

THE CITY OF PARK HILLS, KENTUCKY  
ORDINANCE NO. 10, 2011

AN ORDINANCE OF THE CITY OF PARK HILLS, KENTUCKY AMENDING SECTIONS 51.03 (ENTITLED *STORAGE PRACTICES*), 51.05 (ENTITLED *COLLECTION PRACTICES*), 51.07 (ENTITLED *LICENSING OF COLLECTORS*), 51.08 (ENTITLED *COLLECTIN VEHICLES*), AND 51.09 (ENTITLED *COST*), OF CHAPTER 51 (ENTITLED *GARBAGE COLLECTION*), OF TITLE V (ENTITLED *PUBLIC WORKS*) OF THE PARK HILLS CODE OF ORDINANCES TO: (I) LEVY OR IMPOSE A FEE OF \$155.76 PER YEAR PER RESIDENTIAL UNIT FOR THE WEEKLY REMOVAL OF GARBAGE, TRASH, ETC., (II) DELETE ALL REFERENCES FOR LEAF REMOVAL, (III) PROVIDE FOR REVISED EFFECTIVE DATES, AND (IV) AUTHORIZE SUMMARY PUBLICATION OF THIS ORDINANCE

**BE IT ORDAINED BY THE CITY OF PARK HILLS, KENTUCKY, as follows:**

**Section One.** Section 51.03, entitled *Storage Practices*, of Chapter 51, entitled *Garbage Collection*, of Title V, entitled *Public Works*, of the Park Hills Code of Ordinances is hereby amended as follows:

51.03 STORAGE PRACTICES

(A) No garbage shall be allowed or permitted to remain in any dwelling house, hotel, boarding house, café, restaurant, lunch stand, fruit stand, market house, meat market, store room, store, or other building, or on any premises a longer time than shall be reasonably necessary to remove and deposit the same in a can, or cans as hereinafter provided.

(B) No waste paper, barrels, boxes, rags, or any other combustible matter or material shall be stored, kept or allowed to remain in any building or premises in such manner as to be or become a fire menace for a longer time than is reasonably necessary to remove the same.

(C) Preparation of refuse.

- (1) All refuse shall be drained free of liquids before disposal.
- (2) Garbage shall be wrapped in paper or similar material.
- (3) All cans, bottles, or other food containers shall be rinsed free of food particles and drained before disposal.
- (4) Rubbish shall be (a) placed in approved containers, or, (b) cut and bailed, tied, bundled, stacked, or packaged so as not to exceed thirty-six (36) inches in length and fifty (50) pounds in weight.

- (5) ~~The leaves falling at each residential unit may be raked or otherwise transported to the curb of the street located at the front of each such unit prior to the date designated by the Mayor of the City or his delegate as the date for leaf removal throughout the City.~~

**Section Two.** Section 51.05, entitled *Collection Practices*, of Chapter 51, entitled *Garbage Collection*, of Title V, entitled *Public Works*, of the Park Hills Code of Ordinances is hereby amended as follows:

51.05 COLLECTION PRACTICES.

(A) Place of collection.

- (1) Refuse containers shall, for the purpose of collection, be placed at ground level, and be made readily accessible to the collector.
- (2) Notwithstanding provisions of (A) (1) above, householders, commercial establishments, or other persons may, by contract with collectors, be permitted to place containers at agreed places upon their premises.
- (3) ~~Leaves may be collected at the curb located at the front of each premises.~~

(B) Frequency of collection.

- (1) Refuse shall be collected once per week.
- (2) ~~Hotels, restaurants,~~ 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.
- (3) ~~Leaves shall be collected annually in the second half of October on a date designated by the Mayor of the City or his delegate. No resident is obligated to participate in leaf collection.~~

- (C) Any resident who violates the terms of this section shall be subject to a fine not exceeding Fifty Dollars (\$50.00) for each offense.

**Section Three.** Section 51.07, entitled *Licensing of Collectors*, of Chapter 51, entitled *Garbage Collection*, of Title V, entitled *Public Works*, of the Park Hills Code of Ordinances is hereby amended as follows:

51.07 LICENSING OF COLLECTORS.

(A) No person shall collect, remove, haul, or convey any refuse ~~or leaves~~ through or upon any of the streets or alleys of the City of Park Hills or dispose of the same in any manner or place without obtaining a license from said City.

(B) Every person who shall apply for a license under this section shall state the type of refuse ~~or leaves~~ to be collected, the manner of collection, and the place and method of disposal.

(C) Every person contracting to collect refuse ~~or leaves~~ within the City of Park Hills must secure an occupational license.

**Section Four.** Section 51.08, entitled *Collection Vehicles*, of Chapter 51, entitled *Garbage Collection*, of Title V, entitled *Public Works*, of the Park Hills Code of Ordinances is hereby amended as follows:

51.08 COLLECTION VEHICLES.

(A) All vehicles used for collection of garbage, or refuse, ~~or leaves~~ shall be equipped with compacting devices or equivalent types of closed bodies and shall have enclosed cargo space.

(B) No person, or persons shall collect, handle, haul or transport on any of the streets, alleys, public thoroughfares, or public places of the City of Park Hills any garbage, or refuse, ~~or leaves~~ for profit except as provided herein.

