

CHAPTER 93: GARBAGE, TRASH AND WEEDS

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§ 93.01 DEFINITIONS.

For purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BACKYARD COLLECTION. A method of residential collection in which the resident leaves his or her containers at the Enterprise approved site on his or her property, usually in the backyard.

BUILDING MATERIAL. Solid waste which results from the collection, remodeling, repair and demolition of structures. Such waste includes, but is not limited to bricks, concrete and other masonry materials, wood, wall coverings, plaster, drywall, plumbing fixtures, paper products, metals, furniture, insulation, roofing, glass, plastics that are not sealed in a manner that conceals other waste, electric wiring, and components (containing no liquids or hazardous metals) that are incidental to any of the above and other inert waste. This definition shall not include garbage, electrical fixtures containing hazardous liquids, hazardous material spill residues, hazardous waste, whole tires, drums, liquids, fuel tanks or any other waste which the Hopkinsville Landfill is not permitted to accept for disposal by any local, state or federal authority.

CITY. The City of Hopkinsville or the city's authorized agent.

COMMERCIAL REFUSE. Any accumulation of dust, paper and cardboard, excelsior, rags or accumulations of other than garbage or trash, which are usually attendant to the operation of stores, offices and similar businesses.

CONTAINER. A garbage, commercial refuse and trash receptacle issued by the Enterprise or compatible with existing Enterprise garbage collection equipment and approved by the General Manager.

COUNCIL. The City Council of the City of Hopkinsville.

CURBSIDE COLLECTION. A method of residential collection in which the resident transports the garbage container to the curb of the street in front of his or her residence.

DEPARTMENT. **DEPARTMENT** may refer to "Enterprise" as defined below.

ENTERPRISE. Hopkinsville Solid Waste Enterprise Board created pursuant to § 33.200.

GARBAGE. Any discarded material or anything thrown away or rejected as worthless or useless. It shall include all unclean material that is discarded and constitutes a potential menace to the public health and welfare or obstructs any public thoroughfares and the by-product of animal or vegetable foodstuffs resulting from the handling, preparation, cooking and consumption of food, or other matter which is subject to decomposition, decay, putrefaction or the generation of noxious or offensive gases or odors, or which during or after decay, may serve as breeding or feeding material for flies, insects or animals. **GARBAGE** shall not include any liquid waste, sewage, body waste, unrecognizable industrial byproducts or any designated or undesignated hazardous waste or demolition material.

GENERAL MANAGER. The General Manager of the Enterprise.

HAZARDOUS AND TOXIC REFUSE. Materials such as paint, petroleum products, poison, acids, caustics, chemicals, infected materials, offal, fecal matter and explosives.

IMPROVED PROPERTY. Any property that is actively being utilized in a residential, commercial, industrial or recreational form bordered on two sides by improved property or a public thoroughfare.

INDUSTRIAL WASTE. All waste, including solids, semi-solids, sludges and liquids, created by factories, processing plants or other manufacturing enterprise.

JUNK. Any item, including, but not limited to, deteriorated furniture, appliances, machinery, equipment, building material, vehicle parts, tires or other items which are either in a wholly or partially rusted, wrecked, junked, dismantled or inoperative condition. **JUNK** shall include wrecked automobiles, scrap iron and other metals, paper rags, bottles and other debris. This shall not include working inventory.

LITTER. Garbage, commercial refuse, trash, building material, junk, industrial waste, hazardous and toxic refuse.

NEGLECTED PROPERTIES. Parcels of land which have received two notices of violations and/or citations per calendar year in consecutive years which have not paid corresponding fines and abatement fees.

NUISANCE. Anything that, because of its condition is unsafe, unsanitary, especially liable to fire loss, unfit or unsafe for human habitation, occupancy or use, a haven for insects, rodents or vermin, or is dangerous or injurious to the health or safety of the occupants, neighboring occupants or any other individuals.

OVERGROWTH VEGETATION. All vegetation, except grass, agricultural crops and trees with a diameter larger than one and one-half inches.

OWNER. Any person or entity that possesses any interest in real estate or any occupant of real estate in the city.

