



**DEPARTMENT OF PUBLIC WORKS AND ASSETS**

LOUISVILLE, KENTUCKY

**GREG FISCHER**

MAYOR

**VANESSA D. BURNS**

Director

**Division of Solid Waste Management  
Agreed Order-Conditional Discharge**

**Violator:**

**Date and Time:**

**Enforcement Officers:**

**Date and Time of Offense:**

Citation No:

Please review the terms below and if you agree to the terms you should sign the form and return it to the enforcement officer. Failure to respond by \_\_\_\_\_ will result in the citation and all penalties being assessed according to the Metro ordinances.

**Terms**

Metro agrees to rescind the citation fees and cleanup fees, provided you agree to comply with the ordinance as stated in the citation for a period of 6 months. Should your property receive an additional violation before \_\_\_\_\_ this agreed order will be terminated and all fines and fees assessed in the original citation will become due.

**By signing this agreement you agree** to terms and conditions as outlined below. Failure to follow all terms will result in the immediate enforcement of the original citation

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Code Enforcement Officer :

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Compliance and Enforcement Supervisor:



**DEPARTMENT OF PUBLIC WORKS AND ASSETS**

LOUISVILLE, KENTUCKY

**GREG FISCHER**

MAYOR

**VANESSA D. BURNS**

Director

**Division of Solid Waste Management  
Agreed Order-Payments**

**Violator:**

Date and Time:  
Enforcement Officers:  
Date and Time of Offense:

Citation No:

Please review the terms below and if you agree to the terms you should sign the form and return it to the enforcement officer. Failure to respond by \_\_\_\_\_ will result in the citation and all penalties being assessed according to the Metro ordinances.

**Terms**

I hereby agree to pay \$ \_\_\_\_\_ on the \_\_\_\_ day of each month for a total of \_\_\_\_\_ months beginning \_\_\_\_\_.

Total to be paid: \$ \_\_\_\_\_

Failure to make the agreed payments as indicated or should your property receive an additional violation during execution of this agreement will result in the agreement being terminated and all fines and fees assessed in the original citation will become due.

**By signing this agreement you agree** to terms and conditions as outlined below. Failure to follow all terms will result in the immediate enforcement of the original citation

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Code Enforcement Officer

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Compliance and Enforcement Supervisor



**DEPARTMENT OF PUBLIC WORKS AND ASSETS**

LOUISVILLE, KENTUCKY

**GREG FISCHER**

MAYOR

**VANESSA D. BURNS**

Director

**DIVISION OF SOLID WASTE MANAGEMENT  
AGREED ORDER-REDUCTION OF FINES-FEES**

**Violator:**

Date:

Enforcement Officers:

Date and Time of Offense: On or before **(ENTER DATE)**

Citation No:

Please review the terms below and if you agree to the terms you should sign the form and return it to the enforcement officer. Failure to respond by **(ENTER DATE)** will result in the citation and all penalties being assessed according to the Metro ordinances.

**Terms**

The Division of Solid Waste Management will agree to waive \$--- of the fine and accept payment of \$--- (\$ fine and \$--- cleanup fee) to settle this matter. Payment should be made payable to the Louisville-Jefferson County Treasurer and submitted to the Director of the Division of Solid Waste Management at 600 Meriwether Ave Louisville, Kentucky 40217 Attn: Citation Payment. Please include citation number on check or money order. **If fine/fees are not paid in full by (ENTER DATE) this agreement is void.**

Should your property receive an additional citation within \_\_\_months, this agreed order will be terminated and all fines and fees assessed in the original citation will become due.

Once full payment has been received this case will be closed. Keep this letter for your records.

**By signing this agreement you agree** to terms and conditions as outlined above. Failure to follow **all** terms will result in the immediate enforcement of the original citation

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Code Enforcement Officer

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Compliance and Enforcement Supervisor

ORDINANCE NO. 200, SERIES 2016

AN ORDINANCE REPEALING CHAPTERS 32.400, ET SEQ., AND 32.275, ET SEQ., AND AMENDING CHAPTER 156 AND ESTABLISHING A CODE ENFORCEMENT BOARD. (AMENDED BY SUBSTITUTION)(AS AMENDED)

SPONSORED BY: Council Member Flood

WHEREAS, it is the intent of KRS 65.8801 to 65.8839 to protect, promote, and improve the health, safety, and welfare of the citizens residing within Metro Louisville by authorizing the creation of an administrative board with the authority to issue remedial orders and impose fines in order to provide an equitable, expeditious, effective, and inexpensive method of ensuring compliance with the ordinances in force within Louisville Metro; and

WHEREAS, it is the desire of Louisville Metro Council to utilize the authority granted in KRS 65.8801 to 65.8839 by establishing the unified Code Enforcement Board as the sole body to administer all Metro Code violations with the exception of zoning.

NOW THEREFORE BE IT ORDAINED BY THE LOUISVILLE METRO COUNCIL AS FOLLOWS:

SECTION I: LMCO 32.400 – 32.410 is hereby repealed in its entirety.

SECTION II: LMCO 32.275 – 32.391 is hereby repealed and replaced by the following:

**SECTION 1. Definitions.**

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) **"Abatement Costs"** means Louisville Metro's necessary and reasonable costs for and associated with clearing, preventing unauthorized entry to, or

demolishing all or a portion of a structure or premises, or taking any other action with regard to a structure or premises necessary to remedy a violation and to maintain and preserve the public health, safety and welfare in accordance with any Louisville Metro ordinance.

(b) **"Code Enforcement Board"** means an administrative body created and acting under the authority of the Local Government Code Enforcement Board Act, KRS 65.8801 to 65.8839.

(c) **"Code Enforcement Officer"** means a police officer, safety officer, citation officer, sheriff, deputy sheriff, university police officer, airport police officer, or other public law enforcement officer with the authority to issue a citation.

(d) **"Final Order"** means any order:

1. Issued by the Code Enforcement Board in accordance with Section 10(e) of this ordinance;
2. Issued by an assigned hearing officer in accordance with Section 10(e) of this ordinance;
3. Created because a violator neither paid nor contested the citation within seven (7) days as provided in Section 9(f) of this ordinance; or
4. Created because a violator failed to appear at a hearing the violator requested to contest the citation as provided in Section 10(c) of this ordinance.

(e) **"Imminent Danger"** means a condition which is likely to cause serious or life-threatening injury or death at any time.

(g) **"Owner"** means a person, association, corporation, partnership or other legal entity having a legal or equitable title in real property.

(h) **"Premises"** means a lot, plot or parcel of land, including any structures upon it.

## **SECTION 2. Creation and membership.**

There is hereby created pursuant to KRS 65.8801 to KRS 65.8839 within Metro, a Code Enforcement Board which shall be composed of no fewer than ~~three~~ five members, all of whom shall be residents of Louisville Metro for a period of at least one (1) year prior to the creation of the board and shall reside there throughout the term in office.

**SECTION 3. Enforcement powers.**

- (a) The Code Enforcement Board shall have the power to issue remedial orders and impose civil fines as a method of enforcing Louisville Metro ordinances when a violation of the ordinance has been classified as a civil offense.
- (b) The Code Enforcement Board shall not have the authority to enforce any ordinance regulating conduct which would also, under any provision of the Kentucky Revised Statutes, constitute a criminal offense or a moving motor vehicle offense.

**SECTION 4. Appointment of members; term of office; removal from office; oath; compensation.**

- (a) Members of the Code Enforcement Board shall be appointed by the Louisville Metro Mayor, subject to the approval of Louisville Metro Council.
- (b) The initial appointment to the Code Enforcement Board shall be as follows:
  - 1. One-third (1/3) of the membership or one-third (1/3) of the membership and one (1) member of the board shall be appointed for a term of one (1) year;
  - 2. One-third (1/3) of the membership or one-third (1/3) of the membership and ~~one~~ two (2) members of the board shall be appointed for term of two (2) years; and
  - 3. One-third (1/3) of the membership or one-third (1/3) of the membership and ~~one~~ two (2) members of the board shall be appointed for a term of three (3) years.
- (c) All subsequent appointments shall be for a term of three (3) years. A member may be reappointed, subject to the approval of Louisville Metro Council.
- (d) The Louisville Metro Mayor may appoint, subject to the approval of the legislative body, two (2) alternate members to serve on the Code Enforcement Board in the absence of regular members. Alternate members shall meet all of the qualifications and shall be subject to all of the requirements that apply to regular members of the Code Enforcement Board.
- (e) Any vacancy on the board shall be filled by the Louisville Metro Mayor, subject to approval of the legislative body, within sixty (60) days of the vacancy. If the vacancy is not filled within that time period, the remaining Code Enforcement Board members shall fill the vacancy. A vacancy shall be filled for the remainder of the unexpired term.

(f) A board member may be removed from office by the Louisville Metro Mayor for misconduct, inefficiency, or willful neglect of duty. The Louisville Metro Mayor shall submit a written statement to the member and the legislative body setting forth the reasons for removal. The member so removed shall have the right of appeal to Jefferson Circuit Court.

(g) All members of the Code Enforcement Board shall, before entering upon the duties of their office, take the oath of office prescribed by Section 228 of the Kentucky Constitution.

(h) Members of the Code Enforcement Board may be reimbursed for actual expenses and compensated in the amount of \$100 per meeting.

(i) No member of the Code Enforcement Board shall hold any elected or nonelected office, paid or unpaid, or any position of employment with Louisville Metro.

#### **SECTION 5. Organization of board; meetings; quorum.**

(a) The Code Enforcement Board shall annually elect a chair from among its members. The chair shall be the presiding officer and a full voting member of the board. In the absence of the chair, the remaining members of the board shall select a member to preside in place of and exercise the powers of the chair.

(b) The Code Enforcement Board shall meet no less than once a month and as many times a month as may be necessary to conduct the business of the board. The Code Enforcement Board may conduct special meetings or emergency meetings held in accordance with the requirements of the Kentucky Open Meetings Act.

(c) All meetings and hearings of the Code Enforcement Board shall be public meetings held in accordance with the requirements of KRS 65.8815(5) and the Kentucky Open Meetings Act.

(d) The presence of at least a majority of the board's entire membership shall constitute a quorum. The affirmative vote of a majority of a quorum of the board shall be necessary for any official action to be taken.

(e) Minutes shall be kept for all proceedings of the Code Enforcement Board and the vote of each member on any issue decided by the board shall be recorded in the minutes.

#### **SECTION 6. Conflict of interest.**

Any member of the Louisville Metro Code Enforcement Board who has any direct or indirect financial or personal interest in any matter to be decided shall disclose the

nature of the interest, disqualify himself from voting on the matter in which he has an interest, and shall not be counted for purposes of establishing a quorum.

#### **SECTION 7. Powers of the Code Enforcement Board.**

The Code Enforcement Board shall have the following powers and duties:

- (a) To adopt rules and regulations to govern its operations and the conduct of its hearings consistent with this ordinance, which shall be posted on its website.
- (b) To conduct hearings to determine if there has been a violation of an ordinance over which it has jurisdiction.
- (c) To subpoena alleged violators, witnesses and evidence to its hearings. Subpoenas issued by the Code Enforcement Board may be served by any Code Enforcement Officer.
- (d) To take testimony under oath. The chairman shall have the authority to administer oaths for the purpose of taking testimony.
- (e) To make findings of fact and issue orders necessary to remedy any violation of a Louisville Metro code of ordinances or code provision which the board is authorized to enforce.
- (f) To impose civil fines and administrative costs, as authorized, on any person found to have violated an ordinance over which the board has jurisdiction.
- (g) To assign a hearing officer to conduct hearings in accordance with Section 8 of this ordinance.

#### **SECTION 8. Hearing officers.**

(a) Eligibility.

1.—The Code Enforcement Board may assign any of its members, including the chair, to be a hearing officer.

~~2.—The board may assign an individual who is not a member of the board to be a hearing officer as long as the individual does not hold any elected or appointed office or position of employment with Louisville Metro.~~

(b) Experience and training.

