

CITY OF MANCHESTER
GARBAGE ORDINANCE

NO. 81
EFFECTIVE 4-23-01

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ARTICLE I. IN GENERAL

Sec. 17.5-1. Title.

This chapter shall be known as the solid waste management ordinance.
(Ord. No.

Sec. 17.5-2. Definitions.

For the purpose of this chapter, the following terms shall be deemed to have the meaning indicated below.

BULKY RUBBISH: Nonputrescible solid wastes consisting of combustible and/or noncombustible waste materials from dwelling units, commercial, industrial, institutional, or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors, with the equipment available therefor.

City of Manchester, Kentucky.

COLLECTION: Removal of solid waste from the designated pickup location to the transportation vehicle.

COUNCIL : The city council of The City of Manchester.

DEMOLITION AND CONSTRUCTION WASTE: Waste materials from the construction or destruction of residential, industrial or commercial structures.

DIRECTOR: The director of solid waste management program of the city shall be the General Supervisor .

DISPOSABLE SOLID WASTE CONTAINER: Disposable plastic bags or sacks with a capacity of twenty(20) to thirty-five(35) gallons specifically designed for storage of solid waste.

DWELLING UNIT: Any room or group of rooms located within a structure, and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.

HAZARDOUS WASTE: Any Waste or combination of wastes which is determined by the Kentucky Department for Environmental Protection, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitation reversible, illness, or pose a substantial present or potential threat to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed.

MUTLIPL E HOUSING FACILITY: A housing facility containing more than one dwelling unit under one roof.

OCCUPANT: Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or of any other improved real property, either as a owner or a tenant.

PERSON: Any individual, partnership, corporation, association, joint stock company, trust, estate, political subdivision or organization of any kind, or their legal representative, agent or assigns.

PROCESSING: Composting, baling, shredding, salvaging, compactng and other processes whereby solid waste characteristics are modified or solid waste quantity reduced.

SOLID WASTE: Any garbage, refuse, sludge and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining(excluding coal mining waste, coal mining by -products, refuse and overburden), and agricultural operation, and from community activities, but does not include solid or dissolve material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges.

- (1) **COMMERCIAL SOLID WASTE:** Solid waste resulting from the operation of any commercial, industrial, institutional, multiple housing facility or agricultural establishment.
- (2) **RESIDENTIAL SOLID WASTE:** Solid waste resulting from the maintenance and operation of single family dwelling units.

SOLID WASTE CONTAINER: Receptacle used by any person to store solid waste during the interval between solid waste collections.

SOLID WASTE DISPOSAL: The process of discarding or getting rid of unwanted material, in particular the final deposition of solid waste by man.

SOLID WASTE MANAGEMENT: The administration of solid waste activities: storage, collection, source separation, transportation, processing, treatment and disposal.

STORAGE: Keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

TRANSPORTATION: The transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.

YARD WASTES: Grass clippings, leaves, tree trimmings.

Sec. 17.5-3. RULES AND REGULATIONS.

- (a) The director, with approval of the Council, may make, amend, revoke, and enforce reasonable rules and regulations, governing, but not limited to:
- (1) Preparation, drainage and wrapping of garbage deposited in solid waste containers.
 - (2) Specifications for solid waste containers including the type, composition, equipment, size and shape thereof.
 - (3) Identification of solid waste containers and of the covers thereof, and equipment thereto appertaining, if any.
 - (4) Weight limitations on the combined weight of solid waste containers and the contents thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers.
 - (5) Storage of solid waste containers.
 - (6) Sanitation, maintenance and replacement of solid waste containers.
 - (7) Schedules of and routes for collection and transportation of solid waste.
 - (8) Collection points of solid waste containers.
 - (9) Collection, transportation, processing and disposal of solid waste.
 - (10) Processing facilities and fees for the use thereof.
 - (11) Disposal facilities and fees for the use thereof.
 - (12) Records of quantity and type of wastes received at processing and/or disposal facilities.

(13) Handling of special wastes such as sludges, ashes, agriculture, construction, bulky item, tires, automobiles, oil, greases, etc.

(b) The General Supervisor, with approval of the Council, or such other city official who is responsible for preparing utility and other service billing for the city, is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billing and collection of solid waste collection and /or disposal service charges, as hereinafter provided for. ✓

(c) A copy of any and all rules and regulations made and promulgated under the provisions hereof shall be filed in the office of the city clerk.

