

ORDINANCE NO. 2025-04

AN ORDINANCE AMENDING §51.01 through §51.99 OF THE CALVERT
CITY CODE OF ORDINANCES RELATING TO THE
COLLECTION AND DISPOSAL OF GARBAGE IN THE CITY

WHEREAS the City Council has determined that the ordinances governing and regulating the collection and disposal of garbage in the City should be amended so as to reflect and accommodate technological and operational updates that have occurred in the City's collection and disposal of garbage in the City.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF CALVERT CITY, COMMONWEALTH OF KENTUCKY, that § of the 51.01 through §51.99 of the Calvert City Code of Ordinances, hereby amended as follows:

[SECTIONS NOT APPEARING BELOW ARE NOT AFFECTED BY THIS AMENDMENT.]

§ 51.01 DEFINITIONS.

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

BOARD [~~"COMMISSION."~~] The Board of Public [~~Utility~~] Utilities [~~Commissioners.~~]

"COMMERCIAL CUSTOMER." Any person (as defined herein) utilizing the garbage collection and administration facilities of the city, operating a business, of whatever size, including wholesale, retail, industrial, health, and professional places of business.

"PERSON." Whenever used in this chapter, the word "PERSON" shall be construed to include within its meaning not only natural persons, but also firms, partnerships, associations, companies, and corporations who are customers and users of the water system of the city. The Council shall determine any disputes under this provision as to the applicability of this provision.

"PRIVATE COLLECTOR." Any person who, for hire, collects, removes, or disposes of refuse.

"REFUSE." All sweepings, cleanings, trash, rubbish, litter, garbage, industrial and domestic wastes; organic wastes or residue of animals sold as meat; fruit or other vegetable matter from kitchens, dining rooms, markets, or places dealing in the handling of meats, fowl, fruits, grain, or vegetables; tree or shrub trimmings; dirt, wood, stone, brick, plaster, or materials resulting from the demolition, alteration, or construction of buildings or structures; accumulated waste materials or substances which may become nuisances. The term "REFUSE" shall not include the following: offal, sewage, animal excretes, animal carcasses (in whole or in part) ,

petroleum products, solvents, tires, bed springs, or any other material determined by the City Council to be inappropriate for a deposit in a sanitary landfill.

REFUSE COLLECTION." The gathering of refuse containers and their contents from the premises of improved property and loading contents into removal vehicles and returning containers to place where found after contents have been emptied, for which a charge is made as provided in § 51.04.

"REFUSE CONTAINERS." The trash and garbage containers referred to in this chapter shall ~~[meet the following specifications. Trash and garbage containers shall]~~ be those [standard] containers provided by the city for the storage of trash or garbage, ~~[shall be substantially made of metal or plastic, shall have a capacity of not less than ten nor more than 32 gallons, and shall be equipped with at least two carrying handles, with a tight fitting metal or plastic cover],~~ or as shall otherwise be prescribed by the City Council. Garbage and trash shall be bagged. ~~[need not be separated. Residential customers may employ only two containers per individual dwelling unit.]~~ No container other than that provided by the city shall be accepted by the city for the disposal of its contents ~~[when the weight of the container and its contents exceeds 60 pounds].~~

"REFUSE DISPOSAL." The disposal of refuse in accordance with rules and regulations promulgated by the City Council.

"REFUSE REMOVAL." The hauling and transportation of refuse from point of collection to point of disposal.

"RESIDENTIAL CUSTOMER." Any person utilizing the refuse collection and administration services of the city for the benefit of any dwelling unit, including but not limited to, single-family dwellings, apartments, condominiums, mobile homes, or any other building or structure used as a primary residence and not integrally incorporating a commercial building or other structure.

§ 51.03 CITY'S RESPONSIBILITY; PRIVATE COLLECTORS.

(A) It shall be unlawful for any person except the city to engage in or conduct the business of collection, removal, or disposal of refuse within the corporate limits of the city without the express permission of the City Council.

(B) Private garbage collectors are hereby prohibited from engaging in the business of transporting or disposing of garbage or refuse containing organic wastes, putrid matter, and wastes or excretes subject to the putrefaction ~~[putrification]~~ without the express permission of the City Council.

§ 51.04 SCHEDULE OF FEES.

(A) The service proposed in this chapter shall be self-supporting. There shall be, and there is hereby established a schedule of rates, fees, and charges for refuse collection, removal, and disposal as follows:

(1) Residential customers~~[.]~~ shall be required to utilize only appropriate refuse containers, as defined in § 51.01. There shall be a charge of \$8.50 ~~[7.00]~~ per month per container for refuse pick-up at the unpaved portion of the right of way in front of the dwelling; and a charge of \$12.00 ~~[10.50]~~ per month per container for refuse pick-up at the side or rear of the dwelling. Each residential customer shall be allowed to present one ~~[two]~~ container~~s][, representing .414 cubic yards of refuse,]~~ for collection twice each week.