1. A person assigned to be a hearing officer by the Code Enforcement Board shall have experience or shall have received training in the code enforcement process and basic procedural due process. At a minimum, the

experience or training shall include acquired knowledge regarding a party's fundamental due process right to:

- a. Be accompanied and advised by counsel at the hearing;
- b. Present evidence and witnesses on his or her behalf at the hearing;
- c. Examine the evidence opposing the party; and
- d. Confront and cross-examine the witnesses opposing the party.

2. The Code Enforcement Board may establish additional standards in writing, including but not limited to examples of qualifying experience and training, and minimum amounts of experience or training required.

3. Before assigning a person as a hearing officer, the Code Enforcement Board shall require the person to submit a written, signed affidavit describing and verifying the experience or training received. The affidavit shall be provided on a form prescribed by the Code Enforcement Board.

4. The Code Enforcement Board shall determine whether the affidavit satisfies the experience or training requirements as set forth in this paragraph and any additional standards established in writing by the board. The board shall not assign a person as a hearing officer unless it has determined that the affidavit satisfies the experience or training requirements.

(c) Hearing powers and procedures.

1. An assigned hearing officer may administer oaths to witnesses prior to their testimony and subpoena alleged violators, witnesses, and evidence.

2. Any hearing conducted by a hearing officer shall conform to the procedural requirements in Section 10 of this ordinance.

3. A hearing officer shall have the powers set forth in Sections 7(b) through (f).

(d) Final order.

1. Following a hearing, the assigned hearing officer shall make written findings of facts and conclusions of law, and enter a final order in accordance with Section 10(e) of this ordinance.

2. Within twenty-four (24) hours of entry, these findings, conclusions, and final order shall be forwarded to the alleged violator, and to the Code

Enforcement Board. The findings, conclusions, and recommended order may be delivered to the alleged violator by regular first-class mail; certified mail, return receipt requested; personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the delivery.

(e) Appeal from final order. An alleged violator may appeal a final order issued by a hearing officer directly to Jefferson District Court, in accordance with Section 12 of this ordinance.

#### **SECTION 9. Enforcement proceedings.**

The following requirements shall govern all enforcement proceedings before the Code Enforcement Board or hearing officer:

(a) Enforcement proceedings shall only be initiated by the issuance of a citation by a Code Enforcement Officer.

(b) If a Code Enforcement Officer believes, based on his or her personal observation or investigation, that a person has violated a Metro ordinance, he or she is authorized to issue a citation to the offender. When authorized, a Code Enforcement Officer, in lieu of immediately issuing a citation, may issue a Notice of Violation allowing the alleged violator a specified period of time to remedy the violation without incurring a fine. If the alleged violator fails or refuses to remedy the violation within the time specified, the Code Enforcement Officer is authorized to issue a citation.

(c) The Code Enforcement Officer shall issue the citation by one of the following methods:

1. Personal service to the alleged violator;
2. Leaving a copy of the citation with any person eighteen (18) years of age or older who is on the premises, if the alleged violator is not on the premises at the time the citation is issued; or
3. Posting a copy of the citation in a conspicuous place on the premises and mailing a copy of the citation by regular, first-class mail to the owner of record of the property, if no one is on the premises at the time the citation is issued.

(d) The citation issued by the Code Enforcement Officer shall contain the following information:

1. The date and time of issuance;

2. The name and address of the person to whom the citation is issued;
3. The physical address of the premises where the violation occurred;
4. The date and time the offense was committed;
5. The facts constituting the offense;
6. The section of the code or the number of the ordinance violated;
7. The name of the Code Enforcement Officer;
8. The civil fine that may be imposed for the violation, including, if applicable:
  - a. The civil fine that will be imposed if the person does not contest the citation; and
  - b. The maximum civil fine that may be imposed if the person elects to contest the citation.
9. The procedure for the person to follow in order to pay the civil fine or to contest the citation; and
10. A statement that if the person fails to pay the civil fine set forth in the citation or contest the citation within the time allowed: the person shall be deemed to have waived the right to a hearing before the Code Enforcement Board or hearing officer to contest the citation; the determination that the violation was committed shall be final; the citation as issued shall be deemed a final order determining that the violation was committed and imposing the civil fine as set forth in the citation; and the person shall be deemed to have waived the right to appeal the final order to Jefferson District Court.

(e) After issuing a citation to an alleged violator, the Code Enforcement Officer shall notify the Code Enforcement Board by delivering the citation as set forth in the Board's regulations.

- (f) 1. The person to whom the citation is issued shall respond to the citation within seven (7) days of the date of issuance by either paying the civil fine or requesting, in writing, a hearing to contest the citation. If the person fails to respond to the citation within seven (7) days, the person shall be deemed to have waived the right to a hearing and the determination that a violation was committed shall be considered final. In this event, the citation as issued shall be deemed a final order determining that the violation was committed and imposing the civil fine as set forth in the citation, and the person shall be

deemed to have waived the right to appeal the final order to Jefferson District Court.

2. Notice of the final order shall be delivered to the cited violator by regular first-class mail; certified mail, return receipt requested; personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the delivery.

#### **SECTION 10. Hearing; notice; and final order.**

(a) When a hearing has been requested, the Code Enforcement Board or its administrative staff shall schedule a hearing.

(b) Not less than seven (7) days before the date of the hearing, the Code Enforcement Board shall notify the requester of the date, time, and place of the hearing. The notice may be given by regular first-class mail; certified mail, return receipt requested; personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is eighteen years (18) of age or older and who is informed of the contents of the notice and in accordance with Section 15.6 herein.

(c) 1. Any person requesting a hearing who fails to appear at the time and place set for the hearing shall be deemed to have waived the right to a hearing to contest the citation, and the determination that a violation was committed shall be final. In this event, the citation as issued shall be deemed a final order determining the violation was committed and imposing the civil fine set forth in the citation, and the alleged violator shall be deemed to have waived the right to appeal the final order to Jefferson District Court.

2. Notice of a final order shall be provided to the cited violator by regular first-class mail; certified mail, return receipt requested; personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the notice.

(d) All testimony at the hearing shall be taken under oath and recorded by video and retained for ten (10) years. Testimony shall be taken from the Code Enforcement Officer, the alleged violator, and any witnesses to the violation offered by the Code Enforcement Officer or alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. Pre-conferenced cases shall be called by the hearing officer so any witnesses present may have an opportunity to testify prior to adoption of any recommendation from the code enforcement officer.

(e) The Code Enforcement Board or assigned hearing officer shall, based on the evidence, determine whether a violation was committed. If it is determined that no violation was committed, an order dismissing the citation shall be entered. If it is determined that a violation was committed, an order may be issued upholding the citation. The board or hearing officer may impose a fine up to the maximum authorized by ordinance or require the offender to remedy a continuing violation to avoid a fine, or both.

(f) 1. Every final order following a hearing shall be reduced to writing, which shall include the findings and conclusions reached and the date the order was issued. A copy shall be furnished to the person named in the citation within twenty-four (24) hours of the entry.

2. If the person named in the citation is not present when the final order is issued, the order shall be delivered by regular first-class mail; certified mail, return receipt requested; personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the notice.

#### **SECTION 11. Presentation of cases.**

Each case before the Code Enforcement Board or assigned hearing officer shall be presented by an attorney selected by Louisville Metro, a Code Enforcement Officer for Metro, or by a member of Louisville Metro's administrative staff. The Jefferson County Attorney's Office may either be counsel to the Code Enforcement Board or hearing officer, or may present cases before the board or hearing officer, but shall in no case serve in both capacities.

#### **SECTION 12. Appeals; final judgment.**

An appeal from a final order of a Code Enforcement Board or assigned hearing officer following a hearing conducted pursuant to Section 10(e) of this ordinance may be made to the Jefferson District Court within thirty (30) days of the date the order is issued. The appeal shall be initiated by the filing of a complaint and a copy of the final order in the same manner as any civil action under the Kentucky Rules of Civil Procedure. The Jefferson District Court shall review the Final Order *de novo*.

If no appeal from a final order following a hearing is filed within the time period set in subsection (a) above, the order shall be deemed final for all purposes.

#### **SECTION 13. Ordinance fine schedule.**

Violations of ordinances that are enforced by Code Enforcement Board or an assigned hearing officer shall be subject to civil fines. If a citation for a violation of an ordinance is not contested by the person charged with the violation, the penalties set forth in

LMCO 156.999 the ordinance establishing the violation shall apply. If no penalty is set forth, the penalties in LMCO 156.999 shall apply.

**SECTION 14. Lien; fines, charges, and fees.**

(a) Louisville Metro shall possess a lien on property owned by the person found by a nonappealable final order as defined by Section 1(d), or by a final judgment of the court, to have committed a violation of a Louisville Metro ordinance. The lien shall be for all civil fines assessed for the violation and for all charges and fees incurred by Louisville Metro in connection with the enforcement of the ordinance, including abatement costs and administrative cost of 15% of the above. An affidavit of the Code Enforcement Officer shall constitute prima facie evidence of the amount of the lien and regularity of the proceedings pursuant to KRS 65.8801 to 65.8839.

(b) The lien shall be recorded in the office of the county clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest at 18% per annum until paid. The lien shall continue for ten (10) years following the date of the nonappealable final order or final court judgment.

(c) Subject to Section 16 of this ordinance, the lien shall take precedence over all other liens, except state, county, school board, and Louisville Metro taxes, and may be enforced by judicial proceedings, including a foreclosure action.

(d) In addition to the remedy prescribed in subsection (a) of this Section, the person found to have committed the violation shall be personally responsible for the amount of all civil fines assessed for the violation and for all charges, fees and abatement costs incurred by Louisville Metro in connection with the enforcement of the ordinance. Louisville Metro may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt.

**SECTION 15. Lienholder Notification System.**

Louisville Metro shall obtain and maintain priority over previously filed liens, as provided in Section 14 of this ordinance, in accordance with the following provisions:

(a) Individuals and entities, including but not limited to lienholders, (hereafter referred to as "registrants") may register with Louisville Metro to receive electronic notification of final orders entered pursuant to this ordinance.

(b) In order to receive the notification, the registrant shall submit the following information to the Code Enforcement Board:

1. Name;
2. Mailing address;

3. Phone number; and
4. Electronic mailing address.

(c) A registrant may use the electronic form provided on Louisville Metro Web site to submit the information required by subsection (b) of this Section. It shall be the responsibility of the registrant to maintain and update the required contact information with Louisville Metro. Louisville Metro shall inform a registrant of any evidence received that the electronic mailing address is invalid or not functional so that the registrant may provide an updated electronic mailing address.

(d) Not less than once per month nor more than once per week, Louisville Metro shall send electronic mail notification of all final orders entered pursuant to this ordinance since the last date of notification to each party registered pursuant to this Section. The notification shall provide an electronic link to Louisville Metro code enforcement database located on Louisville Metro Web site. The database shall include the following information regarding each final order:

1. The name of the person charged with a violation;
2. The physical address of the premises where the violation occurred;
3. The last known mailing address for the owner of the premises where the violation occurred;
4. A specific description of the citation leading to the final order, including the citation detail set forth in KRS 65.8825(4)(a) to (h);
5. The findings of the final order, including the penalty or penalties imposed by the final order; and
6. The status of the final order regarding its ability to be appealed pursuant to this ordinance.

(e) If an appeal is filed on a final order pursuant to this ordinance, Louisville Metro shall send electronic mail notification to all registrants.

(f) Within ten (10) days of the issuance of a final order pursuant to this ordinance, Louisville Metro shall update its code enforcement database to reflect the issued final order, and shall post the notification required by subsection (d) of this Section containing an updated link to the code enforcement database on Louisville Metro Web site.

(g) Louisville Metro shall maintain the records created under this Section for ten (10) years following their issuance.

## **SECTION 16. Liens.**

(a) A lienholder of record who has registered pursuant to Section 15(b) of this ordinance may, within forty-five (45) days from the date of issuance of notification under Section 15(d) of this ordinance:

1. Correct the violation, if it has not already been abated; or
2. Pay all civil fines assessed for the violation, and all charges and fees incurred by Louisville Metro in connection with enforcement of the ordinance, including abatement costs.

(b) Nothing in this Section shall prohibit Louisville Metro from taking immediate action if necessary under Section 17 of this ordinance.