(C) All garbage, or refuse, ~~or leaves~~ shall be collected by a person or persons designated by the City Council of the City of Park Hills for that purpose and shall be transported in and about the streets in said City of Park Hills for the purposes of disposal in as nearly water tight and air tight receptacles as possible, so that there will be no spilling, dripping, or drainage while the same is being transported through the streets of said City for the purpose of disposal under the discretion of the City Council.

(D) All garbage and refuse shall be collected in as nearly air tight receptacles as possible, so there will be no spilling, dripping, or drainage, nor escaping odors while the same is being transported through the streets of said City, or through the streets or thoroughfares of any other city or county, for the purpose of disposal. ~~All leaves shall be collected and transported through the streets of the City or through the streets or thoroughfares of any other city or county in covered vehicles or containers so that the same shall not be blown, spilled, or dripped upon or over the streets or cause any nuisance to the residents living along the streets where such leaves are being transported within the boundaries of the City of Park Hills, or any other city or county.~~

Said vehicles shall be subject to the inspection and approval of the City Council or any member designated therefore at all times.

- (E) All ashes, cinders, and other non-combustible matters shall be transported through the streets of the City or through the streets or thoroughfares of any other city or county, in covered vehicles or containers, so that the same shall not be blown upon or over the streets, causing any unreasonable or unnecessary dust, or give off any odor, or cause any nuisance to the residents living along the streets where such ashes, etc., are being transported within the confines of the City of Park Hills, or any other city or county.
- (F) All collections as herein mentioned shall be made between the hours of 7:00 A.M. and 5:00 P.M., prevailing time.
- (G) All garbage, and refuse, ~~or leaves~~ collected shall be disposed of outside the boundaries of the City.
- (H) Each person, firm, company, or corporation entering into a contract with a private collector for the disposition of trash, garbage, refuse, and/or recyclables, ~~and/or leaves~~ shall be responsible for the payment of all charges agreed upon and no liability shall inure to the City of Park Hills.
- (I) Frequency of collection and location of pick—up service shall be a subject of negotiation between the two contracting parties, except that no cans, dumpsters, or other containers shall be so placed as to constitute a hazard to pedestrians or motorists within the City.
- (J) Trash collectors' trucks shall be subject to all weight limitations imposed under the authority of the Kentucky Department of Highways, Kenton County, and such ordinances as may be enacted by the City Council of the City of Park Hills. All collectors shall also comply with all rules and regulations of the Solid Waste Disposal Division of the Environmental Protection Agency of the Commonwealth of Kentucky, and all federal regulations applicable to the disposal of solid waste and other refuse.
- (K) Failure on the part of any private contractor to abide by the terms of this chapter shall result in the cancellation of his occupational license and permission to do business within the City of Park Hills.

**Section Five.** Section 51.09, entitled *Cost*, of Chapter 51, entitled *Garbage Collection*, of Title V, entitled *Public Works*, of the Park Hills Code of Ordinances is hereby amended as follows:

51.09 COST.

(A) Effective July 1, ~~2011~~ 2006, all residents of the City of Park Hills shall pay ~~\$155.76~~ \$166.32 per year per residential unit for: (i) the collection and removal of garbage, trash, refuse, and recyclables from each resident's premises once a week; ~~and (ii) the removal of leaves from the curb of each resident's premises once a year on a date to be determined annually by the Mayor of the City or his delegate.~~

(B) Payment shall be made by each resident to the City Treasurer of Park Hills upon receipt of a bill for same between September 1st and September 30<sup>th</sup>, and the City shall act as collecting agent of said garbage ~~and leaf~~ assessment payments for the payment of the contract carrier(s) collecting and removing the garbage, trash, refuse, and recyclables ~~and removing the leaves~~ from Park Hills residents.

(C) All trash, garbage, and recyclables, ~~and leaves~~ shall be collected and removed from the premises of the residents of Park Hills as prescribed in Chapter 51 of the Park Hills Code of Ordinances.

(D) Business houses (and certain designated apartments or multiple dwelling units) in Park Hills shall have their garbage, trash, refuse, and recyclables, ~~and leaves~~ collected and removed from their premises at their own cost, and may do so either through the garbage ~~and leaf~~ collection agencies of the City or by private contract, but their garbage, trash, refuse, and recyclables shall be removed from the City each week ~~and their leaves may be removed annually in the second half of October~~ to protect the health, safety and general welfare of the City.

(E) This section shall be in effect for the period from July 1, ~~2011~~ 2006 through June 30, ~~2014~~ 2009.

(F) Each residence unit, whether a single apartment or single unit within a multiple dwelling unit of any like dwelling unit shall be considered a resident user of the garbage, trash, refuse, ~~leaf~~, and recyclables collection(s), and each shall pay the required garbage, trash, refuse, ~~leaf~~, and recyclables collection fee to the City under this section, except where exempted by specific action of the Park Hills City Council.

**Section Six.** That if any provision of this Ordinance is deemed by a court of competent jurisdiction to be unenforceable or unconstitutional, the remaining provisions of this Ordinance shall continue in full force and effect.

**Section Seven.** That all other ordinances and codes, and parts of ordinances and codes, in conflict with this Ordinance are hereby repealed to the extent of the conflict.

**Section Eight.** That this Ordinance take full force and effect upon publication as required by KRS Chapter 424 and other applicable law.

**Section Nine.** That this Ordinance be published in summary form, pursuant to KRS §83A.060(9) and other applicable law.

\_\_\_\_\_  
Donald Catchen, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Passed: \_\_\_\_\_