

ORDINANCE 2020-1792

AN ORDINANCE AMENDING CITY OF MURRAY CODE OF ORDINANCES CHAPTER 93, HEALTH AND SANITATION, SPECIFICALLY §93.01, §93.02, §93.03, §93.04, §93.05, §93.06, §93.07, §93.08, §93.09, §93.10, §93.11, §93.12, §93.20, §93.21, AND §93.99; and to repeal §93.22 TO CLARIFY TERMS, REORGANIZE ORDINANCE PROVISIONS, AND TO ENSURE COMPLIANCE WITH OTHER ORDINANCES.

WHEREAS, the City of Murray desires to amend Chapter 93, HEALTH AND SANITATION, in order to amend paragraphs §93.01: DEFINITIONS; §93.02: REFUSE COLLECTION; §93.03: RULES ENFORCEMENT; §93.04: CITY'S RESPONSIBILITY; PRIVATE COLLECTORS PROHIBITED; §93.05: SPECIAL COLLECTIONS; CHARGES; DENIAL OF SERVICES; PROHIBITED ITEMS; CALL BACK AND SPECIAL PICKUP; §93.06: MONTHLY STATEMENTS; CESSATION OF CHARGES; §93.07: RECORDS; ANNUAL AUDIT OF ACCOUNTS; §93.08: SCHEDULE OF FEES; §93.09: REVISION OF SCHEDULE; §93.10 RULES AND REGULATIONS; §93.11: STREET AND SOLID WASTE MANAGER; § 93.12 ROLLOUT CONTAINERS; §93.20: HOURS FOR DISPOSAL OF REFUSE; §93.21: WASTE EXCLUDED FROM TRANSFER STATION; AND §93.99: PENALTY; and to repeal §93.22: TRANSFER STATION DISPOSAL FEE SCHEDULE in order to reorganize ordinance provisions, and terms and ensure compliance with other ordinances; and

WHEREAS, the Murray City Council has reviewed and discussed the following proposed changes to Chapter 93 of the City of Murray Code of Ordinances and believe that the proposed changes are reasonable and necessary.

BE IT ORDAINED by the City Council of the City of Murray, as follows:

AMENDMENT: ADDITIONS, ASSERTIONS, DELETIONS & CHANGES:

City of Murray Code of Ordinances, Chapter 93 is amended as follows:

Section

Garbage and Waste

93.01 Definitions

93.02 Refuse collection

93.03 Rules; enforcement

93.04 City's responsibility; private collectors prohibited

93.05 Special collections; charges; ~~services denied~~ denial of services; prohibited items; call back and special pick-up

93.06 Monthly statements; cessation of charge

93.07 Records; annual audit of accounts

93.08 Schedule of fees

93.09 Revision of schedule

93.10 Rules and regulations

93.11 ~~Superintendent of Sanitation~~ Solid waste manager

93.12 Rollout containers

Transfer Station

93.20 ~~Hours to dump~~ for disposal of refuse

93.21 Waste excluded from transfer station

93.22 ~~Transfer station disposal fee schedule~~

93.99 Penalty

GARBAGE AND WASTE

This ordinance from §93.01 through §93.99 shall be referred to as the Health and Sanitation Ordinance.

§ 93.01 DEFINITIONS.

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

"APARTMENT." Any rental dwelling unit that has separate kitchen facilities for occupants.

"AUTHORIZED INDIVIDUAL." Any individual with a properly documented power of attorney or guardianship or properly notarized written authorization acting for or on behalf of another.

"COMMERCIAL SOLID WASTE." Solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment.

"COLLECTION PERSONNEL." Those individuals who provide refuse collection services for the City's Sanitation Department.

"DEMOLITION AND/OR CONSTRUCTION DEBRIS." Waste building materials resulting from construction, remodeling, repair or demolition of houses or other structures.

"EXCLUDED WASTE." Highly flammable substances, hazardous waste, liquid wastes, special wastes, certain pathological and biological wastes, toxic materials, radioactive materials, material that the disposal facility is not authorized to receive and/or dispose of, and other materials deemed by the state, federal or local law, or in the reasonable discretion of the collection personnel to be dangerous or threatening to health or the environment, or which cannot be legally accepted at the applicable disposal facility. Excluded Waste includes construction debris or waste (from residential units only), dead animals, institutional solid waste that constitutes special waste and which has not been previously approved by the disposal site for disposal, stable matter and special waste.

"GARBAGE." Putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, serving or consumption of food and including food containers.

"HAZARDOUS WASTE." Waste designated as hazardous by the United States Environmental Protection Agency or appropriate state agency. Also means waste defined as or of, a character or sufficient quantity to be defined as a "Hazardous Waste" by the Resource Conservation and Recovery Act, as amended, or any state or local laws or regulations with respect thereto, or a "toxic substance" as defined in the Toxic Substance Control Act, as amended, or any regulations with respect thereto, or any reportable quantity of a "hazardous substance" as defined by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, or any regulations with respect thereto. The term "Hazardous Waste" also includes any waste whose storage, treatment, incineration or disposal requires a special license or permit from any federal, state or local government entity, body or agency and any substance that subsequently is determined to be hazardous or toxic by any judicial or governmental entity, body or agency having jurisdiction to make that determination.

