



## LEXINGTON DIVISION OF POLICE

150 East Main Street • Lexington, KY 40507 • (859) 258-3600

**TO:** Mayor Jim Gray  
Urban County Council

**FROM:** Chief Ronnie Bastin  
Division of Police

**DATE:** November 16, 2011

**RE:** Ordinance Change – Chapter 16, Article II, Refuse Disposal Sec. 16-15 (f)

Requesting approval of the attached amendment to Code of Ordinance, Chapter 16, Article II, Refuse Disposal, Sec. 16-15 (f). This ordinance should be changed to include a law enforcement exemption which will reflect a currently accepted practice as endorsed by the United States Supreme Court. The language of this ordinance prohibits individuals from interfering or removing materials from trash receptacles that have been left for collection with the exception of those in the business of trash collection.

Law enforcement officers from the local, state and federal level all routinely utilize trash pulls for the collection of evidence. This practice is well supported by case law at both the state and federal level. This part of the ordinance was written to specifically prevent individuals from combing through discarded trash for recycling items.

### **Current version** – Ordinance Sec. 16-15 (f):


It shall be unlawful for any person, other than refuse collectors in the division of solid waste and a person duly licensed to collect, haul, convey or transport any of the waste materials herein mentioned, to interfere in any manner with the receptacles containing any such waste materials, or to remove any such receptacle from the location where placed by the owner thereof, or to remove any of the contents of such receptacles.

### **Requested Amended version** – Ordinance Sec. 16-15 (f):

It shall be unlawful for any person refuse collectors in the division of solid waste or a person duly licensed to collect, haul, convey or transport any of the waste materials herein mentioned, to interfere in any manner with the receptacles containing any such waste materials, or to remove any such receptacle from the location where placed by the owner thereof, or to remove any of the contents of such receptacles.

Peace officers in the execution of their official duties are exempted from this section.

There will be no budgetary impact.

  
Ronnie Bastin  
Chief of Police

Attachment

cc: Clay Mason, Commissioner of Public Safety