Sec. 17.5-4 PROHIBITED PRACTICES:

It shall be unlawful for any person to:

- (1) Dispose of garbage, refuse, rubbish or debris by dumping same on any premises in the city with or without the consent of the owner of the premises; ✓
- (2) Dump or permit the dumping of garbage, refuse, rubbish, and Debris on any property within the city limits; ✓
- (3) Deposit solid waste in the solid waste container other than his own Without written consent of the owner of such container and or with The intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal; ✓
- (4) Fail to have solid waste collected as provided in this chapter; ✓
- (5) Interfere in any manner with solid waste collection and transportation equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the city. ✓
- (6) Burn solid waste unless a variance has been obtained from the appropriate air pollution control agency; ✓
- (7) Dispose of dead animal in any container to be collected by the city; ✓
- (8) Own or operate a dump; ✓

- (9) Dispose of solid waste at any facility or location which is not approved by the city and the Kentucky Department for Environmental Protection;
- (10) Engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the City.
- (11) No person shall throw, place, or discard garbage or other refuse in any street or other public place or on any public or private property except in proper waste containers. No person shall upset or turn the contents of any garbage container on any street, sidewalk, alley, or other public place.
- (12) No person, other than the city, shall remove any garbage from any container, which has been set out for collection without the consent of the occupant, owner, or manager of the premises.
- (13) To place wooden, metal, plastic objects, or furniture, which cannot be safely handled by collection equipment without danger of damage to such equipment, into commercial storage containers.
- (14) To allow any spillage or blowing of litter.
- (15) Violate any section of this chapter or any other rule or regulation promulgated under the authority of this ordinance.

Sec. 17.5-5. PUBLIC NUISANCES

(a) NOTIFICATION: It shall be the duty of the director to serve or cause to be served upon the owner of or occupant of any premises on which there is kept or maintained any nuisance in violation of the provisions of this chapter and to demand the abatement of the nuisance with seven(7)days.

(b) NONCOMPLIANCE: If the person so served does not abate the nuisance with seven(7)days, the city may proceed to abate such nuisance, keeping an account of expenses of the abatement, and such abatement shall be charged and paid by such owner or occupant. Whenever a bill for such charged remains unpaid for thirty(30) days after that has been rendered, the city may file statement of lien claim against the property.

Sec. 17.5-6. PENALTIES

Any person violating any of the provisions of this ordinance, or any lawful rules or regulations promulgated pursuant thereto, shall be guilty of a misdemeanor and shall be fined \$500.00 first offense, second offense \$750.00, all others \$1000.00. The city police or any duly appointed agency may issue violators of this chapter a citation.

Sec. 17.5-7-17.5-20. RESERVED.

ARTICLE II. STORAGE AND CONTAINERS

Sec. 17.5-21 STORAGE CONTAINERS REQUIRED

The occupant or owner of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits of the city, ~~shall provide sufficient and adequate containers for the storage of all solid waste and bulky rubbish to serve each such dwelling unit and/or establishment; and to maintain such solid waste containers at all times in good repair.~~

Sec. 17.5-22. SOLID WASTE TO BE USED IN MANNER PRESCRIBED BY CHAPTER.

The occupant or owner of every dwelling unit and of every institutional, commercial, industrial. Agricultural or business establishment shall place all solid waste to collected in proper solid waste containers, except as otherwise provided herein, and shall maintain such solid waste containers and the area surrounding them in a clean, neat, and sanitary condition at all times. Solid waste shall be stored in a manner that will not provide harborage to rodents and vermin and will not create a fire hazard.

Sec. 17.5-23 STANDARDS FOR RESIDENTIAL STORAGE CONTAINER.

Residential solid waste shall be stored in containers of not more than thirty-five(35) gallons or less than ten (10) gallons in nominal capacity. There shall be no 55-gallon barrels use as solid waste containers. Containers shall be leakproof, waterproof and fitted with flytight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. The containers shall have handles, bails or other suitable lifting devices or features. Containers shall be of a type originally manufactured for residential solid waste, with tapered sides for easy emptying. They shall be of lightweight and sturdy construction. The weight of any individual container and contents shall not exceed seventy-five(75) pounds. Galvanized metal containers, or rubber, fiberglass, or plastic containers, which do not become brittle in cold weather, may be used. All solid waste containers larger than 30 gallons shall have wheels or casters to add in the movement of said containers.

Disposable solid waste containers shall be tied and placed in approved containers so that the solid waste is in a manageable or workable condition. No solid waste shall be placed for pickup in disposable solid waste containers without first be placed into an approved container. ✓

Sec. 17.5-24 STANDARDS FOR COMMERCIAL STORAGE CONTAINERS ✓

Commercial solid waste shall be stored in solid waste containers as approved by the director. The containers shall be waterproof, leakproof and shall be covered at all times except when depositing waste therein or removing the contents thereof, and shall meet all requirements as set forth by section. ✓

Sec. 17.5-25 YARD WASTES

Tree limbs less than four(4) inches in diameter, lumber and brush shall be securely tied in bundles not larger than forty-eight(48) inches long and eighteen(18) inches in diameter when not placed in storage containers. The weight of any individual bundle shall not exceed seventy-five(75)pounds. Yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public right of way. The weight of any individual container and contents shall not exceed seventy-five(75) pounds. ✓

leaves?