PROPERTY. Property owned by any person or entity, including, but not limited to, land, yards, grounds, driveways, entrances or passageways, parking areas, storage areas, bodies of water, sidewalks, grass strips and one-half of alleys, together with all structures and improvements.

RESPONSIBLE PERSON. Any natural person, owner, agent, corporation, partnership, association, firm, receiver, guardian, trustee, executor, administrator, fiduciary, occupant or representative or group of individuals or entities of any kind who own or are responsible for a building, dwelling, or premise. Also, for the purpose of this section, it shall mean the driver of the vehicle in violation or his or her employer or the owner of the vehicle or the prime contractor for the construction site. This shall also include the driver of any private vehicle.

TEMPORARY. Not permanent, existing or continuing for a limited time not to exceed 12 consecutive calendar months.

TEMPORARY COLLECTION SERVICE. The collection of building materials by a person, firm, or legal entity pursuant to an Enterprise permit lawfully issued in accordance with this chapter, for a limited period of time.

TEMPORARY COLLECTION SERVICE PERMITS. The written evidence of permission issued by the Enterprise, acting by and through its General Manager, authorizing a person, firm or legal entity to engage in providing temporary collection service within the city's corporate limits.

TEMPORARY SERVICE REPORT. The written itemization and accounting provided monthly, on or before the fifth day of each calendar month, from a temporary collection service permittee to the Enterprise, acting by and through its General Manager. Said report shall include the name and address of each customer utilizing temporary collection services, the address and location of each relevant job site receiving temporary collection services, the number of tons of building material collected in the preceding month and the site of disposal of all collected building materials.

TRASH. Accumulation of lawn, grass, trees or shrubbery cuttings, bushes and leaf rakings, which should be free of dirt, rocks, trees or large branches and bulky or noncombustible material.

UNIMPROVED PROPERTY. Any property that is not being utilized for development and is not bordered on two sides by improved property or public thoroughfare.

(Ord. 25-98, passed 12-29-1998; Am. Ord. 01-2012, passed 2-21-2012; Am. Ord. 06-2012, passed 8-7-2012)

§ 93.02 GARBAGE, COMMERCIAL REFUSE AND TRASH COLLECTION.

(A) *Preparation of garbage and commercial refuse for collection containers.* The following rules and regulations shall govern the accumulation of garbage and commercial refuse.

(1) *Containers.* The Enterprise shall provide containers for curbside residential, on-site commercial and onsite industrial garbage and commercial refuse collection, except as prohibited elsewhere in this chapter.

(a) *Residential containers.* Each household paying the approved fees shall be provided with one mobile container of a capacity of one-half cubic yard or as determined by the Enterprise as being the most cost efficient to the Enterprise. Each mobile container will be assigned to a street address and remain there unless ordered moved by the General Manager. Additional containers may be provided to residents for which an additional fee may be charged if approved by the General Manager. The Enterprise shall provide containers to any residents exempted from curbside collection by the General Manager for any reasons of health or age. Exempted residents will be provided backyard collection service.

(b) *Commercial and industrial containers.* The Enterprise shall furnish to commercial and industrial customers, paying the approved fees, containers of a type compatible with the Enterprise's collection equipment and of a size determined by the Enterprise to be the most cost effective for the customer and the Enterprise.

(2) *Container maintenance.* The Enterprise shall be responsible for maintaining all containers in accordance with all applicable local, state and federal regulations. Containers damaged through customer abuse shall be repaired or replaced by the Enterprise at the customer's expense.

(3) *Containers covered.* All containers shall be kept covered except when being emptied or filled.

(4) *Container location.* All containers for each premises shall be set out together at a designated collection point no earlier than the day prior to the day of collection by the Enterprise. In no event shall the container capacities exceed two cubic yards on any day of collection. The designated collection point must be approved by the General Manager or his or her representative. In the interest of accessibility, public health or safety to the public or Enterprise employees, the General Manager may order the designated collection point changed. It shall be the property owner's responsibility to maintain in good condition the designated collection point.

(5) *Removal of garbage.* No person shall remove any garbage, commercial refuse or trash from the designated containers without the consent of the property owner or occupant, except Enterprise employees.

