

ORDINANCE NO. 85-15

AN ORDINANCE DEFINING, AND PROVIDING FOR THE CONTROL OF GARBAGE, REFUSE, AND LITTER; PROVIDING FOR PRIMA FACIE EVIDENCE OF VIOLATIONS OF PROVISIONS OF THIS ORDINANCE IN CERTAIN SITUATIONS; PROVIDING FOR ACTION BY CITY AT EXPENSE OF OWNER, TENANT, OR PERSON IN CONTROL OF PREMISES, AFTER FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ORDINANCE; WITH A PENALTY CLAUSE, A REPEALER CLAUSE, AND A SEVERABILITY CLAUSE.

BE IT ORDAINED BY THE CITY OF RUSSELLVILLE, KENTUCKY, THAT:

Section 1. As used in this Ordinance, unless the context otherwise requires:

A. "Garbage" means putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food;

B. "Refuse" means all putrescible and non-putrescible solid waste (except body waste) including, but not limited to garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and market and industrial wastes; and

C. "Litter" means refuse which is not contained or disposed of in accordance with the provisions of this Ordinance.

Section 2. It shall be unlawful for any person to place, leave, dump, or permit to accumulate any refuse in any building or on any property in such a way that it shall or may afford food or harborage for rodents, create a health hazard, or cause a public nuisance.

Section 3. All refuse placed in dumpsters by commercial and industrial establishments shall be placed in such a way that the dumpster shall not overflow, and the refuse so deposited shall not circulate freely in the environment.

Section 4. All owners, contractors, and subcontractors on construction and demolition sites shall dispose of litter so as to not permit it to circulate freely in the environment.

Section 5. All loading and unloading docks shall be maintained so as to prevent refuse from accumulating and from circulating

freely in the environment.

Section 6. Owners of private dwellings, and their lessees, shall maintain those dwellings so as to prevent litter from circulating in areas immediately surrounding the dwellings up to adjacent public streets or roads or property of others.

Section 7. There shall be no burning of refuse in or around or scavenging from dumpsters, nor shall refuse be deposited outside of publicly maintained dumpsters.

Section 8. Handbills, advertising circulars, and like materials shall be distributed in such a manner as to prevent their circulating freely in the environment.

Section 9. All organizers of outdoor events shall provide for and accomplish rapid removal of all refuse and litter from the site thereof and shall provide appropriate refuse containers for the public's use.

Section 10. Contents within or on commercial and private vehicles shall be secured and, if necessary, covered, to prevent loss of material.

Section 11. All persons shall insure that any refuse within their control be disposed of so as not to be placed upon public property or property of others, and refuse as used herein includes, but is not limited to, such items such as food and drink containers, tobacco items, and other personal use items.

Section 12. No person, firm, or corporation shall place refuse in any form into any stream, ditch, storm sewer, or sanitary sewer or other drain within the City, but this provision shall not preclude properly prepared putrescible waste from domestic garbage

disposals discharging into sanitary sewers.

Section 13. No person shall throw or deposit litter upon any premises other than his own or upon any public place within the City except in public receptacles or authorized private receptacles.

Section 14. If an object of litter is deposited upon another's property without his permission or upon any public area, bearing a person's name indicative of ownership, that shall be prima facie evidence that the person, whose name appears on the object thrown, dumped or deposited it there.

Section 15. The owner, tenant, or other person in control of the premises will carry out orders of law enforcement agencies of the City, the Zoning Administrator of the City, or any other person designated by the City to issue such orders and the health department pertaining to this ordinance at his, her, or their expense, or the City may carry out such clean-up or other necessary activities and charge the expense thereof to the owner, tenant, or other person in control of the premises.

Section 16. When any paper, waste material, litter, or other refuse is thrown or dropped from a motor vehicle, the operator thereof shall be deemed prima facie to have violated the provisions of this ordinance.

Section 17. All food establishments providing carry-out or drive-up service shall have at least one garbage can of at least a 30-gallon capacity available for disposal of litter outside of their establishments and shall properly dispose of the contents thereof before the litter therein is allowed to circulate freely

in the environment.

Section 18. Any person found guilty of violating any section of this ordinance shall, upon conviction, be fined in an amount of not less than \$20 nor more than \$250, and each day of violation shall be considered a separate offense, but the court in its discretion may require an individual convicted of violating this ordinance to remove litter from public property within the City for any prescribed period not to exceed seven (7) days (up to six (6) hours per day) in lieu of or in addition to the fine provided for in this section.

Section 19. All portions of any section of any ordinance or rule or regulation in conflict herewith are hereby repealed to the extent of that conflict only.

Section 20. In the event any provision of this Ordinance is invalid for any reason, such invalidity shall not affect the validity of any other provision.

This ordinance shall be effective after its passage and publication according to law.

PASSED FIRST READING by roll call vote this the 22nd day of October, 1985.

AYES:	NAYS:	ABSENT:	ABSTAINING:
<u>Gary Hancock</u>	<u>None</u>	<u>Willie Hampton</u>	<u>None</u>
<u>Keith Fruits</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
<u>Everett Daniel</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
<u>Harold R. Johns</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
<u>Gary Woodlee</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

PASSED SECOND READING by roll call vote this the 5th day of

November, 1985.

AYES:

NAYS:

ABSENT:

ABSTAINING:

Gary Hancock

Everett Daniel

Keith Fruits

None

Gary Woodlee

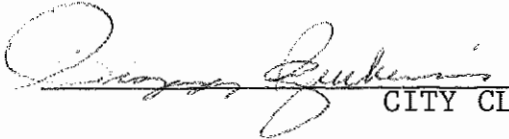
Harold Ray Johns

Willie Hampton

Keith Fruits

MAYOR

ATTEST:

  
CITY CLERK