(c) The lien provided by Section 14 of this ordinance shall not take precedence over previously recorded liens if:

1. Louisville Metro failed to comply with the requirements of Section 15 of this ordinance for notification of the final order; or
2. A prior lienholder complied with subsection (a) of this Section.

(d) A lien that does not take precedence over previously recorded liens under subsection (c) of this Section shall, if the final order remains partially unsatisfied, take precedence over all other subsequent liens except liens for state, county, school board and Louisville Metro taxes.

(e) Louisville Metro may record a lien before the forty-five (45) day period established in subsection (a) of this Section expires. If the lien is fully satisfied prior to the expiration of the forty-five (45) day period, Louisville Metro shall release the lien in the county clerk's office where the lien is recorded within fifteen (15) days of satisfaction.

(f) Failure of Louisville Metro to comply with Sections 15 and 16 of this ordinance, or failure of a lien to take precedence over previously filed liens as provided in subsection (c) of this Section, shall not limit or restrict any other remedies Louisville Metro has against the property of the violator.

## **Section 17. Additional Jurisdiction of the Code Enforcement Board.**

(A) The Code Enforcement Board shall also have jurisdiction to hear appeals from booking fees imposed by Metro Government Corrections pursuant to KRS 441.265. When exercising this jurisdiction, the Code Enforcement Board is the final decision maker. The Board does not have subpoena power and it may not impose administrative costs on an appellant. The only issue before the Board will be whether the fee was appropriately imposed on the appellant.

(B) The Code Enforcement Board may adopt rules, procedures and appellate time frames to address this additional responsibility.

**SECTION 18. Immediate action.**

Nothing in this ordinance shall prohibit Louisville Metro from taking immediate action to remedy a violation of its ordinances when there is reason to believe that the violation presents imminent danger or a serious threat to the public health, safety, and welfare, or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible.

**SECTION III: The following sections of LMCO 156 are amended as follows:**

**§ 156.001 TITLE.**

This chapter shall be known as the Property Maintenance Nuisance Code of the Louisville Metro Government, hereinafter referred to as the existing structures code or "this code." This chapter shall also be known as the Property Maintenance/Nuisance Code of the Louisville Metro Government. This chapter is enacted pursuant to KRS 67.083(3)(a), (j) and (k) and 65.8801 et seq.

**§ 156.005 DEFINITIONS.**

**ABATEMENT COSTS.** Louisville Metro Government's costs for and associated with clearing, preventing unauthorized entry to, or demolishing all or a portion of a structure or premises, or taking any other action with regard to a structure or premises to maintain and preserve public health, safety, and welfare in accordance with the portion of Louisville Metro Government's nuisance code pertaining to the condition of and maintenance of structures or premises, adopted pursuant to KRS 65.8801 et seq.

**§ 156.052(J)(5) EXTERIOR PROPERTY AREAS.**

(5) Violations and citations. Any violation of the provisions of this § 156.052(J) or any order of the Director or a Code Official are subject to citation and the civil penalties set forth in § 156.999(D). Any such citation and resulting penalty may be appealed to the Code Enforcement Property Maintenance/Nuisance Code Hearing Board in the manner provided by **(Section 10)**.

**§ 156.057 A(5)(d) and (e) PUBLIC NUISANCE.**

(d) Any person or owner directly affected by an order of the Code Official may appeal to the Code Enforcement Property Maintenance/Nuisance Code Hearing Board in accordance with ~~§§ 32.400 et seq~~ **(Section 9(f))**.

(e) Pursuant to the provisions of KRS 65.8801 et seq. and in accordance with ~~§ 32.409~~**(Section 14)**, the Louisville Metro Government shall possess a lien against the property for all fines, penalties, charges, abatement costs, and fees imposed to abate the public nuisance.

§ 156.057 A(7) PUBLIC NUISANCE.

(7) Other defenses. The Code Enforcement Property Maintenance/Nuisance Code Hearing Board may consider evidence presented by any person or owner directly affected by a citation, notice of violation, or order regarding whether the owner knew or should have known of the violations and whether reasonable steps were taken to abate the violations by removing the offender, notifying police of the violation(s), and/or securing vacant property.

§ 156.800(D) DEPARTMENT OF PROPERTY MAINTENANCE.

(D) Restriction of employees. An official or employee connected with the enforcement of this chapter, except one whose only connection is that of a member of the Code Enforcement Property Maintenance/Nuisance Code Hearing Board, as set forth in ~~§§ 32.400 et seq.~~**(Section 4)**, as the case may be, shall not be engaged in, or directly connected with, the furnishing of labor, materials or appliances for the construction, alteration, or maintenance of a building, or the preparation of construction documents thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work that conflicts with official duties or with the interests of the department.

§ 156.804(A) NOTICES; ORDERS.

(A)(1) Citation or notice to owner or to person or persons responsible. Whenever the Code Official, based upon personal observation or investigation, has reasonable cause to believe that a person has committed a violation of this code, the Code Official is authorized to issue a citation or notice of violation to the offender in accordance and as prescribed by ~~§32.405~~**(Section 9)**.

(2)(c) The notice issued pursuant to this section may be appealed to the Code Enforcement Property Maintenance/Nuisance Code Hearing Board.

§ 156.807(D) DEMOLITION.

(D) Failure to comply. Whenever the owner of a property fails to comply with a demolition order within the time prescribed, the Code Official shall cause the structure or part thereof to be razed and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such razing and removal shall be charged against the owner of the real estate upon which the structure is located. Upon failure of the owner to effect payment of such costs, a lien to bear interest at the rate of 18% per annum, from the date of such lien until

paid, shall be placed by the Metro Government against the real estate upon which the razed or removed structure was located. In addition to the aforesaid remedy or any other remedy authorized by law, pursuant to KRS 65.8801 and in accordance with ~~§32.409~~(Section 14), the owner shall be personally liable for the amount of the lien, including all interest, civil penalties, fines, penalties, fees, abatement costs, and other charges and the Louisville Metro Government may bring a civil action against the owner and shall have the same remedies as provided for the recovery of a debt owed.

#### § 156.808 APPEALS; PROCEDURE.

Any person directly affected by a decision of the Code Official or a citation, notice of violation, or order issued under this code shall have the right to appeal to the Code Enforcement Property Maintenance/Nuisance Code Hearing Board ("Board") in accordance with (Section 9(f)).

#### § 156.999(A) PENALTY.

- (A) Any person, firm or corporation who shall violate § 156.057(A)(2) shall be subject to a civil penalty in accordance with the penalty schedule as set forth in Appendix A, Exhibit A. Any person cited pursuant to this subsection (A) may pay the civil penalty within seven days from the date of issuance or request a hearing regarding such penalty to the Code Enforcement Property Maintenance/Nuisance Code Hearing Board ("Board") in accordance with ~~§§156.808~~(Section 10). If the person fails to respond to the citation within seven days as referenced above, the person shall be deemed to have waived the right to a hearing and the determination that a violation was committed shall be final. Each day that a violation continues after a citation has been issued or notice has been served shall be deemed a separate offense.
- (B) Any person, firm or corporation who shall violate § 156.057(A)(2)(a) or (b) shall be subject to a civil penalty in accordance with the penalty schedule as set forth in Appendix A, Exhibit B. Any person cited pursuant to this subsection (B) may pay the civil penalty within seven days from the date of issuance or request a hearing regarding such penalty to the Board in accordance with ~~§§32.400~~Section 9(f) et seq. If the person fails to respond to the citation within seven days as referenced above, the person shall be deemed to have waived the right to a hearing and the determination that a violation was committed shall be final. Each day that a violation continues after a citation has been issued shall be deemed a separate offense.
- (D) Any person, firm or corporation, who shall violate any provision of this chapter other than as set forth in subsections (A), (B) and (C), above, shall be subject to a civil penalty in accordance with the penalty schedule as set forth in Appendix A, Exhibit C. Any person cited pursuant to this subsection (D) may pay the civil penalty within seven days from the date of issuance or

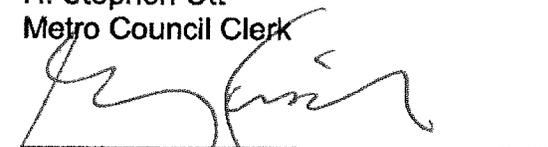
request a hearing regarding such penalty to the Board in accordance with ~~§§32.400~~Section 9(f) et seq. If the person fails to respond to the citation within seven days as referenced above, the person shall be deemed to have waived the right to a hearing and the determination that a violation was committed shall be final. Each day that a violation continues after a citation has been issued or notice has been served shall be deemed a separate offense.

- (E) The Metro Government shall possess a lien on property for all fines, penalties, charges, abatement costs, and fees imposed pursuant to this Code in accordance with ~~§§32.409~~Section 14. The lien shall be superior to and have priority over all other liens on the property except state, School Board and Metro Government taxes.

**SECTION IV:** This ordinance shall take effect upon its passage and approval on December 31, 2016.

  
\_\_\_\_\_  
H. Stephen Ott  
Metro Council Clerk

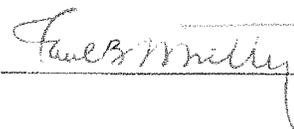
  
\_\_\_\_\_  
David Yates  
President of the Council

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

11/29/16  
\_\_\_\_\_  
Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell  
Jefferson County Attorney

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

LOUISVILLE METRO COUNCIL  
READ AND PASSED  
November 17, 2016



ORDINANCE NO. 44, SERIES 2005

AN ORDINANCE REPEALING LOUISVILLE METRO CODE OF ORDINANCES (LMCO) SECTIONS 156.051(B) (2) THROUGH (5) AND 156.055 AND REENACTING A NEW CHAPTER 51 RELATING TO SOLID WASTE.

SPONSORED BY: Ron Weston, District 13

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

**SECTION I.** The Louisville Code of Ordinances Chapter 53 is repealed in its entirety, and Chapter 150, Section ES 301.0 is hereby repealed in its entirety.

**SECTION II.** The L.M.C.O. Sections 156.051(B)(2) through (5) and 156.055 are hereby repealed.

**SECTION III.** Chapter 51 of the L.M.C.O. is hereby repealed in its entirety and reenacted to read as follows:

**DEFINITIONS GOVERNING SOLID WASTE**

**§ 51.001. DEFINITIONS.**

For the purpose of Chapter 51 of the Louisville Metro Code of Ordinances, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BOARD OR BOARD OF DIRECTORS.** The governing body of the Louisville/Jefferson County Waste Management District.

**BOARD OF HEALTH.** As defined in KRS Chapter 212.

**BULK CONTAINERS.** Solid waste containers one cubic yard or larger which are made of metal or other materials of proven durability and rigidity with functioning doors or covers; are capable of being transported intact as a unit; are capable of unloading by

mechanical equipment without spillage, and meet tip-resistant requirements when empty and with the doors or covers in the most adverse position to effect tipping.

**BULK WOODY WASTE.** Tree limbs, branches, trunks, stumps, shrubbery and brush accumulated by tree trimming services; by land clearing or commercial landscaping operations; or by public agencies as a result of storm damage or special collections.

**CABINET.** The Kentucky Natural Resources and Environmental Protection Cabinet or any such successor agency.

**CENTRAL BUSINESS DISTRICT.** All streets included within that section of the County bounded on the north by the Ohio River, on the east by the east line of Hancock Street, on the south by the south line of Broadway, and on the west by the west line of Fifteenth Street.

**COLLECTION.** The act of collecting solid wastes at the place of generation by a licensed waste hauler (public or private) and is distinguished from REMOVAL.

**COMMERCIAL SOLID WASTE.** All types of solid waste generated by stores, offices, restaurants, apartments, hotels, motels, warehouses and other service and non-manufacturing activities, excluding household and industrial solid waste.

**COMPOSTING FACILITIES.** Any site or facility where organic solid waste is biologically decomposed under controlled aerobic conditions that stabilize the organic fraction into a material which can easily and safely be stored, handled, and used in an environmentally acceptable manner. This does not include compost bins used on residential property for composting of yard waste generated at the residence.

CONSTRUCTION and DEMOLITION WASTE. The remains of the construction, remodeling, repairs and demolition operations on houses, commercial buildings, pavements and other structures.

CONSTRUCTION/DEMOLITION DEBRIS WASTE. Waste resulting from the construction, remodeling, repair and demolition of structures and roads.