"INSTITUTIONAL SOLID WASTE." Solid waste originating from education, health care and research facilities such as schools, hospitals, nursing homes, laboratories and other similar establishments.

"HOUSEHOLD WASTE." Solid waste comprised of garbage and rubbish including but not limited to, bottles, cans, clothing, disposables, food packaging, food scraps, magazines, paper, etc. that originate from day to day operations of private homes or apartments.

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

"RECYCLING." Any process by which materials (i.e., glass, paper, cardboard, soda cans, some types of plastics, etc.) which would otherwise become solid waste, are collected, separated from the waste stream, processed and reused or returned to use in the form of raw materials or products which may or may not be similar to the original. Recycling does not include construction wastes or waste from demolition sites.

"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, places dealing in the handling of meats, fowl, fruits, grain, or vegetables; offal, animal excreta, the carcasses of animals; 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. Discarded waste materials in a solid or semi-liquid state, consisting of garbage, rubbish or a combination thereof.

"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 §93.08 hereof.

"REFUSE CONTAINERS." Receptacle used by any person to store solid waste during the interval between solid waste generation and collection. ~~A solid waste container is made out of plastic, vinyl or metal, ranging in size from about 10 gallons to 32 gallons for residential waste and up to 42 cubic yards for commercial waste. A reusable and rolling, lidded sanitation receptacle made of plastic, metal or fiberglass with a capacity not to exceed 96 gallons; 2, 4, 6 and 8 yard front load containers; 20, 30 and 40 cubic yard roll-offs; and compactor boxes.~~

"REFUSE DISPOSAL." The disposal of refuse in accordance with rules and regulations promulgated by the Murray City Council, the Commonwealth of Kentucky and/or the federal government.

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

"ROLL-OFF CONTAINERS." Any wheeled 20, 30 or 40 cubic yard containers utilized for collection of refuse.

"ROLLOUT CONTAINERS." Any wheeled cart or rolling lidded sanitation receptacle made of plastic, metal or fiberglass with a capacity not to exceed 96 gallons used for provision of curbside service.

"RUBBISH." Non-putrescible solid wastes consisting of combustible and noncombustible waste materials, except garbage, but including, but not limited to, yard and garden wastes. The term shall include, but not be limited to, the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

"SENIOR CITIZEN." For the purposes of this ordinance, a Senior Citizen shall be defined as any individual sixty-five (65) years or older.

"SPECIAL WASTE." Any non-hazardous solid waste which, because of its physical characteristics, chemical make-up, or biological nature requires either special handling, disposal procedures including liquids for solidification at the landfill, documentation, and/or regulatory authorization, or poses an unusual threat to human health, equipment, property, or the environment

"TRANSFER STATION." Any transportation-related facility including loading docks, tipping floor, and other similar facilities where shipments of solid waste are held or transferred during the normal course of transportation. The Murray Transfer Station is located at ~~the old landfill site~~ 400 Landfill Road, Murray, Kentucky, and receives all refuse collected in Murray and Calloway County and surrounding area.

"WHITE GOODS." Items such as refrigerators, washers, dryers, ranges, freezers and other large appliances. The Murray Transfer Station does not accept refrigerators, freezers, HVAC units, dehumidifiers or other items requiring coolant discharge by a certified professional. These items may be taken to a commercial recycling company.

"YARD WASTE." Includes grass clippings, plant debris, shrubs, limbs, leaves and organic matter that normally results from lawn care.

§ 93.02 REFUSE COLLECTION.

(A) The eCity shall provide collection services to all entities within the corporate eCity limits of Murray. ~~Each entity shall be charged minimum~~ Minimum rates shall be charged and collected from each entity whether or not it utilizes the eCity's collection routes. Collection routes shall hereafter be designated by, and the days and times of collections determined and publicly announced by, the ~~Superintendent of Sanitation~~ Director of Public Works and/or Solid Waste Manager.

(B) The ~~Sanitation Department~~ eCity shall provide wheeled carts for the placement of household garbage refuse into the cart for curbside collection. ~~[#]~~ If one (1) cart is not sufficient then the ~~Sanitation Department~~ City will provide an additional cart for an additional fee of \$8.00 per month in accordance with § 93.08.

(C) Collection services and charges for service may be suspended for residential customers who expect to be absent from the residence for more than thirty days, upon completion of the Service Suspension Form available at Customer Service at City Hall. The container must be surrendered during the suspension of service. Services shall resume after written notice of occupancy by the resident has been given or water usage has commenced.

§ 93.03 RULES; ENFORCEMENT.

(A) The Murray 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 subchapter and for the health and welfare of the citizens of the eCity in respect to the collection, removal, and disposal of refuse.

(B) It shall be the duty of the Murray Police Department and/or Code Enforcement Officer to enforce the provisions of this subchapter against violations or infractions thereof.

§ 93.04 CITY'S RESPONSIBILITY; PRIVATE COLLECTORS PROHIBITED.

(A) It shall be unlawful for any person or entity except the eCity or its designated agent to engage in or conduct the business of collection, removal, or disposal of refuse within the corporate limits of the eCity.

