

CITY OF HIGHLAND HEIGHTS, KENTUCKY

ORDINANCE NO. 09-2009

AN ORDINANCE AMENDING ORDINANCE 11-2003 THE ORDINANCE ESTABLISHING A MUNICIPAL SERVICE FOR THE COLLECTION AND DISPOSAL OF ALL GARBAGE, RUBBISH, ASHES, ETC. ADDRESSING BLIGHT AND THE AUTHORITY OF CITY AGENTS TO DEAL WITH IT BY REDUCING FROM 12 INCHES TO 8 INCHES THE HEIGHT OF UNKEPT GRASS, WEEDS, ETC. AND INCREASING THE PENALTIES FOR A VIOLATION THEREOF FROM A RANGE OF \$25.00 TO \$300.00 TO A MINIMUM OF \$50.00 AND A MAXIMUM OF \$500.00 AND ADDRESSING OTHERS TECHNICAL CHANGES.

BE IT ORDAINED BY THE CITY OF HIGHLAND HEIGHTS, KENTUCKY AS FOLLOWS:

Section I

Definitions: For the purpose of this ordinance the following terms, phrases, words shall have the meaning given herein:

(a) GARBAGE-is putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

(b) LITTER- is garbage, refuse and rubbish as defined herein and all other waste material which if thrown or deposited as herein provided tends to create a danger to public health, safety and welfare.

(c) REFUSE- is all putrescible and nonputrescible solid wastes (except body waste) including garbage, rubbish, ashes, street cleaning, dead animals, abandoned automobiles, and solid market and industrial waste.

(d) RUBBISH-is nonputrescible solid waste (except body waste) consisting of both combustible and non-combustible waste, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

(e) BLIGHT- is tall (~~12~~ 8 inches or above) unkept, uncut grass, weed, undergrowth or other vegetation that when kept uncut and untrimmed creates a danger to public health, safety and welfare.

(f) RECYCABLES- All items that are considered appropriate for collection in the recyclable containers distributed throughout the city by the contractor hired to collect solid waste and recyclable material within the city including but not limited to recyclable plastic, glass, and paper products.

Section II

(a) The owner or person in control of any private property shall at all times maintain the premises free of litter, rubbish, refuse, garbage, blight, and recyclables, provided, however, that this section shall not prohibit the storage of litter, rubbish, refuse, garbage, or recyclables in authorized private receptacles for collection.

(b) Oil cans, drums, tires, discarded automobile parts or other miscellaneous items of junk shall not be permitted to accumulate upon a premises except as permitted by the provisions of permitted uses in an authorized zone.

Section III

(a) Private receptacles and recyclable containers shall be made of metal, plastic or plastic bags equipped with suitable handles and tight fitting covers and shall be water tight or otherwise sealed, and said receptacles shall be kept in a clean, neat and sanitary condition at all times.

(b) Private receptacles and recyclable containers shall be placed at the curb of the individual premises for collection no earlier than noon the day before regular weekly collection occurs and removed from the curb and returned to the premises by midnight on the day of collection.

(c) The owner or resident shall not maintain or keep private receptacles or recyclable containers forward of the front wall of the dwelling or building and the same shall be screened so that no part thereof is visible from the street. Said screening shall be maintained by the owner or resident in good, serviceable condition so as to maintain the premises in a manner that is consistent with the intent of this ordinance. Properties on a corner lot which have two or more sides of the dwelling facing the street shall place their receptacles and recyclable containers in a place within the premises that is screened from the view by the public at all times.

Section IV

Whenever the city is forced to effect the removal of litter, blight, garbage, recyclable materials or refuse as defined herein, the actual cost thereof plus accrued interest at the rate of 10% per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property on the next regular tax bill forwarded to the owner by the city, and said charge shall be due and payable by the owner at the time of payment of said bill.

Section V

All refuse, recyclable materials and waste accumulated by residence or commercial establishments shall be collected at least once each week and no commercial pickup shall take place earlier than 6:00 a.m.

Section VI

A fee for collection and disposal of refuse, waste, recyclable materials placed for collection at the curb or at street level in front of the premises shall be established by separate ordinance.

Section VII

All accounts shall be considered delinquent if not paid by the 30th of the month after which a bill is received. All delinquent accounts are subject to stoppage of service without notice. If a delinquent account is not paid within thirty (30) days the city may cease or refuse collection for that account at the city's discretion. Ceasing or refusing to collect the account does not excuse the premises from the fees due herein. Services shall be resumed thereafter only on payment of the accumulated fees for the period of collection and period of non collection plus a 10% penalty.

Section VIII

The stoppage of service hereinabove authorized for non payment of collection charges shall be in addition to the right of the city to proceed for the collection of such unpaid charges in a manner provided by law for the collection of a municipal claim.

Section IX

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section X

Any person violating any of the provisions of this ordinance shall be fined not less than ~~twenty five (\$25.00)~~ fifty (\$50.00) nor more than ~~Three Hundred (\$300.00)~~ Five Hundred (\$500.00) Dollars. Each day a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

Section XII

Nothing herein shall be construed to be in conflict with any of the city's other litter ordinances or zoning laws including but not limited to the city's litter ordinance and ~~Boea—code~~ International Property Maintenance Code (IPMC). Any apparent inconsistency between this ordinance and the City's litter ordinance or ~~Boea—code~~ International Property Maintenance Code (IPMC) shall be construed in a manner imposing the strictest requirements to prohibit litter, blight, nuisance, or other unsightly conditions within our city.

Section XIII

That this Ordinance shall be signed by the Mayor, attested by the City Clerk/Treasurer, recorded and published. Same shall be in effect at the earliest time provided by law.

First reading this 17 day of March, 2009.

Passed on Second reading this 7 day of April 2009.


MAYOR GREGORY V. MEYERS

ATTEST:


JEAN RAUF
CITY CLERK/TREASURER

Ord09.09

PUBLISH CCR: 4-23-2009