CONSTRUCTION/DEMOLITION DEBRIS FACILITY. A solid waste site or facility for the processing by grinding, crushing, sorting, separating and recovering of construction/demolition debris for reuse or recycling.

COUNCIL. The legislative council of Metro Government.

COUNTY. Jefferson County, Kentucky.

DEPARTMENT. The Metro Solid Waste Management Department.

DEPARTMENT OF HEALTH. The Louisville/Jefferson County Metro Department of Health or any successor agency.

DIRECTOR OF HEALTH. The Director of the Louisville/Jefferson County Metro Department of Health or an authorized representative.

DIRECTOR. The Director of the Metro Solid Waste Management Department and the Louisville/Jefferson County Waste Management District, or an authorized representative.

DISCARDED. Material that is abandoned and not used for fuel or recycling purposes.

DISPOSAL. The discharge, deposit, dumping, or placing of any solid waste into or onto any solid waste management facility or incinerator.

**DUMPING.** Violations of this chapter involving improper disposal of waste in an amount greater than the capacity of a standard 20-gallon container.

**GENERAL SERVICES DISTRICT.** The area of the County, which lies outside the boundaries of the Urban Services District.

**GROSS RECEIPTS.** The total amount of money or value or other consideration received or generated by engaging in the business or businesses defined in this Ordinance before any deductions related to the cost of doing business.

**HAZARDOUS WASTE.** Any discarded material or material intended to be discarded or substance or combination of such substances intended to be discarded, in any form which because of its quantity, concentration or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

**HOUSEHOLD SOLID WASTE.** That waste usually associated with residential households including garbage and trash generated by single and multiple family residences, hotels, motels, bunkhouses, ranger stations, crew quarters, and recreational areas such as picnic areas, parks and campgrounds.

**INDUSTRIAL SOLID WASTE.** Solid waste generated by manufacturing or industrial processes that is not a hazardous waste or a special waste as designated by KRS 224.50-760, including, but not limited to, waste resulting from the following manufacturing processes: electric power generation, fertilizer or agricultural chemicals, food and related products or by-products, inorganic chemicals, iron and steel

manufacturing, leather and leather products, nonferrous metals manufacturing/foundries, organic chemicals, plastics and resins manufacturing, pulp and paper industry products, rubber and miscellaneous plastic products, stone, glass, clay and concrete products, textile manufacturing, transportation equipment, and water treatment.

IPL. The Louisville/Jefferson County Metro Government Department of Inspections, Permits and Licenses.

LANDFILL. A solid waste management facility, the primary purpose of which is the disposal of solid waste via incorporation into or onto the ground.

LITTERING. Violations of this chapter involving improper disposal of waste in an amount less than or equal to the capacity of a standard 20-gallon container.

LONG-TERM CONTRACT. A contract of sufficient duration to assure the viability of a resource recovery facility to the extent that such viability depends upon solid waste supply.

LOUISVILLE/JEFFERSON COUNTY WASTE MANAGEMENT DISTRICT BOARD ("Board"). The governing body of the Louisville/Jefferson County Waste Management District.

MEDICAL WASTE. Those wastes which may cause disease or reasonably be suspected of harboring pathogenic organisms; included are wastes resulting from the operation of medical clinics, hospitals, and other facilities producing wastes which may consist of, but are not limited to, diseased human and animal parts, contaminated bandages, pathological specimens, hypodermic needles, contaminated clothing and surgical gloves.

**METRO GOVERNMENT.** The Louisville/Jefferson County Metro Government.

**MULTI-FAMILY RESIDENTIAL PROPERTY.** Residential buildings with nine or more dwelling units.

**MUNICIPAL SOLID WASTE.** Household solid waste and commercial solid waste.

**NUISANCE.** A thing, act, occupation or use of property which causes an annoyance, hazard or injury, or the unlawful obstruction of a street, road, alley or other public or private property, including, but not limited to, permitting or causing the presence, or accumulation of waste, rubbish, junk, trash or non-operable appliances or equipment.

**OCCUPANT.** Every owner, tenant, or person having the care or control of any premises within the County.

**OFF-SITE WASTE MANAGEMENT FACILITY.** Any site or facility whose principal purpose is the treatment, storage or disposal of solid waste, or a combination of these activities but shall not include those treatment, storage or disposal activities which occur incidental to or which are not otherwise distinguishable from a broader manufacturing operation at the site of the operation.

**ORDINARY COMMERCIAL SOLID WASTE.** The general and usual waste that accumulates in or on the land appurtenant to any retail or commercial enterprise.

**PERSON.** Any and all persons, natural or artificial, including any individual, firm, or association, any municipal or quasi-municipal corporation or private corporation, any county and any other governmental agency and political subdivision of the Commonwealth or any subdivision or instrumentality of the United States of America.

**PROCESSING.** The reduction, separation, resource recovery, conversion, or recycling of solid waste.

**PUTRESCIBLE WASTE.** Solid waste containing organic matter capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisances because of odors, gases, or other offensive conditions and includes but is not limited to materials such as food waste, offal and dead animals.

**RECYCLING.** Any process by which materials which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products, including refuse-derived fuel when processed in accordance with administrative regulations established by the Kentucky Natural Resources and Environmental Protection Cabinet, but does not include the incineration or combustion of materials for the recovery of energy.

**RECYCLING FACILITY.** Any facility at which materials which would otherwise become solid waste are collected, separated or processed and reused or returned to use in the form of raw materials or products, including refuse-derived fuel when processed in accordance with administrative regulations established by the Natural Resources Environmental Protection Cabinet, but does not include the incineration or combustion of materials for recovery of energy.

**REMOVAL.** The act of taking solid waste from the place of generation either by contract through a licensed waste hauler or by a person in control of the premises.

**RESOURCE RECOVERY.** Any reclamation of material or energy from waste.

SLUDGE. The accumulated semi-liquid suspension of settled solids deposited from wastewaters or other fluids in tanks or basins. It does not include solids or dissolved material in domestic sewage or other significant pollutants in water resources.

SOLID WASTE. Any garbage, refuse, sludge and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, agricultural operations and from community activities, but does not include those materials including sand, soil, rock, or gravel extracted as part of a public road project.

SOLID WASTE MANAGEMENT or WASTE MANAGEMENT. The administration and/or regulation of solid waste activities; collection, source separation, storage, transportation, transfer, processing, treatment and disposal, which shall be in accordance with a cabinet approved county solid waste management plan.

SOLID WASTE MANAGEMENT AREA or AREA. Any county designated by the cabinet by approval of the local or regional waste management plan.

SOLID WASTE MANAGEMENT FACILITY. Any facility for the collection, storage, processing, treatment, or disposal of solid waste, excluding:

(1) A container located on property where solid waste is generated and which is used solely for the purpose of collection and temporary storage of that solid waste prior to off-site disposal;

(2) A solid waste management facility which collects, stores, processes, treats or disposes of wastes located on the property where such waste is generated;

(3) A recovered material processing facility which is subject to regulation pursuant to the chapter for control of environmental impacts and to prevent any public nuisance; and

(4) A recycling facility.

**SOLID WASTE TRANSFER STATION.** Any site or facility for transferring solid waste at a point intermediate between the point of collection and the point of ultimate disposal. Such facilities may include but are not limited to, direct dump stations, where the collection vehicle dumps directly into the long haul unit or into a compacting device; storage-type stations, where the solid waste is dumped into temporary storage or on a platform and then re-handled or removed to a transfer vehicle; and any other intermediate points including water-side or rail-side facilities. Any transportation related facility including loading docks, parking areas, and other similar areas where shipments of solid waste are held or transferred during the normal course of transportation.

**TRANSFER FACILITY.** Any transportation related facility including loading docks, parking areas, and other similar areas where shipments of solid waste are held or transferred during the normal course of transportation.

**SOLID WASTE TRANSPORTATION VEHICLE.** Any truck, automobile, tractor, or other self-propelled vehicle not operated or driven on fixed rails or track used in the transportation of solid waste, but does not include a vehicle used to transport solid waste from a residence if the vehicle is owned or leased by an individual who lives in the residence, and does not include a vehicle used to transport solid waste within the boundaries of real property owned or leased by the generator of the solid waste.

**UNIVERSAL COLLECTION.** A municipal solid waste collection system established by ordinance and approved by the Kentucky Natural Resources and Environmental Protection Cabinet that requires access for each household or solid waste generator in the County.

**UNPROCESSED, COMPOSTABLE WASTE.** Any herbaceous materials as defined in Solid Waste Regulations 10.1(a) and 10.1(aa); vegetable food scraps; manure; straw; and biosolids, or a mixture thereof that are received at a compost facility and that have not been ground, chipped, or shredded.

**URBAN SERVICES DISTRICT.** That area described in KRS 67C.147 as the area formerly comprising the city of the first class, or as such area may be amended according to state law.

**VARIABLE SERVICE RATE.** A collection service pricing structure that allows customers to choose the frequency of collection and/or the number of containers that may be placed out for collection.

**VECTOR.** An animal or insect that is capable of transmitting a causative organism of disease from infected to non-infected individuals.

**VEHICLE.** Any truck, automobile, tractor, or other self-propelled vehicle not operated or driven on fixed rails or track and used in the transportation of solid waste, but does not include a vehicle used to transport solid waste from a residence if the vehicle is owned or leased by an individual who lives in the residence, and does not include a vehicle used to transport solid waste within the boundaries of real property owned or leased by the generator of the solid waste.

**WASTE DISPOSAL FACILITY.** Any type of waste site or facility where the final disposition of any amount of municipal solid waste occurs, whether or not mixed with or including other waste allowed under subtitle D of the Federal Resource Conservation and Recovery Act of 1976, as amended and includes, but is not limited to, incinerators and waste-to-energy facilities that burn municipal solid waste, and contained in residential landfills. A waste disposal facility does not include a facility which is operated exclusively by a solid waste generator on property owned by the solid waste generator which accepts only industrial solid waste from the solid waste generator or industrial solid waste generated at another facility owned and operated by the generator or wholly-owned subsidiary, or a medical waste incinerator which is owned, operated and located on the property of a hospital or university which is regulated by the Natural Resources and Environmental Protection Cabinet and used for the purpose of treatment, prior to landfill, of medical waste received from the generator exclusively or in combination with medical waste generated by professionals or facilities licensed or regulated or operated by the Commonwealth.

**WASTE HAULER.** Any person, corporation, municipal corporation, or any other entity engaged in the business of, or offering services for, the hauling, collection or transfer of solid waste within the geographic boundaries of the County.

**WASTE MANAGEMENT DISTRICT or DISTRICT.** The county-wide district created by the provisions of this Chapter enacted under the provisions of KRS 109.041(13), KRS 109.115 and KRS 67.083(3) and operating in conformance with KRS Chapter 109 and Section 4006 of the Resource Conservation and Recovery Act of 1976 as amended (P.L. 94-580).

YARD WASTE. Leaves, grass and any other herbaceous or woody materials generated at residential occupancies; those ground, chipped, or shredded materials of herbaceous or woody nature accumulated in bulk by in-house commercial or institutional grounds maintenance crews or by contractors engaged in the business of residential or commercial grounds maintenance, tree trimming, leaf clearing, etc.; and any other accumulations of herbaceous materials, including Christmas trees.

## **WASTE MANAGEMENT DISTRICT**

### **§ 51.100. CREATION OF DISTRICT.**

(A) There is a Waste Management District, which was created pursuant to KRS 109.041(13), KRS 109.115 and KRS 67.083(3), which includes in its jurisdiction all territory within the borders of the County and shall be called "Louisville/Jefferson County Metro Government Waste Management District."

(B) The Waste Management District shall be a continuing public entity and exist until such time as dissolved or terminated by duly enacted Ordinance of the Council.

(C) The fiscal year of the district shall begin on July 1 of each year and end on June 30 next following.

### **§ 51.101. BOARD OF DIRECTORS.**

(A) The business, activities and affairs of the Waste Management District shall be managed, controlled and conducted by a Board composed of five directors appointed by the Mayor. One director shall be a resident of and representative of the area covered by each of the three Fiscal Court Commissioner districts. The fourth director shall be a resident of and represent the Urban Services District. The fifth

director shall be an at-large resident of the County and shall serve as chairman of the Board. One of the members may be a resident of a rural area of the County.

