

ORDINANCE NO. _____, SERIES 2016

**AN ORDINANCE AMENDING SECTIONS 51.105, 51.201(B),
AND 51.507(A) OF THE LOUISVILLE METRO CODE OF
ORDINANCES REGARDING WASTE MANAGEMENT.**

Sponsored By: Council Member Denton

WHEREAS, Metro Council is opposed to any proposed regulation by Solid Waste Management that would enact mandatory Wet/Dry Separation for residents of Jefferson County.

WHEREAS, Metro Council is opposed to Solid Waste Management enacting regulations that negatively affect the contracts of private waste hauler services with individuals, groups or associations in Jefferson County.

**BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE
LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS
FOLLOWS:**

Section I. Section 51.001 of the Louisville Metro Code of Ordinances is hereby amended to add the following definition:

Wet/dry collection programs. A waste sorting process by which household solid waste is separated into different elements for a waste hauler to collect. Wet waste includes foods, liquids, used tissues and paper towels. Dry waste refers to everything else, including plastics, paper, clean cardboard, aluminum containers, metals, and glass.

Section II. Section 51.101(A) of the Louisville Metro Code of Ordinances is hereby amended to read as follows:

51.105 POWERS AND DUTIES OF WASTE MANAGEMENT DISTRICT.

(A) The Waste Management District shall have those powers and duties assigned to solid waste management districts under KRS 68.178 and KRS Chapters 109 and 224, as such statutes may be amended and supplemented from time to time, which powers include, but are not limited to, the powers and duties set forth in this subchapter.

(B) Preparation and submission to the Cabinet, as the Cabinet may require from time to time, solid waste management plans and revisions and amendments thereto for Metro Government;

(C) The planning, initiating, acquiring, constructing, maintaining and operating of solid waste management facilities;

(D) The authority to condemn land necessary for the acquisition of solid waste management facilities pursuant to the Eminent Domain Act of Kentucky and to exercise police power in respect thereto;

(E) The authority set forth in KRS Chapter 58 to issue bonds and other instruments of indebtedness at private or public sale for the purpose of financing and refinancing solid waste management facilities;

(F) The authority to promulgate regulations as to the licensure, construction, maintenance and operation of solid waste management facilities, including requiring the use of one or more solid waste management facilities by persons within Metro Government or designated ordinances thereof;

(G) The right to sue and be sued and to make contracts, including, but not limited to, long-term contracts and contracts with other districts, counties, cities and other governmental agencies directed toward the establishment of a multi-county or regional solid waste management area;

(H) The right to charge reasonable fees and rentals for providing and/or regulating solid waste management facilities in order to finance the District's operations, service its indebtedness and provide adequate funds for facility replacement. KRS 68.178 provides that the fiscal court of any county may license off-site waste management facilities located within the county with the imposition of a license fee. Therefore, pursuant to KRS 67C.101, the Metro Government has the authority to impose license fees. The Metro Government has assigned to

the Louisville/Jefferson County Waste Management District all powers or duties given to it by KRS 68.178;

(I) The right to acquire by bequest, gift, grant or purchase such real and personal property or any interest therein as may be deemed appropriate in its area of operation, title to any such property to be in the name of and vested in the District;

(J) The Waste Management District Board shall provide a universal collection program, pursuant to KRS Chapter 224, for all municipal solid waste in the county, provided, however, the Board may assure access to the collection system through a registration program of waste haulers or by contracting with a person, county, or city or a combination thereof, for the entire county or portions thereof, as deemed to be in the best interest of the Metro Government; and

(K) The Waste Management District Board may adopt such rules and regulations as are necessary to carry out the purposes for which the Waste Management District was created and necessary for the adequate management of solid waste in a manner adequate to protect the public health and consistent with such rules and regulations as may be promulgated by the Cabinet.

(L) Mandatory wet/dry collection programs are prohibited in Jefferson County. Nothing in this section shall limit the District, any private waste hauler, or Suburban City, from instituting voluntary wet/dry collection programs and services for its customers and/or residents.

Section III. Section 51.300 of the Louisville Metro Code of Ordinances is hereby amended to eliminate subsection five:

51.300 WASTE HAULERS.

(A) Any public or private waste hauler engaged in the business of hauling waste within the county must register, obtain and maintain a Metro Government Waste Hauler License pursuant to regulations duly adopted by the Board of Directors. The District may not adopt boundaries within Jefferson County that specifically prohibit the ability of private waste haulers to contract for services directly with individuals, suburban cities, and/or neighborhood associations.

(B) To obtain the Metro Government Waste Hauler License, waste haulers must register with the Waste Management District by completing a license application in a form specified by the Waste Management District pursuant to regulations duly adopted by the Board of Directors.

(C) *License to operate.*

(1) Any waste hauler engaged in the business of hauling waste or providing waste hauling services within the County must register, obtain and maintain a Metro Government Waste Hauler License ("license").