(6) *Scattering of garbage.* No person shall deposit or cause to be deposited any garbage, commercial refuse or trash on any public or private property that is not placed in the proper container.

(B) *Garbage and commercial refuse collection and disposal.* The following rules are established pertaining to the collection and disposal of garbage and commercial refuse within the city.

(1) *Enterprise's authority and responsibility.*

(a) All garbage and refuse generated in the city shall be the property of the Enterprise, which is responsible for its collection and disposal. The General Manager may authorize properly certified individuals and/or firms to perform specialized collection and disposal functions in order to comply with state and federal solid waste regulations and meet certain state or federal solid waste goals. The General Manager may establish an application process to facilitate the decision making process. Any decision of the General Manager with regard to an application may be appealed to the Enterprise, if done so within 14 calendar days of receiving the decision by filing the request in writing with the Enterprise office.

(b) The Enterprise shall maintain a collection service of sufficient size and capability to provide adequate and timely collection of garbage and commercial refuse.

(c) It shall be unlawful for any person or firm, except the Enterprise, to engage in or conduct any collection of garbage and commercial refuse within the city's corporate limits without special written permission from the Enterprise, acting by and through its General Manager. Any individual or firm providing such service without proper consent shall be in violation of this chapter and subject to a civil penalty as established herein. Collection at each premises shall constitute separate offenses.

(d) Properly permitted individuals and/or firms are authorized to collect and dispose of hazardous wastes if properly licensed to conduct business in the City of Hopkinsville.

(2) *Customer's responsibilities.*

(a) All garbage and commercial refuse to be collected shall be placed in the approved container. Garbage and commercial refuse not in approved containers may not be collected.

(b) For curbside collection, all mobile containers must be at the curb before 7:00 a.m. on collection day. All mobile containers shall be removed from the curb by 8:00 p.m. of the collection day.

(c) For backyard collection, containers will be collected only from the designated collection point on collection day. Any containers not in the designated collection point by 7:00 a.m. of the collection day may be passed by the Enterprise until the next scheduled collection.

(C) *Trash and building material collection.* The following rules are established pertaining to the collection and disposal of trash and building material within the city.

(1) The Enterprise shall maintain a collection service of sufficient size and capability to provide adequate and timely collection of trash.

(2) All trash, household goods and furniture shall be set out together at a designated collection point no earlier than the day prior to the day of collection by the Enterprise. For purposes of this section, household goods shall include, but not be limited to, furniture, clothing, appliances, carpet, drapes and mattresses. Except as provided in division (C)(4) below, any loose material, such as lawn clippings, shall be bagged by the owner before placement at the designated collection point. Limbs may be collected separately from other trash, based on the availability of crews and equipment. Limbs larger than six inches in diameter shall be cut into 18-inch or shorter lengths and stacked separately.

(3) Except for limbs, no more than two cubic yards (six feet by three feet by three feet) of building material or trash, shall be placed at the designated collection point for any regular collection day at owner occupied residential properties. No business, landlord or contractor shall place any building material, garbage, limbs or household goods at a designated residential collection site.

(4) During the fall of each year at times designated by the Enterprise, loose leaves will be collected by the Enterprise at the owner's curbside. During this leaf collection period, an owner shall not be required to bag leaves for collection. No owner shall place leaves for collection in the street or on a sidewalk. All weekly trash collection will be suspended during this leaf collection period, and an owner shall be prohibited from placing trash at the designated collection point.

(5) It shall be unlawful for any person or firm, except pursuant to temporary collection service permits, to engage in or conduct any collection of trash or building material within the city's corporate limits. Any individual or firm providing the service without proper consent shall be in violation of this chapter and subject to a civil penalty as established herein. Collection at each premises shall constitute a separate offense.

(D) *Disposal service.*

(1) The Enterprise shall maintain or have access to a facility for disposal of garbage, commercial refuse, building material and trash generated within the city's corporate limits. All garbage, commercial refuse, building material and trash generated within the city shall be disposed of at the designated facility. Operation of a facility by the city shall be under the control and direction of the Enterprise.