(B) Private scavengers, pushcart operators, and private ~~garbage~~ refuse collectors, other than those licensed to do so under contract with the City, are prohibited from engaging in the business of collecting, transporting or disposing of garbage or refuse containing organic wastes, putrid matter, and wastes or excreta subject to petrification within the City.

(C) All refuse collected by the eCity under the terms of this subchapter shall become the property of the eCity.

(D) Properly licensed and permitted private waste collectors may engage in the business of collecting and transporting the following materials within the City under the following circumstances:

(1) Recycling Material. Material collected for recycling (see definition in § 93.01) purposes only must be taken to a recycling material processing facility and none of the material collected may be returned to the solid waste stream and/or disposed of within a solid waste landfill. Recycling material does not include construction wastes or waste from demolition sites. The Recycling Center on Andrus Drive in Murray is NOT a recycling material processing facility and accepts no recycled material from any commercial recycling company.

(2) Special and/or Hazardous Waste. Special and/or hazardous waste materials must be collected, transported, managed and disposed of in accordance with all Federal, State and Local statutes and ordinances. Demolition and construction wastes are not included in special waste.

§ 93.05 SPECIAL COLLECTIONS; CHARGES; DENIAL OF SERVICES; DENIED PROHIBITED ITEMS; CALL BACK AND SPECIAL PICK-UP.

(A) ~~The City shall not collect, remove, or dispose of the following types of refuse: offal, sewage, animal excreta, the carcasses of animals, tree or shrub trimmings, or material resulting from the demolition, repair, alteration, or erection of buildings or structures, but for such types of refuse a flat charge of \$7.50 shall be collected for each special service call made, and to this charge shall be added such charges as will compensate the city for extra refuse volume or weight involved in the types of refuse as determined by the officer or employee of the city in charge of the landfill site, under the supervision of the Superintendent of Sanitation. have the right to deny refuse collection, removal, or disposal service to any person whose refuse requirements are sufficiently abnormal or different in the determination of the Director of Public Works and/or the Solid Waste Manager, as to justify special handling, in which case a special charge shall be made. This shall include those buildings or dwellings not readily accessible to refuse collectors, or in cases where refuse is not found in standard containers, or all such users as require service more frequently than regularly scheduled.~~

(B) The City shall have the right to deny refuse collection, removal or disposal service to any person whose refuse requirements are sufficiently abnormal or different in the determination of the Council or the Superintendent of Sanitation as to justify special handling, in which case a special charge shall be made. This shall include those buildings or dwellings not readily accessible to refuse collectors, or in cases where refuse is not found in standard containers, or all such users as require service more frequently than regularly scheduled, not, on its usual and customary collection routes, collect, remove, or dispose of the following types of refuse: offal, sewage, animal excreta, carcasses of animals, tree or shrub trimmings not properly packaged, or material resulting from the demolition, repair, alteration, or erection of buildings or structures that do not fit into the collection container. For such types of refuse, a special pick-up service is available for a minimum charge of twenty dollars (\$20.00) shall be collected for each special service call made; and to this amount, shall be added such charges as will compensate the City for extra refuse volume or weight involved in the types of refuse as determined by the Manager of the Landfill and the Solid Waste Manager, in accordance with §93.08.

(C) The City may charge for "Call Back Service" to residential customers whose container was not in its designated pickup location; whose container was not accessible when the City's collection vehicle made its scheduled stop; whose container violated rules set forth in § 93.10 (C); and/or whose collection needs are great enough that collection cannot wait until the next regularly scheduled collection day. The fee for this special service shall be in accordance with §93.08.

(D) The City may provide "Special Pickups" for residential and commercial customers for bulky items such as certain white goods, old furniture, mattresses, televisions, carpet and the like, that will not fit within their refuse container. Special Pickups shall be scheduled in advance with the Sanitation Department by the customer account holder. There shall be a minimum charge of twenty dollars (\$20.00) for this service and to this charge shall be added, if deemed necessary, such charges as will compensate the City for extra volume, weight or labor time involved in the removal of such items. The fee shall be in accordance with §93.08. Specific guidelines available from the Sanitation Department must be met for special pick-ups.

(1) Items for residential accounts shall be placed curbside. The resident shall provide the Sanitation Department a brief description of the items to be picked up when scheduling the "Special Pickup." Items may be placed curbside for pickup no earlier than twenty-four (24) hours prior to the scheduled pickup date.

(2) Items for commercial accounts shall be placed on the dumpster pad alongside the dumpster or curbside if the account holder does not utilize a dumpster. When scheduling the "Special Pickup," a brief description of the items to be picked up will be provided to the Sanitation Department. Items may not be placed out for pickup earlier than twenty-four (24) hours prior to the scheduled pickup date.

(3) Prohibited items, including but not limited to, batteries, paint, tires, hazardous wastes, etc., shall not be collected by the City. No person shall place a refrigerator, freezer, undischarged HVAC unit or other such white goods for disposal by the City. Nor shall any refrigerators, freezers, undischarged HVAC units or other items containing an undischarged coolant, be accepted for disposal at the Murray Transfer Center. HVAC units must be professionally discharged and marked as such before being placed for disposal.

