

ORDINANCE NO. 19, 2022 SERIES

**AN ORDINANCE AMENDING VARIOUS SECTIONS OF CITY OF FRANKFORT CODE OF ORDINANCES CHAPTER 50
REGARDING GARBAGE AND SOLID WASTE**

WHEREAS, the City of Frankfort provides comprehensive collection services for garbage, solid waste, and recycling materials; and

WHEREAS, the Board of Commissioners wishes to amend the City ordinances governing these services to update and clarify outdated pick-up requirements and fees;

NOW THEREFORE BE IT ORDAINED BY THE CITY OF FRANKFORT that various sections of the City of Frankfort Code of Ordinances, Chapter 50: Garbage; Solid Waste, are hereby amended as follows:

CHAPTER 50: GARBAGE; SOLID WASTE

Section

- 50.01 Definitions
- 50.02 Collection
- 50.03 Preparation, storage, placement for collection
- 50.04 Bulk Pick Ups
- 50.05 Loose material
- 50.06 Prohibited disposal
- 50.07 Dumping regulations
- 50.08 Dangerous or hazardous waste
- 50.09 Collection of construction/demolition debris
- 50.10 Recycling program
- 50.11 Authority to establish rules and regulations
- 50.12 Police power measure
- 50.13 Prosecution
- 50.14 Garbage collection fee

- 50.99 Penalty

§ 50.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ASHES. The residue of combustion of such fuels as wood, coal, coke, charcoal, and the like.

COMBUSTIBLE. All waste substances capable of burning, including garbage, paper, rags, wood, grass, leaves, brush, and the like.

COMMERCIAL. All wastes, combustible and noncombustible, arising out of or in connection with the operation of a business or industry, and all other wastes not resulting from the ordinary operations of private residences or households.

COMPOST. The substance produced through the decomposition of organic materials, including wood, paper, mulch, yard and food waste, and leaves, that is capable of being used as a soil amendment.

CONSTRUCTION and DEMOLITION WASTE. Waste building materials and rubble resulting from construction, remodeling, repair, and demolition operation on houses, buildings, pavements, and other structures.

GARBAGE. All putrescible wastes, except sewage and body wastes and recognizable industrial by-products.

NONCOMBUSTIBLE WASTE. All waste substances incapable of burning, including tin cans, and other metallic substances, bottles, glassware, earthenware, ashes, and the like.

RECYCLABLE MATERIAL. Those commodities which are recyclable and can be sold for processing and use or reuse.

REFUSE. All non-putrescible wastes, except recyclable material.

RESIDENTIAL UNIT. Private residences or households, apartments, churches, schools and municipal buildings with eight dwelling units or less on one lot of record.

RESIDENTIAL WASTE. All solid wastes, combustible and noncombustible, arising out of the ordinary operations of residential units.

SOLID WASTE COLLECTION OFFICER. The Public Works Director or his designee.

WASTE. All trash, garbage, offal, and other refuse and discarded matter required to be removed from private and public places, except recyclable material.

WHITE GOODS. Refrigerators, washers, dryers, ranges, freezers, and other large appliances.

§ 50.02 COLLECTION.

(A) (1) The owner, tenant or lessee of each residential unit shall participate in the City's garbage disposal program and may participate in the City's recycling program. The city shall not collect commercial or industrial waste. The city shall collect residential waste and recyclable materials when properly containerized and placed adjacent to a publicly maintained street in a manner and in a quantity that does not create a hazard to traffic. Due to traffic hazards or other unsafe situations, the city shall not collect waste or recyclable materials from apartment or condominium buildings with more than eight (8) units per lot of record. Additional multi-family dwellings may also be ineligible for city collection services if services will lead to traffic hazards or create unsafe work conditions as determined by the Director of Public Works. Owners of those units not serviced by the city shall enter into a written garbage disposal contract with a properly licensed private contractor. In the case of a private contractor, the garbage shall be placed in a container equivalent or better than the container used by the City and picked up by the private contractor on no less than a once per week basis.

(2) Exception for residences located on a private street: Notwithstanding the above provision, collection service shall continue for all residences served by the city prior to January 1, 2001, so long as the owner of any private property upon or over which city vehicles are operated in the course of the collection executes an agreement indemnifying the city, its officers, employees and agents against any liability or claim for property damage, personal injury or death sustained by any person or entity, including the property owner, occurring as a result of or during such operation of city vehicles on private property with the exception of any wanton conduct by the city which creates a substantial danger of death or serious physical injury. Provided further, that the property owner shall maintain general liability insurance in a minimum coverage amount of \$1,000,000, naming the city as additional insured.