(2) Disposal of any garbage, commercial refuse, building material or trash at the city's facility must be authorized by the Enterprise and done in accordance with adopted guidelines and in compliance with any applicable state or federal regulations. Any persons residing outside or firm located outside the corporate limits of the city can be denied permission to use the facility, which shall be reserved primarily for the use of the city and its citizens.

(3) Fees for using the disposal facility shall be established and shall be of sufficient amount to defray the yearly operating costs of the facility.

(E) *Rate schedule.*

(1) *Collection service utilization and payment.*

(a) Each residence, apartment building, office building, commercial establishment, industrial location or other garbage or commercial refuse generating site within the city's corporate limits shall be provided with garbage and commercial refuse collection service and charged a fee consistent with the below rate schedule.

(b) Fees established for garbage and commercial refuse collection are to be based primarily on volume and frequency of collection. The minimum fees shall be set forth in the below rate schedule. However, the Department is authorized to levy additional regular charges for special collection problems relating to weight, classification, distance, manpower requirements or other unusual and extraordinary circumstances caused by the customer.

(c) Billing for garbage collection shall be done on a monthly basis and may be included on other billings sent out by city agencies.

(2) *Rates.* Garbage and trash collection rates are established to be charged as follows:

(a) *Minimum garbage and trash collection rates.*

Minimum Classification	Monthly Rate
Apartments	\$14.87 each
Economy	\$12.17 each with approval
Residences utilizing 95-gallon container	\$21.59 each

(b) *Commercial refuse.*

1. *Personal cans (32 gallon to 96 gallon).*

Number of Pickups Per Month	Number of Containers Per Customer				
	Up to 4	5	6	7	8
4	\$16.21	\$20.26	\$24.31	\$28.36	\$32.41
8	\$32.42	\$40.52	\$48.62	\$56.72	\$64.82
12	\$48.63	\$60.78	\$72.93	\$85.08	\$97.23
16	\$64.84	\$81.04	\$97.24	\$113.44	\$129.64
20	\$81.05	\$101.30	\$121.55	\$141.80	\$162.05
24	\$97.26	\$121.56	\$145.86	\$170.16	\$194.46

2. *Commercial cart (96 gallon).*

Number of Pickups Per Month	Number of Containers Per Customer					
	1	2	3	4	5	6
4	\$23.56	\$47.12	\$70.68	\$94.24	\$117.80	\$141.36
8	\$47.12	\$94.24	\$141.36	\$188.48	\$235.60	\$282.72
12	\$70.68	\$141.36	\$212.04	\$282.72	\$353.40	\$424.08
16	\$84.24	\$188.48	\$282.72	\$376.96	\$471.20	\$565.44
20	\$117.80	\$235.60	\$353.40	\$471.20	\$589.00	\$706.80
24	\$141.36	\$282.76	\$424.08	\$565.44	\$706.80	\$848.16

3. Two cubic yard container.

Number of Pickups Per Month	Number of Containers Per Customer					
	1	2	3	4	5	6
4	\$39.57	\$79.14	\$118.14	\$158.28	\$197.85	\$237.42
8	\$79.14	\$158.28	\$237.42	\$316.56	\$395.70	\$474.84
12	\$118.14	\$287.44	\$354.42	\$472.56	\$590.70	\$708.84
16	\$158.28	\$316.56	\$474.75	\$633.12	\$791.40	\$949.68
20	\$197.85	\$395.70	\$593.55	\$791.40	\$989.25	\$1,187.10
24	\$237.42	\$474.84	\$712.26	\$949.68	\$1,187.10	\$1,424.52

4. Four cubic yard container.

Number of Pickups Per Month	Number of Containers Per Customer					
	1	2	3	4	5	6
4	\$79.15	\$158.30	\$237.45	\$316.60	\$395.75	\$474.90
8	\$158.30	\$316.60	\$474.90	\$633.20	\$791.50	\$949.80
12	\$237.15	\$474.30	\$711.45	\$948.60	\$1,185.75	\$1,422.90
16	\$316.60	\$633.20	\$949.80	\$1,266.40	\$1,583.00	\$1,899.60
20	\$395.75	\$791.50	\$1,187.25	\$1,583.00	\$1,978.75	\$2,374.50
24	\$474.90	\$949.80	\$1,424.70	\$1,899.60	\$2,374.50	\$2,849.40