(B) Except for the initial appointment to the Board, each director shall serve a two-year term and until his or her successor is appointed and qualified; the initial Board shall consist of three directors appointed for one year and two directors appointed for a full term. Thereafter, Board appointments shall be for full terms. A Director is eligible to succeed himself. Should a duly appointed director die, resign, be removed or refuse to act (fail to attend three successive regular meetings of the Board), appointment shall be only for the un-expired term.

(C) A director may be removed by the Mayor pursuant to KRS 65.007.

**§ 51.102. MEETINGS OF BOARD; QUORUM.**

(A) Regular meetings of the Board may be bi-monthly or as deemed necessary by the Board, but the Board shall meet no less than once per quarter. The Board shall fix the time and place of regular meetings. Special meetings may be called in accordance with Board rules.

(B) Three members of the Board shall constitute a quorum, and the affirmative vote of at least three members of the Board shall be necessary for the adoption of any motion, measure or resolution.

**§ 51.103. OPERATION OF BOARD; ADOPTION OF BYLAWS.**

(A) The Board shall adopt such bylaws and other rules, as it deems necessary for its organization, proceedings and staffing consistent with the laws, ordinances and resolutions of the Commonwealth of Kentucky and Metro Government.

(B) The Board shall operate under a budget and uniform accounting system as required by law, including the filing and publishing of annual statements.

**§ 51.104. COMMITTEES.**

(A) The board shall create at least one standing committee for the purpose of securing regular input on solid waste management issues. In creation of this committee, the board shall attempt to ensure representation from at least the following groups: governmental agencies concerned with solid waste regulation; incorporated cities within the County; the local solid waste collection/disposal industry; citizens at large, including representatives of environmental groups.

(B) The Board may create additional committees for such purposes and needs as may arise in the performance of the Board's duties.

**§ 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 Chapters 68.178 and 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 ordinance.

(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.

**§ 51.106. DISTRICT AS SOLID WASTE MANAGEMENT AREA.**

The Louisville/Jefferson County Metro Government Waste Management District succeeds to the county's and Jefferson County Waste Management District's designation by the Cabinet as the solid waste management area within and for the geographical boundaries of the County. The district is charged with the responsibility for submitting, amending and/or updating on behalf of Metro Government the 1987 Cabinet-approved solid waste management plan and any and all subsequent plans.

**§ 51.107. WASTE MANAGEMENT DISTRICT; AUTHORITY AND RESPONSIBILITY.**

(A) Enforcement. Authority for supervising and enforcing the provisions of L.M.C.O. Chapter 51 is expressly delegated to the Waste Management District. The Waste Management District may delegate certain responsibilities of this ordinance to the Director of Health, IPL, or other Metro Government agencies or departments.

(B) Duties. It shall be the responsibility of the Waste Management District to:

(1) Supervise the execution of all applicable laws, rules and regulations pertaining to solid waste management.

(2) Investigate all violations and grievances reported.

(3) Issue orders for corrections of violations of this ordinance.

(4) Institute necessary proceedings to prosecute violations of this ordinance.

(5) Establish procedures and to enforce regulations concerning matters pertaining to licensing and fees to be charged therefore, in conformity with regulations of the Kentucky Natural Resources and Environmental Protection Cabinet and any other applicable law or regulation.

(C) The Metro Government shall provide all staff support; including the hiring of an Executive Director of the District, through its officers, assistants, clerics, deputies, and employees. The staff of the Waste Management District, including the Executive Director, shall be deemed Metro Government employees and shall be subject to the control of the Mayor.

(D) The Metro Government shall continue to assume full funding responsibility, administrative responsibility, and fiscal control for the Waste Management District.

**§ 51.108. EXECUTIVE DIRECTOR OF DISTRICT.**

The Executive Director of the Waste Management District:

(A) Directs the staff in drafting and implementing the solid waste management Plan for Metro Government;

(B) Acts as designated Solid Waste Coordinator for Metro Government per KRS 224;

(C) Directs staff in:

(1) Drafting rules and regulations to be enforced for licensing solid waste management facilities, waste haulers and junkyards;

(2) Developing and implementing strategies and programs to promote waste reduction and recycling;

(3) Operates drop-off centers for recyclables and other such programs as necessary for the promotion of waste reduction, recycling and reuse.

(D) Acts as liaison to the Louisville/Jefferson County Waste Management District Board of Directors.

**OFF-SITE WASTE MANAGEMENT FACILITIES**

**§ 51.200. LICENSING.**

(A) All persons involved in the business of operating an off-site waste management facility within the County shall be licensed with the District pursuant to regulations duly adopted by the Board of Directors.

(B) The off-site waste management facility license shall consist, in part, of the filing of a quarterly annual report with the District pursuant to regulations duly adopted by the Board of Directors.

(C) Types of Facilities:

(1) Off-site waste management facilities shall be classified and licensed in one or more of the following categories:

- (a) Landfill;
- (b) Solid Waste Management Facility other than a landfill;
- (c) Waste Disposal Facility other than a landfill;
- (d) Recycling Facility; or
- (e) Composting Facility.

(2) The Department shall make available a form listing the information required in this regulation to any person wishing to apply for a license to operate an off-site waste management facility. These forms may be obtained, inspected or copied at the Department.

**§ 51.201. FEE SCHEDULE.**

(A) Pursuant to the authority granted by KRS 68.178(1) and in conformity with the home rule power granted to Metro Government, there is hereby imposed an annual license fee for the operation of a recycling facility, solid waste management facility, landfill [or] waste disposal facility, or other waste management business.

(B) The fees for these specific licenses are as follows:

<b><i>Type of Facility</i></b>	<b><i>License Fee</i></b>
Landfill	5% per annum of the facility's gross receipts
Waste Disposal Facilities, other than a landfill or recycling facility	2% per annum of the facility's gross receipts
Solid Waste Management Facilities	2% per annum of the facility's gross receipts

Recycling and Composting Facilities	\$100 application fee and \$100 annual renewal fee
Waste Haulers	\$100 a year plus \$10 per truck

(C) No license fees may be collected from the Metro Government solid waste collection trucks hauling solid waste to a landfill or transfer station and the license fees provided for in this Section shall not be collected from a landfill or transfer station on solid waste brought into a landfill or transfer station by Metro Government trucks.

**§ 51.202. COLLECTION OF FEES; REGULATORY AUTHORITY.**

(A) The Board, is hereby designated the agent of Metro Government to issue licenses and collect and manage the license fees prescribed by § 51.201.

(B) The Board shall establish regulations providing the implementation of this subchapter, the issuance of licenses, collection of the license fees imposed herein, and the assessment of interest at the legal rate, and penalties not to exceed \$1,000 or the statutory maximum, whichever is greater, per day, for any failure to pay the fees imposed.

(C) Departmental Action:

(1) The Department shall within forty-five (45) days of receipt of an application:

(a) Approve the application to operate an off-site solid waste management facility;

(b) Disapprove the application; or

(c) Request additional information from the applicant.

(2) The Department shall not issue a license to any applicant who has not filed a fully completed application form.

(D) The Department shall collect the licensing fees prescribed by L.M.C.O. §51.201 and deposit all funds received into the Metro Government's general fund which funds shall be credited to the Louisville/Jefferson County Solid Waste Management District. Money unexpended at the close of the fiscal year shall not lapse, but shall be carried forward for future use.

**§ 51.203. TIME OF PAYMENT.**

(A) Receipt-based fees imposed by this Chapter shall be paid quarterly on January 30th, April 30th, July 31st, and October 31st for the gross receipts received during the preceding quarter and shall be reported on a form provided by the Board.

(B) Annual renewal fees imposed by this subchapter shall be due and payable on or before July 31 of each year.

**LICENSE APPLICATIONS, FEES AND REPORTS**

**§ 51.204. LANDFILL.**

(A) Landfill License Application:

(1) An applicant for a license to operate a landfill shall apply to the Department, at its designated address.

(2) The following information shall be provided in or with the application:

- (a) Name in which license is sought;
- (b) Business address, including street address, and zip code;
- (c) Telephone number;

(d) Name of a natural person who is either the applicant, or an officer of the applicant, position of this person, either the Social Security number or a complete set of fingerprints of this person and home address of this person;

(e) The location(s) of the facility sought to be licensed;

(f) The type of permit issued by the Cabinet for the facility sought to be licensed, the Kentucky Division of Waste Management permit number and the date said permit was issued or renewed;

(g) A statement that the applicant does now have, or is in the process of obtaining, comprehensive general liability insurance, for all locations of said facility;

(h) A statement of whether the applicant or any corporate officer or principal stockholder thereof has ever been convicted of a felony; and

(i) If the applicant is a Kentucky corporation, a copy of the corporation's certificate of good standing from the Kentucky Secretary of State, or if a foreign corporation, a certificate to do business in Kentucky from the Kentucky Secretary of State, shall be submitted with the application. These certificates shall not be more than thirty (30) days old at the time the application is submitted. All corporations, whether foreign or domestic, shall submit a list of persons who own ten (10%) percent or more of the corporation's outstanding stock.

(j) If the applicant is doing business under an assumed name, it shall provide proof with the application that the assumed name has been registered with the appropriate county clerk's office.

(k) If the application is for a new facility, applicant shall provide a description of the owner/operator's prior experience in the ownership and operation of a landfill(s), wherever situated. The description shall include a record of compliance with federal, state and local laws and regulations applicable to the operation of a landfill and, with respect to the owner/operator, such description shall disclose:

(i) Any administrative, criminal, civil action pending against it, him or her, alleging a violation of any federal, state or local law or regulation concerning a landfill, the protection of public health and safety or the environment;

(ii) For the five (5) year period immediately preceding the date of filing of the application, whether the owner/operator has been convicted of a crime, entered a plea of guilty, a plea of *nolo contendere* or such other plea of no contest to a felony or misdemeanor charge, been held liable in a civil or administrative action, or agreed to the payment of any civil penalties or monies as a part of the final disposition of any civil, administrative or criminal proceeding involving the violation of any federal, state or local law or regulation applicable to the management of a landfill and the protection of public health and safety or the environment.

(3) The official signing on behalf of the applicant shall:

(a) Be sworn;

(b) State that he has the authority to represent the applicant;

(c) State that the information is true and correct to the best of his knowledge and belief; and

(d) Have his signature and oath notarized.

(B) Landfill License Fee:

(1) The license fee for operating a landfill shall be up to five (5%) percent per annum of the facility's gross receipts.

(2) The licensing fee shall be determined by multiplying the gross receipts of the facility in each quarter of the year by up to five (5%) percent.

(3) The landfill licensing fee shall be paid quarterly and shall be due on April 30, July 31, October 31 and January 31 for the preceding quarter. The fee shall be paid to the Department, at its designated address.

(C) Required Reporting:

(1) The licensee shall file a quarter-annual report with the Department which shall accompany payment of the licensing fee and which shall be on a form supplied by the Department, which shall include the following information:

(a) The name, business address and federal tax identification number of the business;

(b) The business's tax year; e.g., fiscal year or calendar year;

(c) The address and type of facility for which the report is made;

(d) The gross receipts of the facility for the preceding quarter of the year;

(e) Copy of the Quarterly Landfill Waste Quantity Report (DEP 7046) that is filed with the Kentucky Division of Waste Management;

(f) Tons of materials (if any) recycled at the facility for the reporting period;

(g) Copies of any Kentucky Division of Waste Management Notice of Violation for Non-Compliance for said facility received during the reporting period.

(2) Annually, on April 30, or on the quarterly licensing fee due date closest to the due date of the business's annual federal income tax return, the licensee shall file with the Department, a copy of the form, schedule or other page of its federal tax return showing the gross receipts of the business reported to the federal government for the preceding year.

(3) The quarter-annual reports shall be signed by an official of the licensee who has the authority to represent the licensee and who shall attest, under penalties of perjury, that the information contained in the report is true, correct and complete to the best of the official's knowledge and belief.

