

LUDLOW ORDINANCE NO. 2013-11

**AN ORDINANCE AMENDING CITY OF LUDLOW
ORDINANCE NO. 2011-20 REGARDING WASTE
COLLECTION**

WHEREAS, it is within the powers of the City to protect residents from infestations by all forms of natural vermin;

WHEREAS, the City is responsible for the garbage franchise and collection within the City; and

WHEREAS, the City has identified a necessity to prevent the spread of vermin from infested rubbish and household items placed on the public right away for disposal;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUDLOW AS FOLLOWS:

SECTION I

§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 resulting from the burning of wood, coal, coke, or other combustible material.

“DISPOSAL” The storage, collection, disposal, or handling of refuse or garbage.

“GARBAGE” All animal and vegetable wastes resulting from the handling, preparation, cooking or consumption of foods.

“REFUSE” All solid wastes, except body wastes and garbage, and shall include ashes and rubbish.

“RUBBISH” Glass, metal, paper, plant growth, wood, or nonputrescible solid wastes.

§50.02 PREPARATION OF REFUSE AND GARBAGE.

- A. All refuse and garbage shall be drained free of liquids before disposal.
- B. Garbage shall be wrapped in paper or similar material.
- C. All cans, bottles, or other food containers shall be rinsed free of food particles and drained before disposal.
- D. Rubbish shall be either placed in approved containers, or cut and baled, tied, bundled, stacked, or packaged so as not to exceed 36 inches in length and 50 pounds in weight.

- E. Private property owners and/or their tenants shall not place out for collection or otherwise place in the public right of way any rubbish, clothing, mattresses, box springs, cushions, carpets, or other items ~~that have any type of insect infestation, including but not limited to bed bugs and fleas,~~ unless the items are completely encapsulated so as to cover and securely envelop all infested items in plastic.

§50.03 CONTAINERS.

- A. Garbage containers shall be made of durable, water-tight, rust-resistant material having a fly-tight lid and handles to facilitate collection.
- B. Refuse containers shall be made of durable, water-tight, rust-resistant material having a fly-tight lid and handles to facilitate collection or if plastic bags are used, they shall be of heavy duty construction and securely tied.
- C. Refuse and garbage containers for a residence shall not be less than 10 gallons, nor more than ~~32~~ 96 gallons in capacity. Containers for commercial establishments shall not exceed ~~40~~ 96 gallons in capacity.
- D. It shall be unlawful to permit the accumulation or residue of liquids, solids, or a combination of such material on the bottom or sides of containers, it being the intention of this provision that the interior of containers shall be kept clean by thorough rinsing and draining as often as necessary.
- E. Paper or wooden boxes may be used as containers for rubbish, provided such boxes when filled do not exceed 32 pounds in weight. Large stones and hot ashes will not be collected.
- F. Large containers to be handled by special equipment may be used if the contract collection has equipment to handle such containers. The containers must have fly tight lids, and be placed on the premises where the collector has ready access.

§50.04 STORAGE OF REFUSE AND GARBAGE.

- A. Each householder having refuse and/or garbage shall provide himself with approved refuse and garbage containers and shall place and keep all refuse and/or garbage therein.
- B. Containers shall not be placed on the street right-of-way prior to 6:00 p.m., local time, on the day before scheduled collections, and shall be removed to the rear of the premises before 9:30 a.m., local time, the day following scheduled collections.
- C. It shall be unlawful to place refuse or garbage in any street, alley, street, body of water, or any other public place, or upon private property, whether owned or not, unless the refuse or garbage is placed in an approved container.
- D. Owners and/or their tenants shall encapsulate and securely wrap in plastic any upholstered furniture, mattresses, pillows, cushions, box springs and similar items stored outside of a completely enclosed structure or placed out for collection or otherwise placed in the public right of way.

§50.05 COLLECTION PRACTICES.

- A. For the purpose of collection, refuse and garbage containers shall be placed at ground level, and be made readily accessible to the collector. They shall be on the side of the street from which collection is to be made.
- B. Notwithstanding the provisions of Division A above, householders, commercial establishments, or other persons may, by contract with collectors, be permitted to place containers at agreed places upon their premises.
- C. Hotels, restaurants, institutions, and commercial establishments may be required to have more frequent collection, if determined by the City Council to be essential to protect the public health.

§50.99 PENALTY.

~~Whoever violates any provision of this chapter shall be guilty of a misdemeanor and shall be fined not less than \$10, nor more than \$500 or imprisoned for not more than 30 days, or both, for each offense or violation.~~

(A) Any person, firm, or corporation who violates any provision of this code shall be subject to a civil fine of not less than \$100 per day per violation but not more than \$500 per day per violation, or the cost to the city to abate the public nuisance, or both. Each date that a violation of this code continues after due notice has been served in accordance with the terms of this code shall be deemed a separate offense to a maximum of \$10,000 per citation.

(B) As an additional alternative remedy to the above penalty, any violator who violates any provision of the city nuisance code and has been previously issued two or more citations of violations of the nuisance code relating to the same property within a 12-month period maybe assessed additional civil penalties of \$500 per day per violation to a maximum of \$20,000 per citation.

(C) The city shall possess a lien on property for all fines, penalties, charges, attorney's fees, and other reasonable costs associated with enforcing this code and placing of a lien on a parcel of real property pursuant to this code. The lien shall be superior to and have priority over all other liens filed subsequently, except state, county, school board, and city taxes.

SECTION II

All ordinances or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

SECTION III

This Ordinance shall take effect and be in full force from and after its passage, publication and recording, which may be in summary form, according to law.

Passed by the City Council this _____ day of _____, 2013.

CITY OF LUDLOW, KENTUCKY
A Municipal Corporation of the Fourth Class

BY: _____
Kenneth Wynn, Mayor

Attest: _____
Laurie Sparks, City Clerk

First Reading: _____ Second Reading: _____ Publication: _____