



# Louisville Metro Government

## Legislation Text

File #: O-397-15, Version: 1

### ORDINANCE NO. \_\_\_\_\_, SERIES 2016

**AN ORDINANCE AMENDING SECTIONS 51.105 AND 51.507(A) OF THE LOUISVILLE METRO CODE OF ORDINANCES REGARDING WASTE MANAGEMENT TO PERMIT THE USE OF PLASTIC BAGS FOR THE COLLECTION AND DISPOSAL OF YARD WASTE.**

#### **Sponsored By:**

**WHEREAS**, the use of non-compostable plastic bags for the collection and disposal of yard waste is an issue that should be decided by Louisville Metro Council;

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

**Section I.** Section 51.105 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) All regulations promulgated by the Waste Management District Board shall be filed with the Louisville Metro Council Clerk within three (3) business days of approval.

(M) Non-compostable plastic bags are specifically permitted for the collection and disposal of yard waste in all of Jefferson County. Any regulation to the contrary is not authorized by law.

**Section II.** 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.

(7) Non-compostable plastic bags are specifically permitted for the collection and disposal of yard waste. Any regulation to the contrary is not authorized by law.

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

\_\_\_\_\_  
Stephen Ott Metro Council Clerk

H. \_\_\_\_\_ David  
Yates President of the Council

\_\_\_\_\_  
Greg Fischer Mayor

\_\_\_\_\_  
Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

BY: \_\_\_\_\_

Ordinance Amending LMCO Chapter 51 Waste Management to permit plastic bags ROC-dab Draft1 111315.docx