**§ 51.205. OFF-SITE SOLID WASTE MANAGEMENT FACILITY OTHER THAN A LANDFILL.**

(A) Off-Site Solid Waste Management Facility Other Than A Landfill License Application:

(1) An applicant for a license to operate an off-site solid waste management facility, other than a landfill, shall apply to the Department, at its designated address.

(2) The following information shall be provided in or with the application:

- (a) Name in which license is sought;
- (b) Business address, including street address, and zip code;

- (c) Telephone number;
- (d) Name of a natural person who is either the applicant, or an officer of the applicant, position of this person, either the Social Security number or a complete set of fingerprints of this person and home address of this person;
- (e) The location(s) of the facility sought to be licensed;
- (f) The type of permit issued by the Cabinet for the facility sought to be licensed, the Kentucky Division of Waste Management permit number and the date said permit was issued or renewed;
- (g) A statement that the applicant does now have, or is in the process of obtaining, comprehensive general liability insurance, for all locations of said facility;
- (h) A statement of whether the applicant or any corporate officer or principal stockholder thereof has ever been convicted of a felony; and
- (i) If the applicant is a Kentucky corporation, a copy of the corporation's certificate of good standing from the Kentucky Secretary of State, or if a foreign corporation, a certificate to do business in Kentucky from the Kentucky Secretary of State, shall be submitted with the application. These certificates shall not be more than thirty (30) days old at the time the application is submitted. All corporations, whether foreign or domestic, shall submit a list of persons who own ten (10%) percent or more of the corporation's outstanding stock.
- (j) If the applicant is doing business under an assumed name, it shall provide proof with the application that the assumed name has been registered with the appropriate county clerk's office.

(k) If the application is for a new facility, applicant shall provide a description of the owner/operator's prior experience in the ownership and operation of an off-site solid waste management facility other than a landfill, wherever situated. The description shall include a record of compliance with federal, state and local laws and regulations applicable to the operation of an off-site solid waste management facility, other than a landfill and, with respect to the owner/operator, such description shall disclose:

(i) Any administrative, criminal, civil action pending against it, him or her, alleging a violation of any federal, state or local law or regulation concerning an off-site solid waste management facility, other than a landfill, the protection of public health and safety or the environment;

(ii) For the five (5) year period immediately preceding the date of filing of the application, whether the owner/operator has been convicted of a crime, entered a plea of guilty, a plea of *nolo contendere* or such other plea of no contest to a felony or misdemeanor charge, been held liable in a civil or administrative action, or agreed to the payment of any civil penalties or monies as a part of the final disposition of any civil, administrative or criminal proceeding involving the violation of any federal, state or local law or regulation applicable to the management of an off-site solid waste management facility other than a landfill and the protection of public health and safety or the environment.

(3) The official signing on behalf of the applicant shall:

(a) Be sworn;

(b) State that he has the authority to represent the applicant;

(c) State that the information is true and correct to the best of his knowledge and belief;

(d) Have his signature and oath notarized.

(B) Off-Site Solid Waste Management Facility Other Than A Landfill License Fee:

(1) The license fee for operating an off-site solid waste management facility other than a landfill shall be two (2%) percent per annum of gross receipts.

(2) The licensing fee shall be determined by multiplying the gross receipts of the facility in each quarter of the year by two (2%) percent.

(3) The licensing fee for an off-site solid waste management facility other than a landfill, shall be paid quarterly and shall be due on April 30, July 31, October 31 and January 31 for the preceding quarter. The fee shall be paid to the Department, at it's designated address.

(C) Required Reporting:

(1) The licensee shall file a quarter-annual report with the Department which shall accompany payment of the licensing fee and which shall be on a form supplied by the Department that shall include the following information:

(a) The name, business address and federal tax identification number of the business:

(b) The business's tax year; e.g., fiscal year or calendar year;

(c) The address and type of facility for which the report is made;

(d) The gross receipts of the facility for the preceding quarter of the year;

(e) Copy of the Quarterly Transfer Station/Convenience Center Waste Quantity Report (DEP 7076) that is filed with the Kentucky Division of Waste Management;

(f) Copies of any Kentucky Division of Waste Management Notice of Violation for Non-Compliance for said facility received during the reporting period.

(2) Annually, on April 30, or on the quarterly licensing fee due date closest to the due date of the business's annual federal income tax return, the licensee shall file with the Department, a copy of the form, schedule or other page of its federal tax return showing the gross receipts of the business reported to the federal government for the preceding year.

(3) The quarter-annual reports shall be signed by an official of the licensee who has the authority to represent the licensee and who shall attest, under penalties of perjury, that the information contained in the report is true, correct and complete to the best of the official's knowledge and belief.

**§ 51.206. RECYCLING FACILITY.**

(A) Recycling Facility License Application:

(1) An applicant for a license to operate a recycling facility shall apply to the Department, at its designated address.

(2) The following information shall be provided in or with the application:

(a) Name in which license is sought;

(b) Business address, including street address, and zip code;

- (c) Telephone number;
- (d) Name of a natural person who is either the applicant, or an officer of the applicant, position of this person, either the Social Security number or a complete set of fingerprints of this person and home address of this person;
- (e) The location(s) of the facility sought to be licensed;
- (f) The type of permit issued by the Cabinet for the facility sought to be licensed, the Kentucky Division of Waste Management permit number and the date said permit was issued or renewed;
- (g) A statement that the applicant does now have, or is in the process of obtaining, comprehensive general liability insurance, for all locations of said facility;
- (h) A statement of whether the applicant or any corporate officer or principal stockholder thereof has ever been convicted of a felony; and
- (i) If the applicant is a Kentucky corporation, a copy of the corporation's certificate of good standing from the Kentucky Secretary of State, or if a foreign corporation, a certificate to do business in Kentucky from the Kentucky Secretary of State, shall be submitted with the application. These certificates shall not be more than thirty (30) days old at the time the application is submitted. All corporations, whether foreign or domestic, shall submit a list of persons who own ten (10%) percent or more of the corporation's outstanding stock.
- (j) If the applicant is doing business under an assumed name, it shall provide proof with the application that the assumed name has been registered with the appropriate county clerk's office.

(k) If the application is for a new facility, applicant shall provide a description of the owner/operator's prior experience in the ownership and operation of a recycling facility, wherever situated. The description shall include a record of compliance with federal, state and local laws and regulations applicable to the operation of a recycling facility and, with respect to the owner/operator, such description shall disclose:

(i) Any administrative, criminal, civil action pending against it, him or her, alleging a violation of any federal, state or local law or regulation concerning a recycling facility, the protection of public health and safety or the environment;

(ii) For the five (5) year period immediately preceding the date of filing of the application, whether the owner/operator has been convicted of a crime, entered a plea of guilty, a plea of *nolo contendere* or such other plea of no contest to a felony or misdemeanor charge, been held liable in a civil or administrative action, or agreed to the payment of any civil penalties or monies as a part of the final disposition of any civil, administrative or criminal proceeding involving the violation of any federal, state or local law or regulation applicable to the management of a recycling facility and the protection of public health and safety or the environment.

(3) The official signing on behalf of the applicant shall:

- (a) Be sworn;
- (b) State that he has the authority to represent the applicant;
- (c) State that the information is true and correct to the best of his knowledge and belief; and

(d) Have his signature and oath notarized.

(B) Recycling Facility License Fee. The license fee for operating a recycling facility shall be \$ 100 per year. The annual renewal fee shall be due and payable on or before July 31 of each year.

(C) Required Reporting:

(1) The licensee shall file a quarter-annual report with the Department, which shall be on a form supplied by the Department that shall include the following information:

(a) The name, business address and federal tax identification number of the business;

(b) The address and type of facility for which the report is made;

(c) Copy of the Quarterly Registered Permit-by-Rule Recycling Waste Quantity Report (DEP 7081) that is filed with the Kentucky Division of Waste Management;

(d) Copies of any Kentucky Division of Waste Management Notice of Violation for Non-Compliance for said facility received during the reporting period.

(2) The quarter-annual reports shall be signed by an official of the licensee who has the authority to represent the licensee and who shall attest, under penalties of perjury, that the information contained in the report is true, correct and complete to the best of the official's knowledge and belief.

#### **§ 51.207. COMPOSTING FACILITY.**

(A) Composting Facility License Application:

(1) An applicant for a license to operate a composting facility shall apply to the Department, at its designated address.

(2) The following information shall be provided in or with the application:

- (a) Name in which license is sought;
- (b) Business address, including street address, and zip code;
- (c) Telephone number;
- (d) Name of a natural person who is either the applicant, or an officer of the applicant, position of this person, either the Social Security number or a complete set of fingerprints of this person and home address of this person;
- (e) The location(s) of the facility sought to be licensed;
- (f) The type of permit issued by the Cabinet for the facility sought to be licensed, the Kentucky Division of Waste Management permit number and the date said permit was issued or renewed;
- (g) A statement that the applicant does now have, or is in the process of obtaining, comprehensive general liability insurance, for all locations of said facility;
- (h) A statement of whether the applicant or any corporate officer or principal stockholder thereof has ever been convicted of a felony; and
- (i) If the applicant is a Kentucky corporation, a copy of the corporation's certificate of good standing from the Kentucky Secretary of State, or if a foreign corporation, a certificate to do business in Kentucky from the Kentucky Secretary of State, shall be submitted with the application. These certificates shall not

be more than thirty (30) days old at the time the application is submitted. All corporations, whether foreign or domestic, shall submit a list of persons who own ten (10%) percent or more of the corporation's outstanding stock.

(j) If the applicant is doing business under an assumed name, it shall provide proof with the application that the assumed name has been registered with the appropriate county clerk's office.

(k) If the application is for a new facility, applicant shall provide a description of the owner/operator's prior experience in the ownership and operation of a composting facility, wherever situated. The description shall include a record of compliance with federal, state and local laws and regulations applicable to the operation of a composting facility and, with respect to the owner/operator, such description shall disclose:

(i) Any administrative, criminal, civil action pending against it, him or her, alleging a violation of any federal, state or local law or regulation concerning a composting facility, the protection of public health and safety or the environment;

(ii) For the five (5) year period immediately preceding the date of filing of the application, whether the owner/operator has been convicted of a crime, entered a plea of guilty, a plea of *nolo contendere* or such other plea of no contest to a felony or misdemeanor charge, been held liable in a civil or administrative action, or agreed to the payment of any civil penalties or monies as a part of the final disposition of any civil, administrative or criminal proceeding involving the violation of

any federal, state or local law or regulation applicable to the management of a composting facility and the protection of public health and safety or the environment.

(3) The official signing on behalf of the applicant shall:

(a) Be sworn;

(b) State that he has the authority to represent the applicant;

(c) State that the information is true and correct to the best of his knowledge and belief; and

(d) Have his signature and oath notarized.

(D) Composting Facility License Fee: The license fee for operating a composting facility shall be \$100 per year. The annual renewal fee shall be due and payable on or before July 31 of each year.

(E) Required Reporting:

(1) The licensee shall file a quarter-annual report with the Department which shall be on a form supplied by the Department which shall include the following information:

(a) The name, business address and federal tax identification number of the business;

(b) The address and type of facility for which the report is made;

(c) Copy of any reports presently required to be submitted to the Kentucky Division of Waste Management for composting facilities and any report forms that may be developed;

(d) Copies of any Kentucky Division of Waste Management Notice of Violation for Non-Compliance for said facility received during the reporting period.

(2) The quarter-annual reports shall be signed by an official of the licensee who has the authority to represent the licensee and who shall attest, under penalties of perjury, that the information contained in the report is true, correct and complete to the best of the official's knowledge and belief.

**§ 51.208. WASTE DISPOSAL FACILITY OTHER THAN A LANDFILL.**

(A) Waste Disposal Facility Other Than A Landfill License Application:

(1) An applicant for a license to operate a waste disposal facility other than a landfill shall apply to the Department, at its designated address.