§ 93.06 MONTHLY STATEMENTS; CESSATION OF CHARGE.

The Superintendent of Sanitation Murray Municipal Utilities shall be charged with the duty of mailing mail a statement on or before the first day of the month on a monthly basis to each person charged with refuse collection, removal, or disposal during the preceding month, but failure to receive 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 natural gas, water and sewerage services. If the fee, rate, or charge for any monthly service charge is not paid within fifteen (15) days after the same is due, the amount thereof shall then be delinquent, a 155% penalty added thereto, and recovered by the eCity in any appropriate action. On the failure of any person receiving such service to pay for the same when due, the eCity may discontinue such service without notice.

§ 93.07 RECORDS; ANNUAL AUDIT OF ACCOUNTS.

~~The Superintendent of Sanitation shall be the collector of the charges imposed under the provisions of this subchapter, and such collector shall keep proper records showing all collections made and received. All Murray Municipal Utility accounts shall may be properly audited annually by a competent independent certified public accountant, as a part of the City's annual audit process and the report thereof shall be open for inspection at all times to any taxpayer or citizen of this eCity or any person receiving the service provided under the terms of this subchapter or anyone any authorized acting for and on behalf of such taxpayer or citizen.~~

§93.08 SCHEDULE OF FEES

The following fees and rates are established for Sanitation Services provided by the City of Murray.

(A) Residential Customers.

In order to make the service proposed in this subchapter self-supporting, there shall be, and there is established, a schedule of rates, fees, and charges for refuse collection, removal and disposal. ~~Said Rates shall be effective with bills received on or after May 1, 2013,~~ and are as follows, to-wit:

Description	Base Rates
Container remaining on curbside on second day following regular collection - per container/per occurrence	\$6.00
Residential single inside senior citizen (must be 65 years old and live alone) <u>one cart only</u> <u>Must complete an application</u>	\$9.00
Residential dwelling inside (1 can <u>one cart minimum</u> - \$10 for each additional can <u>cart</u>)	\$15.00
Apartment and Duplex dwelling (2 can <u>two carts only minimum</u> - \$14.50 for each additional can <u>cart</u>)	\$29.00
<u>Call-Back Service (per occurrence)</u>	<u>\$25.00</u>
<u>Special Pickup (minimum) Refer to §93.05 (D)</u>	<u>\$20.00</u>

(A-B) Commercial and Industrial establishments Customers.

(1) Fees, including but not limited to, those for service, overhead, maintenance and replacement of necessary equipment, vehicles and machinery, for the collection of garbage and refuse from all commercial establishments and the number of collections per week shall be fixed by the Superintendent of Sanitation. Fees shall be in amounts reasonably related to the costs of providing such collection service,

including, but not limited to, overhead, maintenance, and replacement of necessary equipment, vehicles, and machinery are determined by the City. The number of collections per week shall be determined by the amount and kind of refuse reasonably anticipated to be generated, type and number of refuse containers, and other factors deemed pertinent. Fees for all roll-off commercial and industrial container customers will be as follows:

Commercial Wheeled Carts

<u>Wheeled Carts</u>	<u>Monthly Fee Per Pickup Per Week</u>
<u>1</u>	<u>\$24.00</u>
<u>2</u>	<u>\$34.00</u>
<u>3</u>	<u>\$44.00</u>
<u>4</u>	<u>\$54.00</u>

There shall be a \$10 charge for each additional cart.

Commercial Dumpster (Owned)

<u>Cubic Yards</u>	<u>Dumpsters</u>	<u>Pickups per week</u>	<u>Fee per month</u>	<u>Fee for scheduled additional weekly Pickup (in addition to Fee/Month)</u>	<u>Fee Per Unscheduled Pickup Per Dumpster Per Occurrence</u>
2 8	1	1	\$44.50 151.00	\$44.50 115.00	<u>\$35.00</u>
2 8	2	1	\$66.00 275.00	\$66.00 209.00	<u>\$70.00</u>
2 6	3 1	1	\$89.00 118.00	\$89.00	<u>\$30.00</u>
2 6	4 2	1	\$112.00 214.00	\$112.00 156.00	<u>\$60.00</u>
2 4	5 1	1	\$133.00 85.00	\$133.00 66.00	<u>\$25.00</u>
3 4	1 2	1	\$67.00 150.00	\$67.00 112.00	<u>\$50.00</u>
3 2	2 1	1	\$99.00 54.50	\$99.00 44.50	<u>\$20.00</u>
3 2	3 2	1	\$133.00 86.00	\$133.00 66.00	<u>\$40.00</u>
3	4	1	\$167.00	\$167.00	
3	5	1	\$200.00	\$200.00	

Commercial Dumpsters (Rental)

Cubic Yards	Dumpsters	Pickups Per Week	Fee Per Month	Fee for Additional Pickup
6	1	1	\$118.00	\$89.00
6	2	1	\$214.00	\$156.00
4	1	1	\$85.00	\$66.00
4	2	1	\$150.00	\$112.00
3	1	1	\$81.00	\$67.00
3	2	1	\$127.00	\$99.00
3	3	1	\$175.00	\$133.00
3	4	1	\$223.00	\$167.00
3	5	1	\$270.00	\$200.00
2	1	1	\$54.50	\$44.50
2	2	1	\$86.00	\$66.00
2	3	1	\$119.00	\$89.00
2	4	1	\$152.00	\$112.00
2	5	1	\$183.00	\$133.00

(2) Customers who improperly fill or misuse the structure of the service as described in §93.10 may have their schedule adjusted at the discretion of the Solid Waste Manager.

