

ORDINANCE NO. 70-5

AN ORDINANCE OF THE CITY OF RUSSELLVILLE, KENTUCKY ESTABLISHING A DEPARTMENT OF SANITATION AND AUTHORIZING SUCH DEPARTMENT TO ADOPT

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REGULATIONS FOR A SOLID WASTE DISPOSAL SYSTEM, PROVIDING FOR PERSONAL SERVICE CONTRACTS FOR THE OPERATION OF A SANITARY LANDFILL AND PICK UP OF SOLID WASTE MATERIALS WITHIN THE CITY, BY INDEPENDENT CONTRACTORS, FIXING THE SERVICE FEE FOR SOLID WASTE COLLECTION AND DISPOSAL, PROVIDING FOR THE COLLECTION OF SAID FEE AND PROVIDING PENALTIES FOR VIOLATION HEREOF.

WHEREAS, under its general powers the City of Russellville has the right to make all regulations necessary to secure the general health of the inhabitants of the City, and,

WHEREAS, it has been determined that it is the duty of the City, in providing for protection of general health of residents of territory over which it has jurisdiction, to establish a Department of Sanitation, and,

WHEREAS, the City has advertised for and received bids in order to accomplish its objective and it has been determined that it is to the best interest of the City and the citizens thereof that the lowest and best bid be accepted and that the City enter into a contract for the pick up and disposal of solid waste.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RUSSELLVILLE, KENTUCKY:

Section 1. A Department of Sanitation is hereby established and the Mayor is hereby directed to appoint a member of the City Council as Commissioner of such Department who shall serve for such term as the Mayor shall designate.

Section 2. The Mayor is hereby authorized and directed to execute a contract or contracts on behalf of the City for the pick up and disposal of solid waste in accordance with the provisions of Chapter 211 of Kentucky Revised Statutes, the Regulations of the Kentucky State Department of Health, this ordinance and the Regulations of the City Sanitation Department.

The solid waste pick up and disposal contracts shall be commenced and become effective on October 1, 1970, for such periods of time and under such terms and conditions as determined by the Commissioner of Sanitation and approved by the Mayor. Renegotiations or extensions or renewals of contracts involving any increase in cost to the City or the service fee charged shall be approved by the City Council. All contracts shall be made subject to the contractor securing and retaining all necessary state permits.

Section 3. For pick up and disposal of solid waste materials a monthly service fee of \$1.85 for each residential unit within the City, including each apartment or mobile home or any other structure an individual or family may occupy as a dwelling place, is hereby levied

against and taxed to each such residential unit. Said service fee tax shall beginning with the month of October, 1970 be added to and become a part of the amount due on each residential water and/or sewer statement and the net amount of \$1.85 shall be paid on or before the 5th day of the month following the month for which same is due. A late charge of 25¢ shall be added to all monthly service fee taxes paid later than set out above making a gross of \$2.10 due and owed on or after the 6th day of said following month.

If more than one residential unit is billed for water and/or sewer service on one monthly statement the number of units so served shall be multiplied by \$1.85 to determine the net amount due on such water and/or sewer statement and a gross amount of \$2.10 per unit shall become due and owed on or after the 6th of the following month.

Any residential unit within the City that is not billed for monthly water and/or sewer service shall for the month of October, 1970 and each month thereafter be levied and taxed a net service fee tax of \$2.00 per month if paid on or before the 5th day of the following month with a gross amount of \$2.25 due and owed thereafter.

Section 4. Factories, restaurants, stores, service organizations, offices and all other business establishments within the City shall be individual agreements with the approved contractors arrange for the pick up and disposal of all solid waste in accordance with the laws and regulations set out in Section 2.

The contractors shall negotiate a fair fee with each commercial customer within the city limits based on frequency of pick ups, amount and type of solid waste and other factors effecting cost to contractors. If the contractors and the commercial customer can not agree as to what a fair fee for both shall be the Sanitation Commissioner or a representative of the City to be appointed by the Mayor shall act as a mediator between the parties in disagreement and his decision shall be binding on the parties involved.

Section 5. The commissioner of Sanitation shall, with the assistance of such City officers and employees as designated by the Mayor, adopt regulations for the storing, picking up and the disposal of solid waste material including but not limited to the following: type, size and number of containers to be used by each residential unit and commercial customer, minimum sanitary standards as to storage of solid waste at all times and rules as to placing solid waste containers outside of business structures at the side, at the rear of the main building.

The contractor shall set up a regular weekly schedule of pickups with one regular pickup per week from each residential unit and an agreed number of pickups per week from each commercial customer. The pickup schedule shall be approved by the Sanitation Department but extra pickups shall be arranged between the residential unit owner or the commercial customer by agreement with the contractor and the City shall not be responsible for collection for same.

The City shall arrange and pay for notice of the regulations adopted and any amendments thereto. The pickup contractor shall arrange and pay for proper notice as to pickup schedules and changes thereof.

Section 6. In addition to the laws contained in KRS Chapter 211 and Rules and Regulations of the Kentucky State Health Department for which violations thereof upon conviction shall be, in accordance with KRS 211.992, fined not less than \$100.00 nor more than \$500.00 or imprisonment for not more than 30 days, or both, it shall be unlawful:

a. To haul any solid waste material over the streets of Russellville in an uncovered vehicle or in a vehicle body that material leaks or escapes through cracks or other openings in the floor, ends or sides of the body.

b. To throw, dump or allow any solid waste material in any manner to be deposited or allowed to accumulate on any street, alley, sidewalk, waterway, right-of-way or elsewhere within the City of Russellville.

c. To burn or attempt to burn any garbage, rubbish or other solid waste material that any ordinary fire in a home type incinerator will not completely destroy such as bones, cans or bottles. This provision shall not prohibit the burning of trash paper or leaves on one's own premises so long as such burning does not create a nuisance to neighbors or the public in general.

d. To violate any provision of the Regulations of the Russellville Department of Sanitation.

Section 7. Any person, association, corporation or other entity convicted of any violation of the provisions of Section 6 in the Russellville Police Court shall be fined not less than \$10.00 nor more than \$100.00 and in cases of repeated violations may be enjoined, as provided in KRS 211.730, by a court of proper jurisdiction by action to be filed by the City of Russellville or any citizen.

Section 8. The provisions of this ordinance are severable. If any sentence, clause or part of this ordinance or the application thereof to any particular state of case is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or repeal any of the remaining provisions, sentences, clauses or sections or parts of this ordinance, it being the legislative intent

of this body to ordain and enact such provisions, paragraph, sentence and part hereof separately and independently of each other.

Section 9. The City Council hereby declares an emergency to exist and this ordinance shall become effective immediately upon its passage and publication as provided by law, and it is expressly declared to be the purpose of this ordinance to begin the pickup and disposal of solid waste from the City of Russellville on the 1st day of October, 1970 and begin the collection of the service fee tax for the month of October, 1970.

Approved and adopted by roll call vote on this 22nd day of September, 1970.

Wallace Herndon
Mayor

Attested:

M. E. Quinn
City Clerk