(B) Residential solid waste and recyclable material placed in approved City containers or city overflow bags shall be collected from each residential unit once per week following a schedule arranged by the Public Works Department. During "Clean Up Weeks" scheduled by the Public Works Department, residential solid waste placed in any suitable container or garbage bag will be picked up at no additional charge. The Director of Public Works, through the adoption and promulgation of rules, shall be authorized to fix and arrange the dates and schedules for the collection of solid wastes and recyclable material in all parts of the city.

(C) Tree brush and yard waste shall be collected once per week along with other household garbage and trash.

(1) Tree brush. The tree brush shall be placed adjacent to the pavement in the public street or alley right-of-way alongside regular waste containers. No tree limb shall exceed 50 pounds in weight or six feet in length. Limbs shall be stacked with cut ends facing the street, not criss-crossed, and placed in piles not exceeding three feet high and ten feet long. The city shall not collect tree residue or brush as a result of a private tree contractor's work and the property owner or occupant or the contractor shall be responsible for the removal and disposal of same in this case.

(2) Yard waste. Yard waste consisting of plant material (leaves, grass clippings, branches, brush, flowers, roots, wood waste, etc.), but excluding loose soils, sod, food waste, plastics and synthetic fibers, human or animal excrement, noxious weeds and soil contaminated with hazardous substances, shall be placed in garbage containers with a capacity of thirty-two (32) gallons or less or paper yard waste bags with a filled weight not exceeding fifty (50) pounds.

(D) Bulky items such as white goods, old furniture, and the like, shall be placed alongside other regular garbage and trash only in accordance with the Bulk Pick Up provisions pursuant to § 50.04. No person shall place a refrigerator for disposal unless and until he has either removed the door or secured it so that children cannot open it. Carpet shall be cut and tied into four foot sections. Bundled carpet weight shall not exceed 50 pounds. Items such as tires, used propane tanks, metal poles, and swing sets will not be collected by city personnel.

§ 50.03 PREPARATION, STORAGE, PLACEMENT FOR COLLECTION.

(A) Garbage and household trash. No owner, tenant, or lessee of any public or private premises shall permit to accumulate upon his premises any garbage or refuse except in suitable containers. Wheeled containers with an approximate capacity of 65 or 95 gallons shall be provided by the city to each dwelling unit qualifying for residential service at no initial cost. The containers shall remain the property of the city. Each eligible dwelling unit shall be assigned one (1) serial numbered trash container of the size requested by the owner of the unit. The property owner may exchange the trash container for a container of a different size upon payment to the city of the fee for the trash container in accordance with the procedure set by the Department of Public Works. The container exchange fee will be determined by the Director of Public Works. The fee may be waived by the Director of Public Works on a city-wide basis. Damaged or stolen containers will be replaced upon request. Waste material which may be excepted from containerization is brush and bulky items such as old furniture, appliances, and the like. Recyclable materials shall be placed in special containers provided by the city.

(B) All owners, tenants, or lessees of any public or private premises shall place garbage, waste, or recyclables to be collected in front of their premises near the street edge so that city sanitation workers may pick up and dispose of same without leaving the street or sidewalk unless, as determined by the Director of Public Works, the premises are occupied solely by one or more persons with physical limitations which prevent the persons from placing the container at the curbside or the topography of the premises prevents the placement of the container at the curbside or as provided in § 50.02(A). If the Director determines that physical or topographical limitations exist, an exemption is available through the Solid Waste Division and waste can be placed curbside in a provided city overflow bag. Otherwise, no waste shall be collected outside designated street or alley rights-of-way. Properties which do have rear yard access may be exempt from this provision upon approval by the Director of Public Works.

(C) All garbage and household trash shall be drained free of liquids and placed in the city-issued container or city overflow bag. City-issued containers shall be placed at least three feet from other objects (containers, mailboxes, parked cars, trees, lights, etc.). The trash container shall not be filled so that the attached lid cannot be completely closed, nor shall the bags be filled such that they cannot be securely fastened shut or weigh more than 50 pounds. Garbage and household trash placed in containers other than in the city-issued container or city overflow bags will not be collected except on "Clean Up Week" scheduled pursuant to § 50.02(B).

(D) Ashes shall be separated from all other types of waste, and the ashes shall be completely extinguished and placed in an airtight noncombustible container. Animal excrement must be bagged prior to placing into container.