5. Six cubic yard container.

Number of Pickups Per Month	Number of Containers Per Customer					
	1	2	3	4	5	6
4	\$118.72	\$237.44	\$356.16	\$474.88	\$593.60	\$712.32
8	\$237.44	\$474.88	\$712.32	\$949.76	\$1,187.20	\$1,424.64
12	\$356.16	\$712.32	\$1,068.48	\$1,424.64	\$1,780.80	\$2,136.96

16	\$474.88	\$949.76	\$1,424.64	\$1,899.52	\$2,374.40	\$2,849.28
20	\$593.60	\$1,187.20	\$1,780.80	\$2,374.40	\$2,968.00	\$3,561.60
24	\$712.32	\$1,424.64	\$2,136.96	\$2,849.28	\$3,561.60	\$4,273.92

6. *Eight cubic yard container.*

Number of Pickups Per Month	Number of Containers Per Customer	
	1	2
4	\$158.30	\$316.60
8	\$316.60	\$633.20
12	\$474.90	\$949.80
16	\$633.20	\$1,266.40
20	\$791.50	\$1,583.00

(c) *Roll off container.*

1. Transport fee. All roll off containers will be charged \$165 per haul, plus landfill charge. Each roll off will be charged \$1 per day, rental fee.

2. Waste disposal fee. A flat rate of \$40 per ton with a \$3 minimum charge at the landfill.

3. Green waste disposal fee:

a. Green waste will be collected from residential properties within the city at no additional charge provided the customer is in good standing with the Enterprise.

b. All other customers are subject to the following fees: A flat rate of \$45 per ton plus a \$3 minimum charge for transfer station fees.

4. Appliance disposal fee:

a. Appliances, such as, but not limited to, washers, dryers, freezers, refrigerators, stoves, heating and air conditioning units, hot water heaters and water coolers will be collected from residential properties within the city subject to a \$15 fee. To be collected, appliances must be placed on the curb of the property in the same location as trash and/or garbage containers; and

b. Appliances will be received during normal operating hours at the landfill subject to a \$15 fee.

5. Move-out/cleanup and container delivery fees:

a. The Enterprise establishes a special move-out/cleanup fee of the cost of one ton average weight. This service is only available to vacant residential properties without garbage service; and

b. The Enterprise establishes a container delivery fee of \$5 per container to deliver containers to residential customers.

6. For all waste disposal fees as herein above described in division (E)(2)(c)2 and all green waste disposal fees as herein above described in division (E)(2)(c)3, a volume discount fee per customer is provided as follows:

Tonnage

0 through 100 tons per calendar month = \$40 per ton

101 through 200 tons per month = \$34 per ton

201 through 300 tons per month = \$29 per ton

301 tons and all over per month = \$25 per ton

Monthly waste disposal tonnage per calendar month and green waste tonnage per calendar month may be combined by the same customer to receive the volume discount fee as set forth herein.

(3) The foregoing rates are based on average waste types, volumes, weight and pickup frequency. The Department is authorized under this section to vary from these minimum rates when and if weight, volume, type and pickup frequency or other unusual factors deviate from the average service.

(4) Upon approval of the Hopkinsville Solid Waste Enterprise Board, the collection and/or disposal fees, excluding environmental remediation fees, may be waived for government agencies, churches and other non-profit organizations.

(Ord. 25-98, passed 12-29-1998; Ord. 36-2001, passed 2-19-2002; Ord. 13-2003, passed 9-2-2003; Ord. 25-2003, passed 12-16-2003; Ord. 29-2004, passed 12-21-2004; Ord. 34-2006, passed 9-5-2006; Ord. 05-2012, passed 4-17-2012; Ord. 06-2012, passed 8-7-2012)

§ 93.03 PROPERTY STANDARDS.