(~~2~~3) Notice of such change in commercial fees increase for refuse collection fees and number of collections per week shall be served on the commercial and industrial establishment by attaching such notice to the establishment's refuse container, or by placing such notice in some other conspicuous place on the premises, which constitutes receipt. A change in commercial service shall be made as deemed necessary by the Solid Waste Manager.

(~~3~~4) Notice shall be given not less than ten (10) days prior to the time when such change in fees or change in number of collections per week are to become effective. Reference to appeal time shall be in the notice.

(4) Any person aggrieved by such change has the right to appeal to the Municipal Appeals Board ~~Public Works Committee of Murray City Council~~, by submitting his or her objection in writing to the City Clerk or his or her designee, within ~~ten (10)~~ thirty (30) days of the receipt of such notice of change. The objection shall contain the reasons against such change and the Solid Waste Manager will be permitted to respond to such objections, either in writing, or orally at the Committee meeting at which such objection is considered. After receiving all evidence, oral and documentary, the ~~Public Works Committee~~ Municipal Appeals Board shall make its decision in open meeting consistent with the terms set forth in §134.11 through §134.15 of the Municipal Appeals Board Ordinance of the Murray Municipal Code.

(5) ~~In the event the person objecting to the change is dissatisfied with the decision of the Public Works Committee, he has the right to appeal to the Council by submitting his appeal in writing to the City Clerk within ten (10) days of the date of the decision of the Public Works Committee. The Council shall follow the same appeal procedures outlined above and the decision of the Council shall be final.~~

(6) For those commercial customers requesting a locking device for their commercial dumpsters, a one-time non-refundable fee of seventy-five (\$75.00) dollars shall be charged for each dumpster.

Transfer Station Disposal Fee Schedule

(A) The following rates are established for disposal at Murray Transfer Station effective April 1, 2020 :

<u>Hoist and Transfer Station (Per Ton)</u>	
<u>Cash</u>	<u>\$48.00</u>
<u>Accounts</u>	<u>\$48.00</u>
<u>Hoist</u>	<u>\$48.00</u>
<u>Transportation Fee for Hoist (Minimum Monthly Fee) (Minimum 1 ½ Tons on Tipping Fee)</u>	
<u>Hauls</u>	<u>\$130.00 plus tonnage</u>
<u>Construction box minimum monthly fee with no hauls</u>	<u>\$130.00</u>

(1) The minimum charge for cash and account customers shall be twelve dollars (\$12.00) plus the State of Kentucky Environmental Remediation Fee.

(2) All rates are calculated on 20 pound increments based on forty-eight dollars (\$48.00) per ton plus the State of Kentucky Environmental Remediation Fee.

(3) All materials requiring special handling will be charged at a rate necessary to cover cost of handling as determined by the Director of Public Works and Solid Waste Manager.

(B) This section shall be effective with the bills received on or after April 1, 2020, and shall not be changed except by ordinance amendment.

§ 93.09 REVISION OF SCHEDULE.

The Murray City Council shall have the right and recognizes its obligations to revise the schedule of rates provided in § 93.08 hereof and to adjust them so that costs will be distributed as equitably as possible among all citizens of the eCity on the basis of the services rendered. At no time, however, shall rates be continued which are ~~disposed to be~~ producing less revenue than is required to meet all obligations and costs involved in rendering refuse service to the public.

§ 93.10 RULES AND REGULATIONS.

(A) General

~~(A1)~~ Accumulation of refuse. It shall be unlawful for any person to cause or permit the accumulation of refuse about, or on 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.

~~(B2)~~ Maintaining dump ground. It shall be unlawful to deliver refuse to or on private property or to maintain a dump ground, either public or private, for the deposit of garbage of any kind within the City of Murray.

~~(C3)~~ Disposal of ~~trash or~~ refuse. It shall be unlawful for any person or firm to dispose of [~~trash or~~] refuse within the corporate limits of the eCity or elsewhere, except at the landfill site City of Murray Transfer Station, unless the person or firm disposing of the ~~trash or~~ refuse shall have approval of the disposal facility from the State of Kentucky, Air Quality Control, Department of Natural Resources Energy and Environment Cabinet, Department for Environmental Protection, Division of Waste Management, Commonwealth of Kentucky, or from the U.S. Department of Natural Resources Environmental Protection Agency.

~~(D4)~~ Scattering refuse. It shall be unlawful for any person to throw, place, or scatter any garbage, rubbish, ~~trash~~, or other refuse over or on 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.

~~(E5)~~ Solid waste to be stored in a manner prescribed by ordinance. The occupant or owner of every residential dwelling unit, agricultural, commercial, business, institutional and industrial establishment shall place all solid waste to be collected in proper solid waste containers, and shall maintain the area surrounding them in a clean, neat and sanitary condition at all times. Solid waste shall be stored in a manner that will be kept free from insect and rodent infestation and will not create a fire hazard.