(2) The following information shall be provided in or with the application:

(a) Name in which license is sought;

(b) Business address, including street address, and zip code;

(c) Telephone number;

(d) Name of a natural person who is either the applicant, or an officer of the applicant, position of this person, either the Social Security number or a complete set of fingerprints of this person and home address of this person;

(e) The location(s) of the facility sought to be licensed;

(f) The type of permit issued by the Cabinet for the facility sought to be licensed, the Kentucky Division of Waste Management permit number and the date said permit was issued or renewed;

(g) A statement that the applicant does now have, or is in the process of obtaining, comprehensive general liability insurance, for all locations of said facility;

(h) A statement of whether the applicant or any corporate officer or principal stockholder thereof has ever been convicted of a felony; and

(i) If the applicant is a Kentucky corporation, a copy of the corporation's certificate of good standing from the Kentucky Secretary of State, or if a foreign corporation, a certificate to do business in Kentucky from the Kentucky Secretary of State, shall be submitted with the application. These certificates shall not be more than thirty (30) days old at the time the application is submitted. All corporations, whether foreign or domestic, shall submit a list of persons who own ten (10%) percent or more of the corporation's outstanding stock.

(j) If the applicant is doing business under an assumed name, it shall provide proof with the application that the assumed name has been registered with the appropriate county clerk's office.

(k) If the application is for a new facility, applicant shall provide a description of the owner/operator's prior experience in the ownership and operation of a waste disposal facility other than a landfill, wherever situated. The description shall include a record of compliance with federal, state and local laws and regulations applicable to the operation of a waste disposal facility other than a landfill and, with respect to the owner/operator, such description shall disclose:

(i) Any administrative, criminal, civil action pending against it, him or her, alleging a violation of any federal, state or local law or regulation

concerning a waste disposal facility, other than a landfill, the protection of public health and safety or the environment;

(ii) For the five (5) year period immediately preceding the date of filing of the application, whether the owner/operator has been convicted of a crime, entered a plea of guilty, a plea of *nolo contendere* or such other plea of no contest to a felony or misdemeanor charge, been held liable in a civil or administrative action, or agreed to the payment of any civil penalties or monies as a part of the final disposition of any civil, administrative or criminal proceeding involving the violation of any federal, state or local law or regulation applicable to the management of a waste disposal facility other than a landfill and the protection of public health and safety or the environment.

(3) The official signing on behalf of the applicant shall:

(a) Be sworn;

(b) State that he has the authority to represent the applicant;

(c) State that the information is true and correct to the best of his knowledge and belief; and

(d) Have his signature and oath notarized.

(B) Waste Disposal Facility Other Than A Landfill License Fee:

(1) The license fee for operating a waste disposal facility other than a landfill shall be two (2%) percent per annum of gross receipts.

(2) The licensing fee shall be determined by multiplying the gross receipts of the facility in each quarter of the year by two (2%) percent.

(3) The licensing fee for off-site solid waste management facility other than a landfill shall be paid quarterly and shall be due on April 30, July 31, October 31 and January 31 for the preceding quarter. The fee shall be paid to the Department, at its designated address.

(C) Required Reporting:

(1) The licensee shall file a quarter-annual report with the Department which shall accompany payment of the licensing fee and which shall be on a form supplied by the Department, which shall include the following information:

(a) The name, business address and federal tax identification number of the business;

(b) The business's tax year; e.g., fiscal year or calendar year;

(c) The address and type of facility for which the report is made;

(d) The gross receipts of the facility for the preceding quarter of the year;

(e) Copy of the Quarterly Transfer Station/Convenience Center Waste Quantity Report (DEP 7076); Quarterly Solid Waste Incinerator Waste Quantity Report (DEP 7079); or other applicable quarterly report form required to be filed with the Kentucky Division of Waste Management for a particular facility falling under this classification;

(f) Copies of any Kentucky Division of Waste Management Notice of Violation for Non-Compliance for said facility received during the reporting period.

(2) Annually, on April 30, or on the quarterly licensing fee due date closest to the due date of the business's annual federal income tax return, the licensee shall file with the Department, a copy of the form, schedule or other page of its federal tax return showing the gross receipts of the business reported to the federal government for the preceding year.

(3) The quarter-annual reports shall be signed by an official of the licensee who has the authority to represent the licensee and who shall attest, under penalties of perjury, that the information contained in the report is true, correct and complete to the best of the official's knowledge and belief.

## **WASTE HAULERS**

### **§ 51.300. WASTE HAULERS.**

(A) Any public or private waste hauler engaged in the business of hauling waste within the County must register, obtain and maintain a Metro Government Waste Hauler License pursuant to regulations duly adopted by the Board of Directors.

(B) To obtain the Metro Government Waste Hauler License, Waste Haulers must register with the Waste Management District by completing a license application in a form specified by the Waste Management District pursuant to regulations duly adopted by the Board of Directors.

(C) License to Operate:

(1) Any waste hauler engaged in the business of hauling waste or providing waste hauling services within the County must register, obtain and maintain a Metro Government Waste Hauler License ("License").

(2) To obtain the License, waste haulers must register with the District by completing a license application in a form specified by the Department. The application will require, at a minimum:

(a) Name, address and principal place of business of the applicant;

(b) A copy of applicant's state application for a license to operate municipal solid waste transportation vehicles as described in Section 1 of 601 KAR 40:020;

(c) A copy of applicant's current Kentucky Transportation Cabinet Application for Kentucky Solid Waste Transporter Vehicle Identification Card form as required by KRS 174.450 and 601 KAR 40:020.

(3) To obtain and maintain the License, waste haulers operating within the County must offer a basic service package to all residential customers. The basic service must consist of once-a-week curbside collection of household waste; once-a-week seasonal collection of yard waste; and once-a-week curbside collection of recyclables. Other alternative collection service scenarios may be used if approved by the Board. Haulers must provide for the collection of the following recyclable materials at a minimum: newspaper; aluminum and steel cans; clear, green and brown container glass; HDPE and PETE plastic bottles and jugs.

(4) All private waste haulers operating within the County must, as a condition of the License, have a Variable Service Rate pricing structure for their respective residential customers.

(5) All private waste haulers must offer collection of source separated recyclable materials to all commercial and industrial customers.

(6) To obtain and maintain the License, all waste haulers must be in compliance with all state, federal and local laws and regulations pertaining to waste haulers and waste hauling.

(D) License Fee: The license fee for a waste hauler operating in the County shall be \$100 per year and \$10 per waste collection vehicle operated by the licensee. The annual renewal fee shall be due and payable on or before July 31 of each year. The annual renewal fee shall be based on the most current renewal of the Kentucky Municipal Solid Waste Transporter License. A copy of the current Carrier Inventory Listing (with corrections) for municipal solid waste transporters should accompany the annual renewal fee.

(E) Required Reporting:

(1) All waste haulers operating within the County shall file an annual report with the District.

(2) Such reports shall be due on February 15 of each year.

(3) Such reports shall be in conformance with the format and requirements set forth by the Department. The report will provide data to the District on at least the following items:

(a) Number of households and businesses served;

(b) Amounts of solid waste collected by weight;

(c) Geographic area served;

(d) Frequency of service;

- (e) Amounts of recyclables collected by weight;
- (f) Disposal facilities used and amount by weight delivered to each facility;
- (g) Yard waste facilities used and amount by weight delivered to each facility;
- (h) Amount of bulk waste, if collected separately; and
- (i) Recycling facilities used and amount by weight delivered to each facility.

(F) Vehicle Requirements:

(1) Only closed, leak proof and self-unloading packer trucks shall be used for the collection of residential solid waste.

(2) No person shall convey or transport any solid waste upon or along any public way in the County unless such solid waste is contained or covered so as to prevent it from leaking, dropping, falling, blowing or scattering from the vehicle in which it is being conveyed or transported; provided, however, a vehicle engaged in the collection of non-putrescible waste may be uncovered while in the process of acquiring its load where said stops are separated by less than a mile.

(3) All vehicles used for the collection, transportation and disposal of solid waste within the County must be registered with the District in a form provided by the Department.

(4) All vehicles used for the collection, transportation and disposal of solid waste within the County must display their registration on the vehicle in the form and location set by the Department.

(G) Prohibited Activities: No waste hauler may commingle yard waste and solid waste in a collection vehicle, unless using a "single pass" or "co-collection" type of vehicle especially designed and constructed to segregate two different collection streams. If such vehicles are used, the hauler(s) must notify the District in writing.

**§ 51.301. TRANSFER FACILITIES.**

(A) Handling of Municipal Solid Waste: All operations involving the loading, unloading or storage of municipal solid waste as defined in L.M.C.O. Section 51.001 shall take place within an enclosed structure. Such structure shall be enclosed with at least three sides and a roof; be equipped with a dust control system of such a design as to minimize the amount of fugitive dust that can escape the waste processing area and be equipped with a system to control odors emanating from the waste handling process.

(B) Handling of Construction, Demolition Waste/Yard Waste: Operations involving the loading, unloading, processing or storage of construction and demolition waste or yard waste shall take place on a hard surface pad and be located within the fenced, screened area of the facility.

(C) Waste Accumulation: Transfer Facilities shall not leave waste on the tipping floor overnight. No waste shall be accumulated at the facility beyond the daily operational design capacity specified in the Kentucky Division of Waste Management Registered Permit by Rule.

(D) Asbestos-Containing Materials: Transfer Facilities shall not accept asbestos -containing materials unless they have a permit from the Louisville/Jefferson County Air Pollution Board.

(E) Hazardous Materials: Transfer Facilities handling municipal solid waste shall not knowingly accept hazardous materials. Facilities shall have a procedure for visually checking loads for hazardous material. Municipal solid waste may contain incidental amounts of hazardous waste generated from household sources.

(F) Drainage Provisions: All drainage from the waste storage, loading/unloading and yard areas shall be discharged to a municipal sewer or to an on-site wastewater treatment system (other than subsurface disposal) or collection system capable of preventing discharge of contaminants to any stream or waterway.

(G) Screening: Transfer Facilities shall have a fenced and screened perimeter. The screening shall be sufficient to prevent any debris such as leaves, plastic, paper and miscellaneous materials from passing through the screening.

(H) Concurrent Regulations: In addition to these regulations, Transfer Facilities shall be in compliance with all applicable regulations and permit requirements of the Commonwealth of Kentucky and local jurisdictions, including the Louisville Metro zoning Regulations.

**§ 51.301. COMPOST FACILITIES.**

(A) Approvals: Compost facilities shall possess an approved Kentucky Division of Waste Management Registered Permit-by-Rule and any necessary Louisville Metro zoning approvals, including a Conditional Use Permit, if applicable.

(B) Site Access: Compost Facilities shall restrict unauthorized access to the premises including a gate that is kept locked when the facility is not operating. Facilities shall have an attendant on site during all hours the facility is open.

(C) Acceptable Materials: Compost Facilities shall accept only herbaceous material, such as grass, leaves, shrubbery, tree trimmings, yard waste, etc. as defined in L.M.C.O. Section 51.001; vegetable food scraps; manure; biosolids; and straw, or a mixture thereof.

(D) Record-keeping: Compost Facilities shall maintain accurate records of the amount of waste received at the site. Facilities shall maintain records of the amount of finished compost distributed or disposed of from the facility. These records shall be current and available for inspection by District enforcement officers. In addition, the facilities shall provide the District a copy of its Kentucky Division of Waste Management Annual Report for a Solid Waste Compost Facility (form DEP7108).

(E) Non-organic Wastes: Compost Facilities shall transfer any incidental amounts of non-organic wastes contained in incoming loads to an appropriate, permitted waste management or disposal facility. Non-organic wastes shall not be permitted to accumulate on the site loose. Such waste must be contained in a dumpster or similar container.

(F) Stockpiles, Unprocessed Materials: Compost Facilities shall keep unprocessed, compostable waste materials in an orderly manner and separated from all other materials on site. Stockpiles of unprocessed materials shall not exceed fifteen (15) feet in height nor shall they consume an area greater than one third (1/3) of the total area of the facility. Unprocessed, compostable waste materials shall be kept separated from all other materials by eighteen (18) feet wide fire lanes. All incoming materials, except logs, shall be ground and placed into windrows for decomposition

within 30 days of receipt. Maximum storage time for logs on site shall not exceed 120 days.

(G) **Stockpiles, Processed Materials:** Materials that have been ground, chipped or shredded for composting, except wood chip piles, and which are in various stages of decomposition shall be maintained in windrows. Windrows shall be no greater than fifteen (15) feet in height or forty (40) feet in width and shall be separated by eighteen feet wide fire lanes. Wood chip piles shall not exceed forty (40) feet in height and 250 feet in width and length. Maximum storage time for wood chips on site shall not exceed six (6) months.