(A) *Responsibility of owners.* It shall be the responsibility of all owners to maintain their property in a manner consistent with the standards and definitions provided in this chapter and to ensure that their property is properly maintained in such a manner to prevent it from being declared a nuisance. Passive maintenance of the right-of-way including mowing, trimming, erosion prevention and sowing of grass is the responsibility of the homeowner and/or lot owner by undertaking routine actions normally associated with yard or property upkeep. Also, it shall be the responsibility of each owner to notify the city of the proper mailing address of all owners of the property within 30 days of the time when any addresses change.

(B) *Applicability.* This section shall apply to all property in the city and to every owner of property in the city.

(C) *Standards.* It shall be unlawful to maintain any lot or other premises within the corporate limits of the city on which litter is allowed to accumulate, weeds or long grass is allowed to grow or any water is allowed to collect and be stagnant in which mosquitoes breed, or are likely to breed, and any such premises or lot on which such litter, weeds, long grass or stagnant water is allowed to remain is declared to be a nuisance and dangerous to the health of the people in the city.

(1) The following standards shall be applicable to all property within the city.

(a) *Grass and weeds.*

1. Improved property shall not have any grass, weeds, undergrowth or saplings which exceed eight inches in height.

2. Any agricultural property not in actual agricultural use shall not have any grass or weeds which exceed a height of 24 inches.

3. Any unimproved property shall not have any grass or weeds which exceed 12 inches in height.

(b) *Junk.*

1. There shall be no storage of junk on any property unless enclosed and secured within a building, structure or high solid fence so as not to be visible by the public.

2. Any accumulation of units of a particular piece of equipment or appliance shall be considered storage of junk and shall be required to be enclosed and secured within a building, structure or high solid fence so as not to be visible to the public.

3. The outdoor storage of junk shall not be permitted except as provided herein.

(2) The following actions are prohibited and considered unlawful within the city.

(a) It shall be unlawful for owners or responsible persons to allow litter or junk, as defined herein, to accumulate on any property in the city.

(b) It shall be unlawful for any person to scatter, cast, throw, place, sweep or deposit anywhere within the city any

litter or junk, as defined in this section, in a manner that can be carried or deposited by the elements. For purposes of this section, **LITTER** shall include any handbills, flyers or advertisements placed anywhere within the city, without the consent of the property owner. Any material sent through the United States Postal Service is specifically excluded from this definition.

(c) It shall be unlawful for a responsible person to operate a vehicle transporting loose materials within the city without a cover suitable to prevent spillage. Logs and limbs which are not feasible to cover shall be strapped or otherwise secured.

(d) It shall be unlawful for any person using a loading or unloading area to fail to deposit loose debris, paper, packaging material and other trash in the proper containers. The areas shall be kept clean, neat and sanitary.

(e) It shall be unlawful for the owner of improved property or unimproved property to fail to cut grass, weeds and other overgrowth vegetation on property when the grass, weeds or other overgrown vegetation is of a greater height than eight inches on improved property and 12 inches on unimproved property. Excepted from the height limit shall be when forage is being grown on unimproved property as an agricultural commodity to be harvested during normal harvesting season.

(f) It shall be unlawful to permit property to serve as a breeding place for mosquitoes, as a refuge for rats, rodents or vermin, as a collecting place for trash and litter and/or material that would constitute a fire hazard.

(g) It shall be unlawful to dispose of litter or junk by burying it on any property located in the city.

(h) It shall be unlawful for any person to interfere with, harass or otherwise impede an authorized agent or officer of the city when the agent or officer is inspecting property, investigating possible violations, or otherwise enforcing this section, or when the agent or officer is attempting to do any of the foregoing.

(i) It shall be unlawful for the owner to permit a public nuisance, health hazard or source of filth to develop on property through the accumulation of rubbish or the excessive growth of weeds or grass.

(j) It shall be unlawful to discard, disperse or dispose of any litter, refuse or junk on private or public property. Open dumps, as defined by state law, are prohibited. It shall be lawful to dispose of rock, masonry or soil on any site for the purpose of filling the site, so long as doing so does not constitute a violation of any land use or storm water ordinance or other laws. Wood, wood products, roofing materials and building materials may not be used as fill material.