Sec. 17.5-26 ABANDONED ICEBOXES, OTHER RECEPTACLES WITH AIRTIGHT DOORS.

No owner, occupant, tenant or lessee of any building or dwelling or building, in a place accessible to children, any abandoned or unattended ice, refrigerator or other receptacle that has an airtight door without first removing the door.


Sec. 17.5-27 STORAGE CONTAINERS NOT IN COMPLIANCE ✓

Solid waste containers which do not meet the specifications as outlined in this section shall be considered waste and will be collected together with their contents and disposed of.


ARTICLE III. COLLECTION AND DISPOSAL

Sec. 17.5-41 COLLECTION OF SOLID WASTE; CITY RESPONSIBILITY DEFINED.


The city shall provide for the collection of solid waste as follows:

- (1) The city shall provide for the collection of solid waste in the city, Provided, however, that the city may provide the collection service by contracting with a person, county, or other city or a combination thereof, for the entire city or portions thereof, as deemed to be in the best interests of the city. 
- (2) The city may, at its discretion, provide commercial solid waste collection Services upon specific application of the owners or persons in charge thereof. However, the event that such application is not made or approved it shall be the duty of such establishments to provide for collection of all solid waste produced upon any such premises.

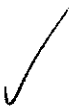
Sec. 17.5-42. COMPULSORY COLLECTION

Collection of all solid waste from premises to which services are offered by the city is compulsory, except bulky rubbish as defined herein. Bulky rubbish will be collected in accordance with the rules and regulations as promulgated by the director. 

Sec. 17.5-43 COLLECTION POINTS

Tree limbs and yard wastes, as described in section 17.5-25, shall be placed at the curb for collection. Solid waste containers as required by this chapter for the storage of other residential solid waste shall be placed at the rear of the building for collection. Any solid waste containers, tree limbs, yard wastes or other solid waste permitted by this chapter to be placed at the curb or alley for collection shall be so placed not more than twelve(12) hours before collection. All reusable containers shall be removed from the curb or alley twelve(12) hours after collection. 

Sec. 17.5-44 BULKY RUBBISH

The director shall establish the procedures for collecting bulky rubbish form residential units within the city. Bulky rubbish shall be collected at least once monthly. 

Sec. 17.5-46 COLLECTION FREQUENCY

The following collection frequencies shall apply to collection of solid waste within the city:

- (1) All residential solid waste, other than bulky rubbish, shall be collected twice a week.
- (2) All commercial solid waste shall be collected at least once weekly, and shall be collected at such other intervals as may be fixed by the director or requested by the commercial establishment upon determination that such other intervals are necessary for the preservation of the health and/ or safety of the public.

Sec. 17.5-47 COLLECTOR'S RESPONSIBILITY DEFINED

Solid waste collectors, employed by the city, shall be responsible for the collection of solid waste from the designated pickup location, to the transportation vehicle, provided the solid waste was stored in compliance with the provisions set forth in this chapter. Any spillage or blowing litter caused as a result of the duties of the solid waste collector shall be collected and placed in the transportation vehicle by the solid waste collector.

Sec. 17.5-50 HAZARDOUS WASTE DISPOSAL

The city will not pickup any hazardous waste.

FEE'S AND CHARGES

Sec. 17.5-51 RATES FOR COLLECTION OF SOLID WASTE.

BUSINESSES AND PUBLIC FACILITIES.

1.

Each business owner, occupant, or operator shall provide either regulation garbage cans(plastic or metal) or dumpster containers, sufficient in number and size to provide sufficient space for all accumulated garbage and refuse between pick-up periods. Charges are fixed by volume as is hereinafter stated. No plastic bags will be allowed except when place in the outside containers.