(E) The city will not collect waste from dumpsters.

(F) No waste or recycling containers shall be allowed to remain exposed within a public street or right of way for a longer time than shall be reasonably necessary for collection. The containers shall be promptly removed from the sidewalk or public right-of-way after they have been emptied. Waste and recycling containers shall be placed at the curb no sooner than the evening prior to collection and no later than 7:00 a.m. on the day of collection and removed that evening. No container shall be allowed to remain at a curbside or roadside at times other than those permitted by this chapter.

(G) All city-issued containers shall be used for garbage or recycling purposes only and shall be kept clean by the owner thereof. No dead animals, maggots or petroleum products shall be permissible in the waste containers. Paint shall be solidified with sand, dirt, or kitty litter. No garbage or refuse shall be permitted to ferment or putrefy.

§ 50.04 BULK PICK UPS.

Notwithstanding the other provisions of Chapter 50 of the City of Frankfort Code of Ordinances, owners, tenants, or lessees of any public or private premises may request and pay for a Bulk Pick Up. This service may be used for move outs, evictions, or other events that require disposal of excess garbage, including bulky items. The requester may set out properly bagged, bundled, or containerized waste and/or may request the use of ten (10) large trash containers. This service shall be available to all residential addresses that receive city collection services. The set out property shall be required to be containerized or placed in bags weighing less than fifty pounds (50 lbs). Disposal of construction debris shall not be permitted. The use of city overflow bags shall not be required. The fee(s) for this service shall be determined by the Director of Public Works.

§ 50.05 LOOSE MATERIAL.

- (A) No person shall place within the street right-of-way for collection any small loose material which could be wind blown and result in littering. Items such as grass clippings, leaves, small branches, paper, and the like, shall be properly containerized or placed in paper yard waste bags.
- (B) Exception: Leaves may be raked to the roadside during the city's leaf collection program. The schedule and procedure for the leaf collection program shall be determined by the Director of Public Works.

§ 50.06 PROHIBITED DISPOSAL.

- (A) (1) No person shall throw, place or deposit waste on any street or other public property except in proper waste containers with the lid closed or in tied bags.
- (2) No person shall turn over or upset the contents of any waste container on any street or other public property.
- (3) When waste has been set out in containers on public property for collection no person shall remove the waste from the containers.
- (4) It shall be unlawful for any person to place any garbage or trash upon the property of another or within a trash container assigned to another residence.
- (B) The disposal of any garbage or refuse by any individual, householder or establishment in any place, public or private, within the city limits other than at a licensed and permitted private landfill or transfer station is prohibited.

§ 50.09 COLLECTION OF CONSTRUCTION/DEMOLITION DEBRIS.

Construction debris not placed in a city-issued container, city overflow bag, or properly bundled will require the use of a dumpster that is provided by and collected by a private collector. A permit issued by the Public Works Director will be required if the dumpster is to be located within a public right-of-way.

§ 50.10 RECYCLING PROGRAM.

(A) Participants.

(1) The city shall provide curbside recycling opportunity for residential units, with collection once per week. Curbside recycling collection services shall not be provided for apartment or condominium buildings with more than eight (8) units per lot of record.

(2) The city may provide curbside recycling opportunity for all privately owned commercial units located within the City of Frankfort Renaissance District, which is bounded on the south side by Second Street between Bridge Street and Capital Avenue, on the east side by High Street between Mero Street and the Kentucky River, on the north side by Mero Street between High Street and the Kentucky River and on the west side by the Kentucky River, with collection once per week.

(B) *Containers.* The city shall provide each residential unit which participates in the recycling program with one (1) approved container. The container shall remain property of the city. The container shall be used only for the purpose of recycling, and are not to be filled so that the attached lid cannot be completely closed. Plastic bags or other materials are not to be used for sorting recycling materials. Approved recycling containers shall be purchased from the city and used by the commercial building in order for a commercial building to participate in the recycling program. A maximum of two (2) approved recycling containers shall be allowed for each commercial building, unless otherwise approved by the Director of Public Works based on the amount of recyclable material to be collected. The container purchase fee will be determined by the Director of Public Works.

(C) *Collection.* Recyclable material shall be collected once per week on a schedule set up by the Director of Public Works.

(D) *Pilfering*. No person shall remove any material from recycling containers set out for collection by the city. All recyclable material becomes property of the city at the time it is set out to the street side for collection.