(k) It shall be unlawful for the owner to permit any live tree or overgrowth vegetation to grow in a manner which interferes with a public sidewalk located on or adjacent to his or her property or on a public right-of-way adjoining the property, or street traffic, or to grow so as to pose a threat to public safety or public rights-of-way due to obstruction of view, obstruction of passage or in any other manner. The minimum clearance of any overhanging portion thereof shall be seven feet over sidewalks and 12 feet over all streets, except truck routes which shall have a clearance of 14 feet.

(l) It shall be unlawful for the owner to permit any dead or deteriorating tree or overgrowth vegetation to interfere with a normal sidewalk located on his or her property or on a public right-of-way adjoining his or her property, or street traffic, so as to pose a threat to public safety or public rights-of-way due to obstruction of view, obstruction of passage, falling of all or any part thereof, or in any other manner.

(m) It shall be unlawful for the owner of any residential rental property to deposit building material at a designated residential collection site.

(n) It shall be unlawful for any owner or responsible person to violate the terms and conditions of § 93.02.

(o) It shall be unlawful for any owner or responsible person to fail to comply with his, her or its responsibilities as set forth in this section.

(D) *Declaration of nuisance.* Any property which fails to comply with the standards set forth in this chapter may be declared a nuisance and the owner of same shall be subject to the provisions and penalties set forth herein.

(Ord. 25-98, passed 12-29-1998; Am. Ord. 01- 2012, passed 2-21-2012) Penalty, see § 93.99

§ 93.04 EFFECTIVE DATE.

This chapter shall take effect upon passage and publication.

(Ord. 25-98, passed 12-29-1998)

§ 93.05 TEMPORARY COLLECTION SERVICE PERMITS.

(A) *Permit requirements.* No person, firm or legal entity shall engage in the business of temporary collection service within the city's corporate limits without a permit secured from the Enterprise acting by and through its General Manager. A separate permit is required for each site location and address.

(B) *Insurance requirements.* No permit shall be issued to a temporary service collection provider until and unless the applicant, in addition to all other requirements set forth, files and maintains with the Enterprise acting by and through its General Manager, evidence of liability insurance and motorist coverage in amounts required by applicable state or federal law or regulation.

(C) *Permit application.* The application required herein shall be on a form specified by the Enterprise acting by and through its General Manager. Each applicant for any such permit shall state in the application the following:

(1) Name and address of the applicant and whether business is a sole proprietorship, corporation, or partnership, limited liability company or other entity, with disclosure of the ownership interests;

(2) The number of employees and vehicles to be operated thereunder, together with a description showing that each such vehicle meets the requirements of this chapter;

(3) The location or locations of solid waste disposal facilities or solid waste processing facilities to be used, for the receipt of materials not accepted by the facility operated by the Enterprise including the facility name, permit number, anticipated volume, and types of building material to be disposed or processed; and

(4) The application shall include a certification as follows:

"I hereby certify that all of the information contained in this application is true and accurate. I understand that penalties for violation of this permit may include fines of \$25 to \$1,000 per day, per occurrence, and injunctive relief."

(D) *Permit issuance.* The permittee shall allow the General Manager of the Enterprise, or his or her designee, to inspect any and all facilities, equipment and vehicles to be operated pursuant to any provision contained in this chapter to ensure information contained in the application is accurate. If the application shows the applicant will collect, transport, dispose of, or process building material without hazard to the public health or damage to the environment and in conformity with the laws of Kentucky and all provisions contained in this chapter, the General Manager of the Enterprise, or his or her designee, shall issue the permit authorized by this chapter. If modifications can be made to a rejected application regarding service, equipment or mode of operation to bring the application within the requirements of this chapter, the General Manager shall notify the applicant in writing setting forth the modification to be made and the time in which it must be done. The temporary collection service permit required by this chapter is in addition to the City of Hopkinsville privilege license fee.

(E) *Application denial.* If the applicant does not make the modifications pursuant to the notice in division (D), within the time limit specified therein or if the application does not clearly show that the collection, processing, or transportation of building material will not create a public health hazard or be without harmful effects to the environment, the application shall be denied and the applicant notified by the General Manager in writing, stating the reason for such denial. Nothing in this section shall prejudice the right of the applicant to reapply after the rejection of their application provided that all aspects of the re-application comply with the provisions of this chapter.

