

AN ORDINANCE AMENDING SECTION AMENDING SECTION 16-1(A) OF THE CODE OF ORDINANCES RELATED TO DEFINITIONS TO CREATE A DEFINITION FOR DUMPSTER ENCLOSURE AND DUMPSTER SERVICE STANDARDS AND RENUMBERING THE EXISTING DEFINITIONS IN THIS SECTION; AMENDING SECTION 16-4(D) OF THE CODE OF ORDINANCES RELATED TO DUMPSTER CONTAINER SERVICE TO PUT REQUIREMENTS ON DUMPSTER SERVICE TRUCK OPERATORS: AMENDING SECTION 16-4.1(A)(2) RELATED TO DUMPSTER SCREENING REQUIREMENTS TO DELETE THE WORD AVERAGE AND ADD THE HEIGHT SHALL BE EIGHT FEET FROM THE SURFACE OT CONCRETE PAD TO THE TOP OF THE DUMPSTER SCREENING AND TO DELETE THE REMAINDER OF THE SECTION; AMENDING SECTION 16-4.1(A)(4) RELATED TO DUMPSTER SCREENING REQUIREMENTS TO BOLLARDS TO BE INSTALLED PER THE DUMPSTER SERVICE STANDARDS; AMENDING SECTION 16-4.1(B)(1) RELATED TO DUMPSTER SCREENING REQUIREMENTS TO REQUIRE INSPECTION OF DUMPSTER ENCLOSURES BY THE DIVISON OF WASTE MANAGEMENT FOR CONFORMITY TO THE INITIAL PLANS AND DUMPSTER SERVICE STANDARDS DEVIATION MAY RESULT IN DENIAL OR REVOCATION OF A DUMPSTER PERMIT; AMENDING SECTION 16-4.1(B)(2) RELATED TO DUMPSTER SCREENING REQUIREMENTS TO CHANGE THE TWELVE MONTH PERIOD TO SIX MONTHS; AMENDING SECTION 16-4.1(B)(3)(2) RELATED TO DUMPSTER SCREENING REQUIREMENTS TO PROHIBIT WOODEN PALLETS, MATTRESSES, FURNITURE, TIRES OR GREASE RECEPTACLES TO ACCUMULATE AROUND THE DUMPSTER; AMENDING SECTION 16-11(B) RELATED TO DUMPSTER COLLECTION SCHEDULES TO INCLUDE CONSTRUCTION MATERIAL AND DEFINE EXCESSIVE WEIGHT AND AMENDING SECTION 16-14(C) RELATED TO SPECIAL COLLECTIONS TO REQUIRE A DESIGNATED SITE FOR SPECIAL COLLECTIONS FROM AN APARTMENT COMPLEX, TOWNHOUSE COMPLEX OR CONDOMINIUM COMPLEX.

BE IT ORDAINED BY THE COUNCIL OF THE LEXINGTON-FAYETTE URBAN COUNTY GOVERNMENT:

Section 1 - That Section 16-1(a) of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby is amended to read as follows:

Sec. 16-1. - Definitions.

(a) With relation to [article II](#) of this chapter:

(1) *Apartment complex, townhouse complex or condominium complex* shall mean a group of two (2) or more individual apartment, townhouse or condominium buildings constructed on one (1) taxable parcel of land and containing seven (7) or more individual units.

(2) *Approved landscape waste containers* shall mean biodegradable paper bags or polyethylene containers on wheels provided by the urban county government and intended to hold both woody and nonwoody landscape waste, or polyethylene or metal containers up to thirty (30) gallons, with lids, that are labeled "Yard Waste Only".

(3) *Ashes* shall mean the residue from the burning of wood, coal, coke and other combustible materials in homes, stores, institutions and small industrial establishments for the purpose of heating, cooking and disposing of waste combustible material. Cinders that are produced in large quantities at steam-generating plants are not included within the meaning of the term.

(4) *Building rubbish* shall mean the waste material resulting from the construction, remodeling, repair and demolition operations on commercial buildings, houses and other structures.

