~2.025~~ ^{2.025} per cubic yard with a minimum charge of \$ ~~6.00~~ ^{6.00} per ~~month~~ ^{month}. The

rate charged for a container such as a 32 gallon garbage can shall be based on the volumetric capacity of the container. For example, a 32 gallon garbage can has a capacity of .16 cubic yards making the charge for such a container the sum of .255 CENTS. The

volume of odd-shaped bundles of trash shall be estimated by the duly appointed representative of the city and his estimate of the volume shall be final.

3. TRASH PICKUP FEE SCHEDULE:

Trash and other refuse shall be picked up at the request of any property owner, residential or commercial, based on the

following fee schedule:

| | |
|-------------------------------------|----------|
| One-fourth load, or less | \$ 11.25 |
| One-fourth load to One-half load | 22.50 |
| One-half load to Three-fourths load | 33.75 |
| Three-fourths load to Full load | 45.00 |

The City driver shall present the bill in duplicate with the original being returned to City Hall for recording and filing.

4. CLEAN UP PERIOD:

Provided however, that in the event the Mayor and Common

Council should designate a specified period each year is a "Clean up Period", trash shall be picked up during such period at the

request of the property owner at no charge.

disposal of garbage in the City of Somerset, Kentucky, are hereby repealed in their entirety. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section VIII.

In the event any portion of this ordinance should be declared illegal, said declaration shall not affect the validity of the remaining portions of said ordinance all of which shall continue in full force and effect. This ordinance shall be effective *retroactive* to the 1st day of April, 1980.

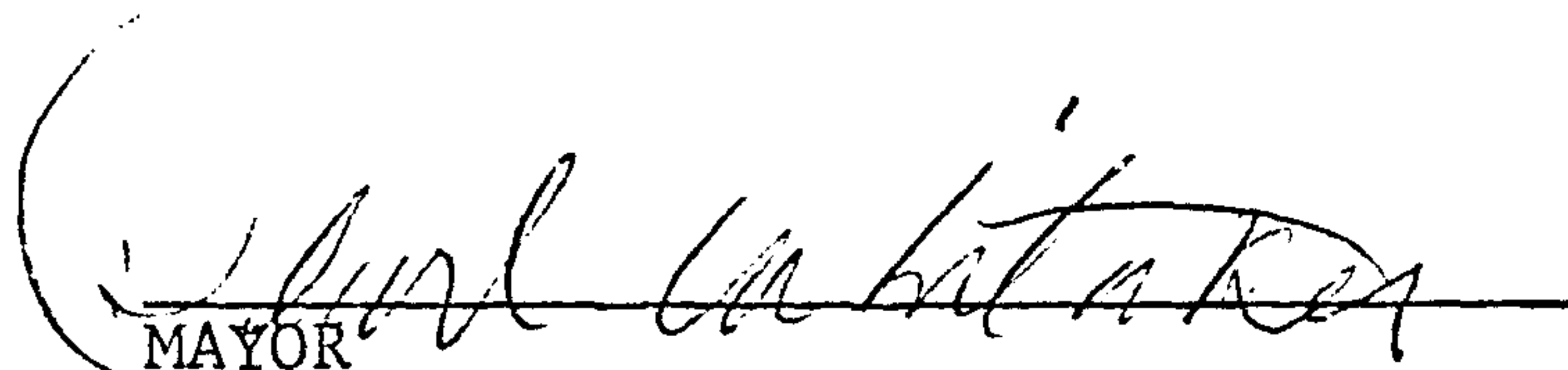
FIRST READING:

March 24, 1980

SECOND READING:

April 14, 1980

APPROVED:


MAYOR

ATTEST:


CITY CLERK