(2) To obtain the license, waste haulers must register with the District by completing a license application in a form specified by the Department. The application will require, at a minimum:

(a) Name, address and principal place of business of the applicant;

(b) A copy of applicant's state application for a license to operate municipal solid waste transportation vehicles as described in Section 1 of 601 KAR 40:020;

(c) A copy of applicant's current Kentucky Transportation Cabinet Application for Kentucky Solid Waste Transporter Vehicle Identification Card form as required by KRS 174.450 and 601 KAR 40:020.

(3) To obtain and maintain the license, waste haulers operating within the county must offer a basic service package to all residential customers. The basic service must consist of once-a-week curbside collection of household waste; once-a-week seasonal collection of yard waste; and once-a-week curbside collection of recyclables. Other alternative collection service scenarios may be used if approved by the Board. Haulers must provide for the collection of the following recyclable materials at a minimum: newspaper; aluminum and steel cans; clear, green and brown container glass; HDPE and PETE plastic bottles and jugs.

(4) All private waste haulers operating within the county must, as a condition of the license, have a variable service rate pricing structure for their respective residential customers.

(5) All private waste haulers must offer collection of source separated recyclable materials to all commercial and industrial customers.

(6) To obtain and maintain the license, all waste haulers must be in compliance with all state, federal and local laws and regulations pertaining to waste haulers and waste hauling.

(D) *License fee.* The license fee for a waste hauler operating in the county shall be \$100 per year and \$10 per waste collection vehicle operated by the licensee. The annual renewal fee shall be due and payable on or before July 31 of each year. The annual renewal fee shall be based on the most current renewal of the Kentucky Municipal Solid Waste Transporter License. A copy of the current Carrier Inventory Listing (with corrections) for municipal solid waste transporters should accompany the annual renewal fee.

(E) *Required reporting.*

(1) All waste haulers operating within the county shall file an annual report with the District.

(2) Such reports shall be due on February 15 of each year.

(3) Such reports shall be in conformance with the format and requirements set forth by the Department. The report will provide data to the District on at least the following items:

(a) Number of households and businesses served;

(b) Amounts of solid waste collected by weight;

(c) Geographic area served;

(d) Frequency of service;

(e) Amounts of recyclables collected by weight;

(f) Disposal facilities used and amount by weight delivered to each facility;

(g) Yard waste facilities used and amount by weight delivered to each facility;

(h) Amount of bulk waste, if collected separately; and

(i) Recycling facilities used and amount by weight delivered to each facility.

(F) *Vehicle requirements.*

(1) Only closed, leak proof and self-unloading packer trucks shall be used for the collection of residential solid waste.

(2) All vehicles used for the collection, transportation and disposal of solid waste within the county must be registered with the District in a form provided by the Department.

(3) All vehicles used for the collection, transportation and disposal of solid waste within the county must display their registration on the vehicle in the form and location set by the Department.

(G) *Prohibited activities.*

(1) No waste hauler may commingle yard waste and solid waste in a collection vehicle, unless using a "single pass" or "co-collection" type of vehicle especially designed and constructed to segregate two different collection streams. If such vehicles are used, the hauler(s) must notify the District in writing.

(2) No waste collection vehicle may be parked or stored within 1,000 feet of a residentially zoned or used property.

Section IV. Section 51.507(A) of the Louisville Metro Code of Ordinances is hereby amended to read as follows:

(A) Inside the General Services District the following shall apply:

(1) The occupant shall deposit all waste placed out for collection or storage in containers designed for the express purpose of solid waste storage and removal. Outdoor solid waste collection containers shall conform to the requirements set forth in this chapter or by regulations established by the Waste Management District or the Director of the Department and shall conform to the requirements set forth in §156.051(B)(2) through (B)(5) and § 156.055. Any notice or citation issued for a violation of § 156.051(B)(2) through (B)(5) and § 156.055 shall carry the penalties as provided therein.

(2) Reusable containers that are emptied manually shall not exceed 60 pounds when filled, and shall be capable of being serviced without the waste hauler coming into physical contact with the solid waste.

(3) Paper bags may be used only for the storage and collection of yard waste.

(4) Containers used for animal manure shall be kept tightly covered at all times and shall be sealed to prevent access by flies and other vectors.

(5) Containers used for mechanized waste collection, including stationary compactors, shall be equipped with a close-fitting lid and be kept leak-proof and rodent-proof. They shall also be in compliance with the U.S. Consumer Product Safety Commission design criteria for refuse bins.

(6) All household garbage must be set out by 6:00 a.m. on the collection day designated by the waste hauler, and may be set out no earlier than 4:00 p.m. on the day before the collection. All containers must be removed from the street or alley no later than 4:00 p.m. the day after collection.

Section V. This Ordinance shall take effect upon its passage and approval.

H. Stephen Ott
Metro Council Clerk

David W. Tandy
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____