~~(F6)~~ Standards for ~~residential~~ refuse containers. Residential sSolid waste shall only be stored for collection in refuse containers of not less than ten gallons nor more than 32 gallons in nominal capacity. Storage containers shall be leakproof, waterproof, and fitted with a fly tight 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 light weight and sturdy construction. The weight of any individual storage containers and contents shall not exceed 50 pounds. Galvanized metal containers, or rubber, fiberglass, plastic or vinyl containers, which do not become brittle in cold weather may be used. Disposable solid waste containers within suitable frames, wire bag holders or other storage containers may also be used for storage of residential solid waste, subject to approval by the Superintendent of Sanitation. provided by the City of Murray as defined in accordance with §93.01. The City shall provide 96 gallon roll-out carts; 2, 4, 6, and 8 cubic yard dumpsters; and 20, 30 and 40 cubic yard roll-off containers for use. Privately owned commercial compactors may be used upon approval by the City of Murray.

~~(67)~~ Containers prerequisite to removal of refuse. It shall be unlawful for ~~any municipal employee~~ Collection personnel to collect or remove, at ~~e~~City expense, any refuse from the premises of any ~~person~~ resident, or tenant, business, institution or industrial operation thereof, unless such premises are equipped with standard containers, and unless such refuse is kept stored in such containers.

(48) It shall be unlawful for any person to deposit solid waste in any refuse container other than his or her own or for any person to dispose of waste collected outside of the [~~e~~] City limits at any place within the ~~e~~ City of Murray.

(49) All dumpsters, roll-off containers or compactors serving commercial establishments and multi-family dwellings ~~must~~ shall be placed on a concrete pad. Prior to installation, the dumpster location and pad must be approved by the Superintendent of Sanitation, the Solid Waste Manager and installed. Installation shall be the responsibility of the owner. In the event the owner does not have an approved concrete pad available, the City shall not be liable for any damages to asphalt surfaces as a result of providing collection services. Any exceptions to this subsection shall only be made at the discretion of the Director of Public Works and/or the Solid Waste Manager.

(H) ~~The following additional rules and regulations are established for the collection or pick-up of customer refuse by personnel of the City Sanitation Department, to-wit:~~

(10) It shall be unlawful for any person to dispose of any hypodermic syringe, hypodermic needle or any instrument or device for making hypodermic injections unless such is placed in an approved medical sharps container.

B. Commercial and Industrial Collections

(1) ~~Personnel of Sanitation Department~~ Collection personnel are not required to enter any customer yard location where animals constitute a threat to the safety of such personnel.

(2) ~~Sanitation Department customers are required to supply regulation type containers. Such containers must be kept in good condition. It shall not be the responsibility of the Sanitation Department personnel to pick up any refuse that is not contained in good conditioned garbage containers. Refuse containers of all types remain the property of the City of Murray and shall not be painted, abused, mutilated or modified in any manner. The user of sanitation services shall be responsible for the cost of repairs or replacement for any damages resulting from abuse. Repairs made due to normal wear and tear will be performed at no charge. It shall be the user's responsibility of the users of waste containers furnished by the city to clean and maintain these refuse containers in a sanitary condition.~~

(3) ~~Sanitation Department~~ Collection personnel are not required to pick up or transport bricks, blocks, or other building material even though these items may be contained in wheeled carts ~~standard containers~~. Contents of wheeled carts ~~containers~~ shall be limited to normal household refuse.

(4) Sanitation customers must have all refuse in proper containers at the time Sanitation Department-Collection personnel arrive to collect same. Sanitation Department-Collection personnel shall not wait for Sanitation customers to empty additional garbage during collection by Sanitation Department personnel ~~nor shall Collection personnel collect any refuse not contained within the container.~~

(5) ~~Sanitation Department~~ Collection personnel are not required to pick up and collect grass, leaves, or other comparable material even though contained in boxes and placed near the street.

(6) ~~Sanitation Department~~ Collection personnel are not required to enter any building (business or industrial ~~or residential~~) for the purpose of picking up or collection of refuse.

(7) Raw human or animal ~~excretion~~ excrement shall not be collected by ~~Sanitation Department Collection~~ personnel unless sealed in air-tight and water-tight plastic containers and then placed in standard ~~customer garbage~~ refuse containers.

(8) Prohibited items, such as including but not limited to batteries, liquids of any kind, pesticides, florescent light bulbs, mercury-containing equipment such as thermostats or automatic switches, tires, hot ashes, hot charcoal and other Special or Hazardous Wastes designated by the United States Environmental Protection Agency and/or the Kentucky Department for Environmental Protection, shall not be placed within the refuse container for collection.

(9) Refuse containers shall neither be filled to an overflowing and/or overweight condition nor shall they contain bulky items, such as furniture, mattresses, televisions, white goods and other items similar in nature. In the event of such circumstances, services may be denied until the problem has been corrected. The customer may incur an additional charge for special collection.