(5) *Director, division of solid waste* shall mean the director of the division of solid waste of the urban county government or his authorized deputy, agent or representative.

(6) *Dumpster* shall mean a metal tank designed or intended to be mechanically dumped into a packer-type garbage truck.

(7) *Dumpster enclosure* shall mean a structure designed to support and enclose a dumpster.

(8) *Dumpster service standards (also known as the dumpster service guide) shall mean the document used to provide the standards for design, review construction, inspection and permitting of dumpster placement sites.*

~~(7)~~ (9) *Garbage* shall mean animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods, paper and other kitchen type wastes generated from normal household activities. It is composed largely of putrescible organic matter and its natural moisture content. It includes a minimum amount of free liquids. Garbage originates primarily in home kitchens, and also may originate in stores, markets, restaurants, hotels and other places where food is stored, prepared or served.

~~(8)~~ (10) *Hazardous waste* shall mean ammunition, explosives, pathological waste, pesticides, herbicides, propane tanks, toxic industrial waste, radioactive waste and other toxic materials which are harmful to public waste.

~~(9)~~ (11) *Kitchen facilities* shall mean equipment arranged in a room or some other space in a structure which facilitates the preparation of food including, but not limited to, a combination of two (2) or more of the following—a range, microwave oven, dishwasher, kitchen sink or refrigerator.

~~(40)~~ (12) *Nonwoody landscape waste* shall mean grass clippings, leaves, garden vegetation, weeds and twigs (pencil thin), free of other debris or refuse.

~~(44)~~ (13) *Recyclable materials* may include, but is not limited to various grades of paper, aluminum and tin cans, glass and plastics.

~~(42)~~ (14) *Roll cart container* shall mean a large, durable polyethylene refuse container on wheels, complete with attached lid. Roll cart containers are designed to be rolled to the curb by residents or proprietors. Carts are designed to be dumped automatically by refuse vehicles. Carts are designed to hold both garbage and trash. Carts are provided by the urban county government and remain the property of the urban county government.

~~(43)~~ (15) *Roll cart container equivalent* shall mean any regularly recurring volume of garbage and/or trash, up to a ninety (90) gallon capacity, which is collected by the urban county government but not contained in a roll cart container or dumpster.

~~(44)~~ (16) *Shall* is mandatory; *may* is permissive.

~~(45)~~ (17) *Special handling wastes* shall mean wastes which cannot be properly or safely handled by a packer-type garbage truck (front or rear loading) without resulting in damage to government equipment. This waste shall include but is not limited to tires on rims, wooden pallets, lumber, large engine parts, large furniture, large scrap metal and shavings, bricks, building rubbish, concrete blocks, commercial stoves, excavated earth, food processing waste, metal drums, large wire bindings, heavy packing material, boiler house cinders, sewage, process sludge, liquids and hazardous or toxic materials of any sort.

~~(46)~~ (18) *Townhouse or condominium* shall mean a single-family residence sharing a common wall with one (1) or more single-family residences.

~~(47)~~ (19) *Trash* shall mean a variety of both combustible and noncombustible solid waste from materials from homes, stores and institutions.

~~(48)~~(20) *Woody landscape waste* shall mean tree limbs or trunks not more than six (6) inches in diameter.

Section 2 - That Section 16-4(d) of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby is amended to read as follows:

Section 16-4(d) The director, division of waste management shall have the authority

to designate the location for collection with consideration for such factors as: ease of accessibility, convenience for customers; hazardous conditions such as cables, utility poles, equipment clearance, animals; and collection costs. Dumpster service truck operators are not to maneuver the truck in a reverse position beyond fifty (50) feet. Dumpster service truck operators will not back out onto a public roadway.