CLASS A is subdivided and the rate per week for each division is as follows:

- A-1 1X8 YARD UNIT 6 DAYS PER WEEK
\$288.00
(for each additional dumpster a \$288.00 a charge will apply).
- A-2 1X8 YARD UNIT 5 DAYS PER WEEK
\$240.00
(for each additional dumpster a \$240.00 charge will apply).
- A-3 1X8 YARD UNIT 4 DAY PER WEEK
\$192.00
(for each additional dumpster a \$192.00 charge will apply).
- A-4 1X8 YARD UNIT 3 DAYS PER WEEK
\$144.00
(for each additional dumpster a \$144.00 charge will apply).
- A-5 1X8 YARD UNIT 2 DAYS PER WEEK \$96.00
(for each additional dumpster a \$96.00 charge will apply).
- A-6 1X8 YARD UNIT 1 DAY A WEEK \$48.00
(for each additional dumpster a \$48.00 charge will apply).
- A-7 1X6 YARD UNIT 6 DAY A WEEK
\$216.00
(for each additional dumpster a \$216.00 charge will apply).
- A-8 1X6 YARD UNIT 5 DAY A WEEK \$180.00
(for each additional dumpster a \$180.00 charge will apply).
- A-9 1X6 YARD UNIT 4 DAY A WEEK
\$144.00
(for each additional dumpster a \$144.00 charge will apply).

A-10 1X6 YARD UNIT 3 DAY A WEEK \$108.00
(for each additional dumpster a \$108.00 charge will apply).

A-11 1X6 YARD UNIT 2 DAY A WEEK \$72.00
(for each additional dumpster a \$72.00 charge will apply).

A-12 1X6 YARD UNIT 1 DAY A WEEK \$36.00

(for each additional dumpster a \$36.00 charge will apply).

A-13 1X4 YARD UNIT 6 DAY A WEEK
\$144.00

(for each additional dumpster a \$144.00 charge will apply).

A-14 1X4 YARD UNIT 5 DAY A WEEK
\$120.00

(for each additional dumpster a \$120.00 charge will apply).

A-15 1X4 YARD UNIT 4 DAY A WEEK \$96.00

(for each additional dumpster a \$96.00 charge will apply).

A-16 1X4 YARD UNIT 3 DAY A WEEK \$72.00

(for each additional dumpster a \$72.00 charge will apply).

A-17 1X4 YARD UNIT 2 DAY A WEEK \$48.00

(for each additional dumpster a \$48.00 charge will apply).

A-18 1X4 YARD UNIT 1 DAY A WEEK \$24.00

(for each additional dumpster a \$24.00 charge will apply).

A-19 1X3 YARD UNIT 6 DAY A WEEK
\$108.00

(for each additional dumpster a \$108.00 charge will apply).

A-20 1X3 YARD UNIT 5 DAY A WEEK \$90.00

(for each additional dumpster a \$90.00 charge will apply).

A-21 1X3 YARD UNIT 4 DAY A WEEK \$72.00

(for each additional dumpster a \$72.00 charge will apply).

A-22 1X3 YARD UNIT 3 DAY A WEEK \$54.00

(for each additional dumpster a \$54.00 charge will apply).

A-23 1X3 YARD UNIT 2 DAY A WEEK \$36.00

(for each additional dumpster a \$36.00 charge will apply).

A-24 1X3 YARD UNIT 1 DAY A WEEK \$18.00

(for each additional dumpster a \$18.00 charge will apply).

If multiple units are on site, the number of units will be multiplied by the single unit price.

Example: If a business has 2 units with a size of 3 yards in size, and are picked up 2 days a week; the rate will be \$72.00.

CLASS B is subdivided and the rate per week for each division is as follows:

B-1 3 APPROVED RESIDENTIAL CONTAINERS
2 DAYS A WEEK \$6.25

B-2 3 APPROVED RESIDENTIAL CONTAINERS
3 DAYS A WEEK \$9.38

For any business or public facility that produces more solid waste than is stated in CLASS B of this ordinance, a commercial storage container is required and CLASS A rates will apply.

PRIVATE RESIDENCE

- (1) Commencing with approval of this ordinance, the rate charged by the City of Manchester Sanitation Department for the collection of residential

wastes including, recyclables and yard wastes shall be (\$7.25) per month for curbside pickup.

- (2) Commencing July 1, 2002, the rate charged by the City of Manchester Sanitation Department for the collection of residential wastes including, recyclables and yard wastes shall be (\$8.00) per month for curbside pickup.

Sec. 17.5-52 DELINQUENCY; LEGAL ACTION.

All unpaid fees shall become delinquent if payment is not received within thirty(30) days of the notice due, and shall result in the termination of all utility services provided by the city until payment is received. The city may enforce collection of delinquent bills by bringing proper legal action against the occupant of any dwelling unit or owner of any commercial establishment to recover any sums due plus reasonable attorney's fee, court costs and any other costs involved such collection action.

Sec. 17.5-53 UNCOLLECTED FEES

All uncollected fees, after judgment, shall be placed on record in the locality where the property is located, as any other judgment lien, and shall be released when paid.