§ 50.11 AUTHORITY TO ESTABLISH RULES AND REGULATIONS.

The Director of Public Works shall be authorized to prepare and publish rules and regulations for the effective administration and enforcement of the provisions of this chapter. Those rules and regulations pertaining to fees or penalties must also receive approval of the Board of Commissioners prior to publishing. Any rules so published shall have the force of law and a violation thereof shall be punishable in the same manner as a violation of this chapter.

§ 50.13 PROSECUTION.

(A) Whenever a condition is identified that is in violation of this chapter, the Director of Public Works or his designee may issue a Notice of Violation giving the property owner or the property owner's agent five (5) days to remedy the situation. Notices shall be issued by posting the notice on the container for the residence or by sending the notice by first class mail to the owner. If, after five (5) business days of the issuance of notice, the violation has not been brought into compliance, the city may send employees or other workers onto the property to effect compliance. The property owner shall be liable for the reasonable value of labor and materials in remedying the situation as determined by the Director of Public Works. If payment is not received within forty-five (45) days after invoice is issued, a lien against the property for the invoice amount shall be filed in the Franklin County Clerk's office bearing interest at 18% per annum thereafter until paid, all pursuant to state law.

(B) Citation to the Franklin District Court or the Frankfort Nuisance Code Board may be issued by a Solid Waste Collection Officer. In the event a citation issued for violation of this chapter is returnable before the Frankfort Nuisance Code Hearing Board, Sections 106 and 107 of the Frankfort Nuisance Code shall not apply.

(C) In addition to the other remedies set forth in this Chapter, where the owner, tenant or lessee of a residential unit fails to comply with the requirements of this Chapter after the issuance of a Notice of Violation, the City may 1) stop collection of garbage and recyclable material at all of the owner's, tenant's or lessee's residential units located within the City, and may collect the City issued trash container and the recycling container issued to all of the owner's, tenant's or lessee's residential units, and 2) where the owner, tenant or lessee has failed to pay amounts due under this Chapter, file a lien against all of the owner's, tenant's or lessee's residential units in the amount due the City for garbage collection and file suit to enforce the amount of the lien, and collect interest in the amount of eighteen percent (18%) per annum and reasonable attorney's fees. Thereafter, the City shall only issue a trash container and a recycling container to the owner's, tenant's or lessee's residential units upon payment in full of the amount due the City and compliance with the requirements of this Chapter, and payment of an administrative fee of \$50.00 for each residential unit.

§ 50.14 GARBAGE COLLECTION FEE.

(A) That, beginning January 1, 2017, the owner of each residence or building from which residential waste is collected by the city pursuant to § 50.02 of the City of Frankfort Code of Ordinances shall not be required to pay a routine collection fee.

(B) Garbage bags that will be picked up by the city (city overflow bags), with the exception of garbage bags collected on Clean Up Weeks, may be purchased from approved vendors at the price set by the Director of Public Works.

First Reading on the 26 day of September, 2022.

Final Adoption on the 24 day of October, 2022.

S/Layne Wilkerson
T/Mayor

Attest:
S/Chermie Maxwell
T/City Clerk

Summary: This ordinance amends various sections of City of Frankfort Code of Ordinances Chapter 50 related to Solid Waste and Garbage as follows: 1) Amends 50.01 to delete the obsolete term of "Responsible Tenant"; 2) Amends 50.02 to eliminate the ability of large multi-family dwellings to receive city service when it is not safe or reasonable; and not allow bulky items to be picked up without scheduling and paying for a bulk pick up; 3) Amends 50.03 to delete references to size 35 gallon carts which are generally no longer supplied, clarify that the city supplies only one trash/recycle container, and delete ambiguous language regarding container placement; 4) Amends 50.04 to delete requirements solely applicable to evictions and replace them with requirements related to all bulk pick ups; 5) Amends 50.05 to clarify that procedures and schedules for leaf collection are set by the Public Works Director; 6) Amends 50.10 to not allow curbside recycling for apartment/ condominium buildings with more than 8 units per lot of record; 7) Amends 50.11 to clarify which rules and regulations require Board of Commissioners approval, including clarifying that approval is required for any fees or penalties established by the Public Works Director; 8) Amends throughout to delete references to outdated fee amounts and clarify that the Public Works Director will establish the fees; and 8) Amends throughout to change references from "city bags" to "city overflow bags" and "unlimited pickup days" to "Clean Up Weeks."

S/Laura Milam Ross
T/City Solicitor

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