Section 3 - That Section 16-4(1)(a)(2) of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby is amended to read as follows:

Section 16-4.1(a)(2)

The average height of screening material shall be eight (8) feet from the surface of the concrete pad to the top of the dumpster screening. ~~one (1) foot more than the height of the dumpster but when walls or fences are used, shall not exceed eight (8) feet in height.~~

Section 4 - That Section 16-4.1(a)(4) of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby is amended to read as follows:

Section 16-4.1(a)(4) A concrete pad sufficient to support the dumpster and the front wheels of the dumpster collection vehicle shall be required where the existing foundation, as determined by the director of the division of waste management, is not adequate to support the dumpster and the collection vehicle and bollards shall be installed which are sufficient to protect any adjacent structure(s) and allow access to the dumpster. Bollards sufficient to protect the dumpster enclosure shall be installed per the dumpster service standards.

Section 5 - That Section 16-4.1(b)(1) of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby is amended to read as follows:

Section 16-4.1(b)(1) In order to obtain such permit, an application accompanied by a plat of the property on which the dumpster and screening is to be located, drawn to scale and showing the location of all structures, public rights-of-way, and the location of the proposed dumpster and all required screening, shall be submitted to the director of the division of waste management. All dumpster enclosures will be inspected by the division of waste management to determine whether the enclosure conforms to the plans provided in the initial application. Deviation from the initial application or the dumpster service standards may result in the denial or revocation of the dumpster

permit. The plat shall contain a statement that it is a true and accurate depiction of the site shown thereon and be signed by the owner or person who has charge, care or control of the premises. A fee in the amount of twenty-five dollars (\$25.00) shall be paid to the division of waste management prior to issuance of any dumpster and screening permit except as provided in subsection (b)(3).

Section 6 - That Section 16-4.1(b)(2) of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby is amended to read as follows:

Section 16-4.1(b)(2) Any dumpster or screening placed or constructed without a permit as required by this subsection shall be removed within forty-eight (48) hours of notice to the person responsible for placement of the dumpster or screening unless a permit is immediately obtained as provided in subsection (b)(3). The notice shall state that a civil citation may be issued if two (2) or more notices to remove unpermitted dumpsters or screening have been issued to the same person within any ~~twelve~~ six-month period notwithstanding whether a permit was obtained after the prior notices.

Section 7 - That Section 16-4.1(b)(3)(d) of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby is amended to read as follows:

Section 16-4.1(b)(3)(d) All dumpsters, regardless of whether collection service will be provided by the urban county government or by private hauler, shall be maintained in a safe and sanitary condition and shall be cleaned by the owner/occupant of the dumpster site as often as necessary to prevent the dumpster from becoming malodorous. Litter and debris, e.g. wooden pallets, mattresses, furniture, tires, or grease receptacles, shall not be allowed to accumulate around the dumpster, and all refuse shall be deposited in such manner as to prevent it from blowing out of the dumpster.

Section 8 - That Section 16-11(b) of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby is amended to read as follows

Section 16-11(b) A dumpster container will not be collected when in the opinion of the director of waste management the container is filled with special handling wastes, hazardous wastes, construction material, or when the combined weight of the container and its contents is of such an excessive weight (Define excessive weight) as to pose a threat to the proper functioning of the packer truck lifting equipment.

Section 9 - That Section 16-14(c) of the Code of Ordinances, Lexington-Fayette Urban County Government, be and hereby is amended to read as follows

Section 16-14(c) Items generated from residential units such as televisions, tires off rims (up to four (4)), furniture, small scrap metal pieces, etc., will be collected free of charge by calling the division of waste management. Calls must be made at least twenty-four (24) hours in advance of the requested special pick-up. There is a maximum of one (1) special pickup per week, in addition to the regular pickup. Dumpsters placed in an apartment complex, townhouse complex or condominium complex will require a designated site for the collection of any special handling waste such as furniture, tires, etc. The location of this site must be indicated in the dumpster permit application. This site must be at least six (6) feet away from the screening of any dumpster enclosure and must not impede access to any dumpster enclosure. Clear signage must be posted indicating the "Pickup Area."

Section 10 - That this Ordinance shall become effective on the date of its passage.

PASSED URBAN COUNTY COUNCIL:

MAYOR

ATTEST:

CLERK, URBAN COUNTY COUNCIL

PUBLISHED:

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