(10) Access by collection equipment to the refuse container shall not be blocked. Multiple attempts for collection on the scheduled day of service shall not be attempted. In the event that access by collection equipment is blocked, collection will not be reattempted until the next scheduled collection day. If collection cannot wait until the next scheduled day of service, a fee for an additional pickup shall be charged in accordance with § 93.08.

~~(I) It shall be unlawful for any person to deposit solid waste in any refuse container other than his own or for any person to dispose of waste collected outside of the city limits at any place within the city.~~

~~(J) All dumpsters serving commercial establishments and multi-family dwellings must be placed on a concrete pad. The dumpster location and pad must be approved by the Superintendent of Sanitation and installed by the owner.~~

~~(K) It shall be unlawful for any person to dispose of any hypodermic syringe, hypodermic needles, or any instrument or device for making hypodermic injection unless placed in an approved medical container.~~

~~(L) It shall be unlawful for any person to place in any recycle bin any materials not designated by the Sanitation Department as acceptable for deposit in recycle bins.~~

C. Residential Collection.

~~(M)(1) The resident must roll the cart to the curb on the regularly scheduled collection day. The cart will be collected once a week. Residential service shall be curbside service and shall be provided once per week on a regularly scheduled collection day.~~

(2) No household ~~garbage waste~~ will be collected that is not contained in the ~~container~~ wheeled cart provided by the ~~Sanitation Department City~~ nor will the Collection personnel collect loose bags of garbage placed outside of the wheeled cart.

(3) The resident is responsible for placing the wheeled cart curb side no later than 7:3000 a.m. on the regularly scheduled collection day and ~~is responsible~~ for removing the cart from curb side as soon as possible after pickup. A person who is physically unable to roll the cart to the curb, shall contact the Sanitation Department to apply for a waiver. If the waiver is granted, the ~~Sanitation Department Collection personnel~~ will roll the cart to and from the curb on collection day. The following requirements must be met for waiver approval:

(a) All individuals permanently residing at the address above the age of twelve (12) must be physically unable to roll the cart to and from the curb; and

- (b) A Handicap/Walkup Refuse Collection Request form must be submitted to the City by an adult member of the household: and
- (c) A written statement(s) from a licensed physician shall be provided for each individual, above the age of twelve (12), residing at the address, stating that individual is physically unable to roll the wheeled cart to and from the curb.
- (4) Each cart will be issued to a specific address and it may not be moved from the premises. If the dwelling is vacated, the resident moving must notify the Sanitation Department. If the resident moves within the eCity, a cart will be furnished at the new address. The cart remains the property of the City of Murray. If the cart is damaged beyond repair, the resident will be responsible for the replacement cost of the cart. Each cart contains a serial number and if it is lost or stolen, the resident must immediately report same to the Sanitation Department.
- (5) Garbage must be placed inside the cart in such a manner so as to permit the lid to be closed at all times. Overfilling and/or lid being unable to close may prevent collection of the contents of the container. No items may be placed within the cart that are prohibited by the regulations of the Sanitation Department
- (6) The container shall not be placed within three (3) feet of any stationary object such as a car, mailbox, utility pole, tree, shrub, fence, etc.
- (7) No items may be placed within the container that are prohibited by the regulations of the City of Murray Sanitation Department, the Kentucky Department of Environmental Protection and/or the United States Environmental Protection Agency. Prohibited items include, but are not limited to: paint, gasoline, oil, liquids of any kind, hot ashes, hot charcoal, batteries, tires, hazardous wastes, bricks, blocks, building or construction materials or any other items not normally found in household waste.
- (8) Contents of the containers shall be limited to normal household waste. Yard waste may be placed within the container if it is completely contained within household trash bags prior to placement within the container.
- (9) It shall be the resident's responsibility to maintain the container in a clean and sanitary condition.
- (10) The container remains the property of the City of Murray. The container must not be painted, abused, mutilated or modified in any manner. If the container is lost or damaged beyond repair by the resident, the resident shall be held responsible for the replacement cost of the container. The Sanitation Department will make repairs due to normal wear and tear on containers at no charge. If the container is lost or stolen, the resident must immediately report same to the Sanitation Department.
- (11) Collection personnel shall not be required to enter any building (business or residential) for the purpose of picking up or the collection of refuse.
- (12) Raw human or animal excrement shall not be collected by Collection personnel unless sealed in air-tight and water-tight plastic containers and then placed in standard refuse containers.
- (13) In the event that regular collection service was not performed due to a violation of the Health and Sanitation Ordinance rules and regulations, collection will not be reattempted until the next scheduled collection day. If collection cannot wait until the next scheduled day for service and the issue resulting in denial of service has been corrected, a "Call Back Service" may be performed and a fee for the service shall be charged in accordance with § 93.08.

(~~N~~ 14) Customers of the Sanitation Department who violate the rules and regulations set forth in this subchapter do so at the risk of having their garbage remain uncollected.

(D) Recycling Collection

(1) It shall be unlawful for any person to place in any recycle bin any materials not designated by the Sanitation Department as acceptable for deposit in recycle bins.

(2) All recycle materials shall be in the appropriately designated and marked recycle bin.

§ 93.11 [~~SUPERINTENDENT OF SANITATION~~] DIRECTOR OF PUBLIC WORKS AND SOLID WASTE MANAGER.