(2) Commercial customers shall be required to utilize appropriate refuse containers, as defined in § 51.01. ~~[with the basic unit of collection being [40] gallons [or .207 cubic yards]] of refuse.]~~ Each commercial customer shall be assessed a fee of \$12.13 ~~[10.63]~~ per month, for one container ~~[for the first two units]~~ of refuse collected twice each week. ~~[All additional units of refuse collected on a regular basis each month shall be assessed at the rate of 5.33 per unit.]~~ Additional containers shall be assessed only when the City Clerk/Treasurer and/or the City Administrator determine that a customer has established a pattern of usage requiring more than one ~~[two units]~~ container of refuse collection.

(B) Where the rates and charges specified in this chapter are deemed by the City Council inapplicable to certain persons, the rates and charges may be determined by contract or negotiation between the City Council and the person (or proper official or officials representing the person) .

(C) If an agreement cannot be reached by negotiation as above provided, then and in such event, the City Council shall fix such rate as may be just.

(D) The charges shall be adjusted by the City Council as required to sustain the self-supporting characteristics of the service.

§ 51.06 GARBAGE FEE DELINQUENCIES.

The Board ~~[Commission]~~ shall be charged with the duty of mailing a statement, in conjunction with the monthly statements for water and/or sewer services, to each person charged with refuse collection, removal, or disposal during the preceding month, but failure to mail any statement for monthly charges shall not be grounds for avoiding payment. Such statement shall be mailed jointly (and on the same bill) with the usual statement for water and sewerage services. If the fee is not paid when due, the amount thereof shall then be delinquent. In such cases written notice shall be served by the City Administrator upon the delinquent occupant, owner, or person in charge of custody of the premises, to the effect that unless such garbage fees are paid within five days after presentation of the notice, the City Administrator will notify the City Council of the delinquency; and the City Council may bring proceedings in district court charging a violation of this section. At the discretion of the City Council, known hardship cases may be relieved of the charges or any part thereof imposed by this section.

(Ord. 1964-6, passed 6-8-64; Am. Ord. 1984-1, passed 1-9-84; Am. Ord.

91-08, passed 6-10-91; Am. Ord. 96-09, passed 10-14-96; Am. Ord 2021-02, passed 5-10-21)

(A) Accumulation of refuse. It shall be unlawful for any person to cause or permit the accumulation of refuse in, about, or upon premises owned, occupied, or used by them when and if such accumulation is unsightly, unsanitary, or hazardous to the property, life, health, safety, or welfare of the public.

(B) Disposal of trash. It shall be unlawful for any person to dispose of trash within the corporate limits of the city.

(C) Scattering refuse. It shall be unlawful for any person to throw, place, or scatter any garbage, rubbish, trash, or other refuse over or upon any premises, street, or alley, either public or private, or adjacent thereto, and either with or without the intent to later remove or burn, or to suffer or permit from the accumulation of refuse, any premises owned, occupied, or controlled by any such person to become or remain offensive, unsanitary, unsightly, unsafe to public health, or hazardous from fire.

§ 51.08 ADMINISTRATION AND ENFORCEMENT.

(A) This chapter shall be administered and supervised by the City Council, with the responsibility for collection being delegated to the Board [~~Commission~~] as set forth in § 51.06.

(B) The City Council shall promulgate and enforce any and all reasonable rules and regulations deemed necessary or proper from time to time in order to carry out the objects and purposes of this chapter and for the health and welfare of the citizens of the city in respect to the collection, removal, and disposal of refuse as defined in § 51.01.

(C) It shall be the duty of the Police Department to enforce the provisions of this chapter, as directed by the City Council, against violations or infractions thereof.

§ 51.09 RECORDS; ANNUAL AUDIT OF ACCOUNTS.

The Board [~~Commission~~] shall be the collector of the charges imposed under the provisions of this chapter, and the collector shall keep proper records showing all collections made and received. All accounts shall be properly audited annually by a competent independent certified public accountant, and the report thereof shall be open for inspection at reasonable times to any taxpayer or citizen of this city or any person receiving the service provided under the terms of this chapter, or anyone acting for and on behalf of such taxpayer or citizen.

§ 51.99 PENALTY.

Any person violating any of the provisions of this chapter, or failing or refusing to abide by and comply with the rules and regulations promulgated to effectuate the provisions of this chapter, shall, upon conviction, be fined not more than \$500, and costs. Each day a violation of this chapter exists shall constitute a new and separate offense. Prior to issuing citations for violation of this chapter, the Police Department shall notify the violator in writing of the nature of the charges and give the violator seven days to correct the same.

PASSED BY THE CITY COUNCIL OF THE CITY OF CALVERT CITY,
KENTUCKY, AT THE FIRST MEETING ON THE 12TH DAY OF MAY 2025. PASSED BY
THE CITY COUNCIL OF THE CITY OF CALVERT CITY, KENTUCKY, AT THE SECOND
MEETING ON THE 9TH DAY OF JUNE 2025.

The members of the City Council voting upon this Ordinance voted as follows:

<u>Member</u>	<u>Vote</u>
RALPH HOWARD	YEA
DENAE SHELTON	YEA
NEETA HALE	YEA
KEVIN STOKES	YEA
JEREMY ROWE	ABSENT
DUSTIN BROWN	YEA

PASSED: June 9, 2025

CLERK

MAYOR