

**SUMMARY PUBLICATION
PURSUANT TO KRS 83A.060**

ORDINANCE NO. 2003-07

AN ORDINANCE RELATING TO THE MANDATORY COLLECTION OF SOLID WASTE WITHIN THE CITY OF LEBANON JUNCTION PROVIDING FOR STORAGE, PROCESSING, TRANSPORTATION, DISPOSAL AND PAYMENT THEREFORE AND PENALTIES FOR FAILURE TO COMPLY.

Preamble - Legislative Justification

SECTION I: DEFINITIONS

SECTION II: STORAGE OF SOLID WASTE

SECTION III: COLLECTION OF SOLID WASTE

SECTION IV: DISPOSAL OF SOLID WASTE

SECTION V: CONTRACTING OR FRANCHISING

A. Contract or Franchise Requirement

No person may engage in the business of solid waste collection in the City, except as provided in Section III B unless he holds a franchise issued by the City authorizing him to collect, transport, and dispose of solid wastes.

B. Granting a Contract or Franchise

The City shall advertise and seek proposals for solid waste collection service. The City Council of the City of Lebanon Junction may grant a franchise only upon finding that the applicant will render prompt, efficient, and continuing service to the area for which the franchise is granted and that the applicant has sufficient equipment and personnel to render service to all persons generating solid waste within the City.

C. Except as provided in the original Ordinance, Franchise, and Contract entered into therefore, it shall be a civil or criminal violation for any other waste hauler to operate within the city limits of the City of Lebanon Junction and each day shall constitute a violation subject to penalties, civil or criminal, as hereinafter set forth.

D. Any waste hauler who violates Section Two hereof shall be guilty of a violation and subject to a fine of Two Hundred Fifty Dollars (\$250.00). Each day shall constitute a separate offense.

SECTION VI : SERVICE CHARGES

SECTION VII: SPECIAL PERMIT

SECTION VIII: RULES AND REGULATIONS

SECTION IX PROHIBITED PRACTICES

It shall be unlawful for any person to:

1. Dispose of solid waste by dumping same on any premises in the City with or without the consent of the owner of the premises;
2. Dump or permit the dumping of solid waste on any property within the City;
3. Deposit solid waste in any solid waste container other than his own, without the written consent of the owner of such container and/or with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal;
4. Fail to have solid waste collected as provided in this ordinance;
5. Interfere in any manner with solid waste collection and transportation equipment or with solid waste collectors in the lawful performance of their duties as such;
6. Dispose of dead animals in any container to be collected by the franchisee;
7. Own or operate an open dump;
8. Dispose of solid waste at any facility or location which is not approved and permitted by the Kentucky Department for Environmental Protection;
9. Engage in business of collecting, transporting, processing or disposing of solid waste within the geographic boundaries of the incorporated areas of the City without a franchise agreement from the City, operate under an expired franchise agreement, or operate after a franchise agreement has been suspended revoked or cancelled; and,
10. Violate any section of this ordinance or any other rule or regulation promulgated under the authority of Section VIII. The City shall investigate complaints by private citizens of violation of this Ordinance and notify the owner, occupant and/or person having control or management of such property to be in compliance with this Ordinance.

SECTION X. PENALTIES

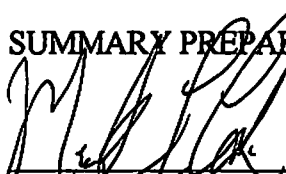
Any owner, occupant and/or person having control or management of any property violating any provisions of this Ordinance shall be deemed guilty of a violation and shall upon conviction be fined not less than \$10.00 but not more than \$500.00 for each conviction. Each day of violation shall constitute a separate offense.

SECTION XI: PUBLICATION

SECTION XII: REPEAL

SECTION XIII: UNCONSTITUTIONALITY

SUMMARY PREPARED BY:



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