This subchapter shall be administered by the Director of Public Works and the Solid Waste Manager ~~a Superintendent of Sanitation.~~

§ 93.12 ROLLOUT CONTAINERS.

(A) All garbage to be collected curbside shall be placed in the appropriate rollout container and set curbside on collection day no sooner than sunset the day prior to scheduled collection. The rollout container shall be removed as soon as possible after collection, but no later than sunset of the day following collection day and placed back at the residence/ business.

~~(B) The city will offer, as an additional service, the removal of the container from the street. A customer desiring to take advantage of this additional service shall cause the appropriate container to remain on the street later than sunrise on the second day following the regular collection day. Any container still remaining will be removed by the city and returned to the residence and/or business. After receiving two written warnings, the cost of this additional service shall be a charge of \$6 per container, per occurrence. This service charge will be added to the monthly bill. The City of Murray Sanitation Department shall administer this service. Any container still remaining curbside on the second day following regular collection will may be removed by the City without notice and returned to the customer's residence and/or business. After receiving two written warnings, the cost of this additional service shall be a charge of \$6 per container. A service charge of twenty (\$20.00) dollars) per container, per occurrence, shall be added to the customer's monthly bill. The Sanitation Department shall maintain a record of the location, date and time and number of containers for each occurrence. City of Murray Sanitation Department shall administer the service.~~

(C) These rates will be effective January 1, 2004 April 1, 2020 .

TRANSFER STATION

§ 93.20 HOURS [~~TO DUMP REFUSE~~] FOR DISPOSAL OF REFUSE.

The Murray Transfer Station is open to the public for the disposal of refuse from 7:30 a.m. to 3:30 p.m. on Monday through Friday and 7:30 a.m. to 11:00 a.m. on every Saturday April through October and the first Saturday of the month November through March.

§ 93.21 WASTE EXCLUDED FROM TRANSFER STATION.

Wastes that are specifically excluded from the Murray Transfer Station include, but are not limited to, whole tires, sewage sludge, liquid wastes, free flowing liquids, radioactive waste, automobile bodies, tree

stumps and trunks exceeding twelve (12) inches in diameter, refrigerators, freezers, undischarged HVAC units, undischarged dehumidifiers, or other hazardous or special wastes as defined by any applicable federal, state, or local law or regulation. White goods with refrigerant, coolant or liquid or vaporous gas shall be properly discharged through approved individuals certified to provide such service and properly marked as discharged.

~~§ 93.22 TRANSFER STATION DISPOSAL FEE SCHEDULE.~~

~~(A) The following rates are established for disposal at the city's transfer station by any customer from the City of Murray or Calloway County effective May 1, 2013:~~

Hoist and Transfer Station (Per Ton)	
Cash	\$44.00
Accounts	\$44.00
Hoist	\$44.00
Transportation Fee for Hoist	
Hauls	\$50.00
Dropoffs for construction box	\$50.00
Construction box rental fee (monthly)	\$70.00

- ~~(1) Up to 150 pounds, \$6.00 plus the State of Kentucky Environmental Remediation Fee;~~
- ~~(2) Over 150 pounds, fees will be pro rated at 20-pound increments based on \$37.00 per ton plus the State of Kentucky Environmental Remediation Fee;~~
- ~~(3) All weights that are delivered by a vehicle with a permanently affixed valid city vehicle sticker will receive a \$3.00 credit toward each weigh ticket.~~
- ~~(4) All materials requiring special handling will be charged at a rate necessary to cover cost of handling as determined by the Superintendent of Sanitation.~~

~~(B) No out-of-county waste will be accepted at the Murray Transfer Station.~~

~~(C) This section shall be effective with the bills received on or after May 1, 2013, and shall not be changed except by ordinance amendment.~~

~~§ 93.99 PENALTY.~~

~~All Sections of the Health and Sanitation Ordinance that involve a monetary penalty shall be enforced by the Code Enforcement Officer and the Code Enforcement Board and/or the City of Murray Police Department.~~

~~(A) Unless indicated otherwise, any person violating any of the provisions of this chapter or refusing to abide by and comply with the rules and regulations promulgated to effectuate this chapter shall be charged with a misdemeanor violation and be subject upon conviction of to a fine not less than twenty-five dollars~~

(\$25.00) nor more than five hundred dollars (\$500.00) for each conviction. Each day of non-compliance shall constitute a separate offense.

(B) Violation of § 93.10(~~1A~~)(5) and (9); (B) (2); and (D) (1) shall be punishable by a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) per occurrence.

(C) Any violation of §93.10(~~MC~~) (~~12~~)-(9) may result in a fine of up to fifty dollars (\$50.00) for each violation.

Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this Ordinance; nor shall any just or legal right or remedy of any character be lost impaired or affected by this Ordinance.

All other sections and provisions of the Ordinances for the City of Murray, not specifically amended herein, shall remain in full force and effect and shall not be considered amended and shall be incorporated by reference as if fully stated herein.



BOB ROGERS, MAYOR

ATTEST:



DANNETTA CLAYTON, CITY CLERK

Introduced by the City Council on February 27, 2020.
Adopted by the City Council on March 12, 2020.
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