(F) *Duration.* The permit may not extend in duration of more than 12 consecutive calendar months following the date of issuance. If modifications have been made, the applicant shall reapply for a permit as set forth in divisions (C) and (D). No permits authorized by this chapter shall be transferable from company to company or person to person.

(G) *Inspections.* In order to ensure compliance with the laws of Kentucky, this chapter, and the rules and regulations authorized hereunder, the General Manager is authorized to inspect all phases of solid waste management within the city's corporate limits.

(H) *Permit suspension.* In the event a permittee has not taken corrective measures within the time specified, the General Manager shall suspend or revoke the permit or permits involved in the violations. Where an extension of time will permit correction and no public health hazard is created by the delay, one extension of time not to exceed the original specified correction time period, may be given by the General Manager.

(I) *Injunctive relief.* If a permit is revoked and the responsible party continues to operate without a valid permit, or if anyone violates any provision contained in this chapter or any regulation issued hereunder, the General Manager may, in addition to other actions authorized herein, seek injunctive or other relief in an appropriate court.

(J) *Permit conditions.* The following conditions shall apply to each permit issued under the provisions contained in this

chapter:

(1) No property rights - the permit granted by this section does not constitute the grant of any property right to the permittee, and the permit may not be assigned or transferred.

(2) Monitoring - the permittee shall take necessary precautions to ensure wastes prohibited by any provision contained in this chapter are not delivered to any transfer station nor to the Hopkinsville Landfill for purposes of disposal.

(3) The permittee shall secure and maintain in good standing, a privilege license as issued by the City of Hopkinsville.

(4) The permittee shall provide for each permit issued, a monthly report due on or before the 5th day of each calendar month identifying the number of tons of building material collected from the permitted site for the preceding calendar month, the nature and description of collected building material and the method and location of disposal.

(5) All materials collected by a permittee, pursuant to this chapter, shall be disposed of at the disposal facility operated by the Enterprise.

(Ord. 06-2012, passed 8-7-2012)

§ 93.06 CURBSIDE RECYCLING.

The City of Hopkinsville hereby establishes a voluntary curbside recycling program which shall be governed by the following rules and regulations.

(A) Curbside recycling is voluntary and citizens must register to receive a recycling container.

(B) A monthly fee of \$5.50 per household is established and will appear on the same statement as the customer's garbage collection billing statement.

(C) Curbside recycling is limited to residential customers.

(D) Collection will occur the same day as the customer's residential garbage and trash collection.

(E) Customers are required to comply with § 93.02(B)(2) regarding customer responsibilities.

(F) Accepted materials must be placed in the designated container(s) and set out together with residential container(s) at the designated collection point no earlier than the day prior to the day of collection by the enterprise.

(G) The program is a single-stream program requiring no sorting of accepted items.

(1) Accepted items include: paper, steel cans, aluminum cans, pasteboard, #1 and #2 plastics, and cardboard.

(2) Electronics, batteries, household and medical hazardous waste, Styrofoam, waste oil, tires, glass, hazardous and toxic refuse shall not be placed in the recycling container.

(Ord. 23-2018, passed 11-20-2018)

§ 93.99 PENALTY.

(A) The provisions of this chapter may be enforced by the Code of Ordinance Enforcement Board established in §§ 33.180*et seq.*, or in the alternative, the Christian County District Court, as a misdemeanor and/or violation. The decision on where the ordinance will be enforced shall be at the city's discretion.

(B) Any owner who fails to properly cure or remedy a violation within the time prescribed by either the Code of Ordinance Enforcement Board or the Christian County District Court shall be subject to a fine. A first offense shall result in a fine not greater than \$400. A second offense shall result in a fine not greater than \$500. All other offenses shall result in a fine not greater than \$600. If enforcing through District Court, each day that a violation continues shall constitute a separate offense.

(C) Fines for neglected properties as defined in § 93.01 will be doubled.

(Ord. 25-98, passed 12-29-1998; Ord. 16-2002, passed 7-16-2002; Ord. 29-2002, passed 12-17-2002; Ord. 28-2005, passed 11-15-2005; Am. Ord. 01-2012, passed 2-21-2012)