(H) **Stockpiles, Finished Materials:** Materials that have completed the composting/decomposition process and are awaiting distribution shall be stored in stockpiles not to exceed 400 feet in length and 250 feet in width. Such stockpiles shall not remain on site more than one hundred eighty (180) days. Stockpiles of finished materials shall be kept separated from all other materials by eighteen feet wide fire lanes.

(I) **Water Supply:** Compost Facilities shall have access to a water supply that has been approved by the local fire district or department for fire fighting purposes.

(J) **Fire Lanes:** Fire lanes must be paved or constructed of a material such as cinders, fine gravel or stone sufficient to allow access by fire-fighting vehicles with a weight of 35,000 pounds in all weather conditions.

(K) **Wood Chips:** Handling of wood chips shall comply with "National Fire Protection Association (NFPA) 230, Section E-5, Outside Storage of Wood Chips and

Hogged Materials”, a copy of which may be obtained from any Jefferson County Fire District or Urban Services District Fire Department and which is available for public inspection at the Solid Waste Management District Office, 600 Meriwether Ave., from 8:30 a.m. to 4:30 p.m.

(L) Logs: Logs, tree trunks or other wood received on site shall be:

(a) separated from other materials upon receipt at the site,

(b) storage of logs must comply with “NFPA 230, Section E-6, outside Storage of Logs”, a copy of which may be obtained from any Jefferson County Fire District or Urban Services District Fire Department and which is available for public inspection at the Solid Waste Management District Office, 600 Meriwether Ave., from 8:30 a.m. to 4:30 p.m.

(M) Site Run-Off: Control of run-off from the site shall be according to a plan approved by the Louisville and Jefferson County Metropolitan Sewer District, and the Kentucky Division of Water. The facility shall obtain all necessary permits from these agencies.

(N) Exclusions: These regulations shall not apply to backyard compost piles such as may be found in residential settings or small volume operations such as typically may be found at nurseries as long as the total accumulation of material, processed or unprocessed, on site does not exceed twenty (20) cubic yards.

**§ 51.303 CONSTRUCTION/DEMOLITION DEBRIS FACILITIES.**

(A) Approvals: Construction/Demolition Debris facilities shall possess an approved Kentucky Division of Waste Management Registered Permit-by-Rule and any

necessary Louisville Metro zoning approvals, including a Conditional Use Permit, if applicable.

(B) Site Access: Construction/Demolition Debris Facilities shall restrict unauthorized access to the premises including a gate that is kept locked when facility is not operating. Facilities shall have an attendant on site during all hours the facility is open.

(C) Acceptable Materials: Construction/Demolition Debris Facilities shall accept only those construction/demolition debris wastes as defined in L.M.C.O. Section 51.001.

(D) Record-keeping: Construction/Demolition Debris Facilities shall maintain accurate records of the amount of waste received at the site. Facilities shall maintain records of the amount of processed material distributed and/or disposed of from the facility. These records shall be current and available for inspection by District enforcement personnel. In addition, the facilities shall provide the District a copy of its Kentucky Division Of Waste Management Quarterly Report as required by the applicable sections of 401 KAR 47:190.

(E) Other Wastes: Construction/Demolition Debris Facilities shall not accept, other than in incidental amounts, household solid waste, hazardous waste, yard waste or any other waste that is not construction/demolition waste. An incidental amount is an amount which, despite the exercise of due care under the circumstances, was not discovered by the permittee. Facilities shall transfer any such wastes contained in incoming loads to an appropriate, permitted waste management or disposal facility. Any

such wastes shall not be permitted to accumulate on the site loose. Such waste shall be contained in a dumpster or similar container. No disposal shall occur on the site.

(F) Stockpiles: Construction/Demolition Debris Facilities shall maintain materials in an orderly manner. Stockpiles of all materials, processed and unprocessed shall not exceed twenty (20) feet in height nor shall they consume an area greater than two thirds (2/3) of the total area of the facility. Construction/Demolition facilities shall not have in accumulation at the facility a volume of unprocessed, unsorted waste greater than the volume received at the gate within the last sixty (60) days. Stockpiles of unprocessed materials containing wood, and processed piles of segregated wood, mulch or other combustible materials shall: be placed in rows not to exceed twenty (20) feet in height, forty (40) feet in width, and one-hundred fifty (150) feet in length, and be separated from each other, or stockpiles of other materials, by a minimum of fifteen feet, and have sufficient room at each end to allow maneuvering of fire-fighting equipment, including ready exit and entry from spaces between rows, as approved by the local fire district or department.

(G) Water Supply: Construction/Demolition Debris Facilities shall have access to an on-site water supply that has been approved by the local fire district or department for fire fighting purposes.

(H) Fire Lanes: Construction/Demolition Debris Facilities shall have fire lanes paved or constructed of a material such as cinders, fine gravel or stone sufficient to allow access by fire-fighting vehicles with a weight of 35,000 pounds in all weather conditions.

(I) Wood Chips: Construction/Demolition Debris Facilities handling wood chips shall comply with "National Fire Protection Association (NFPA) 230, Section E-5, Outside Storage of Wood Chips and Hogged Materials", a copy of which may be obtained from any Jefferson County Fire District or Urban Services District Fire Department and which is available for public inspection at the Waste Management District Office, 600 Meriwether Ave., during business hours.

(J) Site Run-Off: Control of run-off from Construction/Demolition Debris Facilities shall be according to a plan approved by the Louisville and Jefferson County Metropolitan Sewer District and the Kentucky Division of Water. The facility shall obtain all necessary permits from these agencies.

## **METRO SOLID WASTE MANAGEMENT IN THE URBAN SERVICES DISTRICT**

### **§ 51.400. URBAN SERVICES DISTRICT; POWERS AND DUTIES.**

(A) The Department shall have control, unless otherwise provided by law, of all matters pertaining to solid waste within the Urban Services District.

(B) The powers and duties of the Department shall include but not be limited to the following:

(1) Publish reasonable regulations concerning the collection and disposal of waste within the Urban Services District that are not contrary to L.M.C.O. Chapter 51;

(2) Along with other authorized agencies, enforce the provisions of L.M.C.O. Chapter 51;

(3) Enforce regulations concerning the collection, disposal and recycling of waste within the Urban Services District and the Central Business District.

**§ 51.401. URBAN SERVICES DISTRICT; DUTIES OF DIRECTOR.**

(A) The Director, shall supervise and control the proper collection and disposal of solid waste in the Urban Services District as prescribed by this Chapter, and may have such other duties as may be prescribed by the Mayor. The Director shall have authority to establish procedures and to enforce regulations concerning:

- (1) days of collection;
  - (2) location and types of containers for collection;
  - (3) conveyance of garbage, waste and materials to be recycled;
  - (4) disposal of garbage, waste materials to be recycled or collected;
- and

(5) other matters pertaining to collection, disposal or fees to be charged therefore, in conformity with regulations of the Waste Management District, Kentucky Natural Resources and Environmental Protection Cabinet and any other applicable law or regulation.

(B) Responsibilities of the Director shall include managing programs for waste reduction, recycling, transportation, collection and disposal, in such a manner as shall best promote public health and safety and preserve the natural environment. The Director shall oversee maintenance and operation of any mechanical equipment or plants used for the disposal of solid waste by or on behalf of the Metro Government including grounds and equipment. Copies of current regulations shall be available at the office of the Director.

**§ 51.402. URBAN SERVICES DISTRICT; REMOVAL OF DEAD ANIMALS.**

The Director is authorized to enter into contracts on behalf of Metro Government with any person, commercial enterprise, or governmental agency requesting the removal of any dead animal from the property of the person, commercial enterprise, or governmental agency by the Metro Government to a proper disposal point. Any such contract shall provide the amount of the charges to be paid to the Metro Government for such services. The Director shall fix such charges in such sums as will cover the cost of the Metro Government in collecting and disposing of such animals.

**§ 51.403. URBAN SERVICES DISTRICT; DISPOSAL OF ORDINARY COMMERCIAL SOLID WASTE.**

The Director is authorized to enter into contracts on behalf of the Metro Government with any person located within the Urban Services District having ordinary commercial solid waste in excess of two ninety five (95) gallon containers per collection for the removal thereof by the Metro Government. Any such contract shall provide the amount of the charges to be paid to the Metro Government for such services, and these charges shall be fixed by the Director in such sums as will cover the costs of the Metro Government in collecting and disposing of such waste.

**§ 51.404. COLLECTION IN CENTRAL BUSINESS DISTRICT.**

(A) (1) Notwithstanding any other provision in this chapter, any commercial business situated in the Central Business District as defined in this Chapter, may have its regular solid waste collected by the Department and Services, provided, the business acquires special 95-gallon containers that fit Metro Government-owned trucks designed especially for such bulk waste pick-up. The Metro Government shall make such

containers available for use by businesses in the Central Business District, in quantities that represent the business' actual needs, as determined by records of the Department.

(2) Any commercial business situated in the Central Business District that chooses not to acquire the special containers that fit the Metro Government equipment shall contract with private Waste Haulers of solid waste or otherwise assure the proper and legal removal and disposal of solid waste from its premises.

(B) It shall be unlawful for any person or business to place containers of trash, garbage or refuse of any kind in or on the streets or sidewalks of the Central Business District between the hours of 8:00 a.m. and 3:00 p.m.

(C) In no case shall the Metro Government pick up or be responsible to dispose of any hazardous or medical wastes as defined in state law.

**§ 51.405. COLLECTION IN URBAN SERVICES DISTRICT.**

(A) For the collection of household solid waste:

(1) The Department will collect household solid waste set out for collection from residential buildings having eight or fewer units. All household garbage must be set out in the cart provided by the Department. No plastic bags containing household waste are allowed to be set outside of the carts. Plastic bags may be used only for the collection of yard waste.

(2) All household garbage must be set out by 6:00 a.m. on the collection day set by the Department, and may be set out no earlier than 4:00 p.m. on the day before collection.

(3) All carts must be removed from the street or alley no later than 4:00 p.m. the day after collection.

(B) For the collection of small business solid waste:

(1) The Department will collect small business solid waste set out for collection by small businesses that use roll out carts provided by the Department. No other carts, garbage cans, plastic bags or containers may be used for the storage of or collection of solid waste in the Urban Services District. The Department will provide two 95 gallon carts per business; any waste in excess of this amount will be charged per section 51.403 of this Chapter .

(2) For purposes of this Subsection (B), a small business shall mean any business or organization that has a volume of solid waste that can be disposed of on a weekly basis in four or less 95 gallon carts.

(C) It shall be unlawful for any person to place garbage and household solid waste for collection in the public streets and alleys in the Urban Services District except in accordance with the terms of this Chapter.

(2) Appeal.

(a) If any owner or occupant believes that compliance with this Section (A)(1) would create a hardship by reason of physical handicap or medical condition; or because of impossibility due to the physical conditions for waste collection at their adjoining properties; the owner or occupant may apply for a variance, in writing, to the Director stating the basis for the hardship and the relief requested.

(b) The Director upon a showing of physical handicap or medical condition by written documentation or sufficient proof as to physical conditions hindering compliance may grant the relief requested or other appropriate relief.

(c) If granted an exemption for set-out in (b) above the containers must meet specifications set out in Section 51.602 of this Chapter ~~consistent~~Chapter consistent with the terms of the exemption.

(D) Other regulations established by the Director may apply to the collection and setting out of garbage, recycling, and yard wastes.

(E) Tree limbs, branches and brush must be cut into four foot lengths no greater than two inches in diameter and securely tied into bundles weighing no more than 60 pounds each.

(F) The following materials shall **not** be set out for collection: auto parts, tires, asphalt, concrete, dirt, rock, asbestos, hazardous waste (including medical waste) and hot ashes.

(G) Project Pick-up. Bulky Waste

(1) Except as otherwise provided herein, there is no limit on the number or types of items that may be set out for collection by Project Pick-up. However, all items must come from the household where they are set out.

(2) No construction or demolition materials (including but not limited to lumber, shingles, gutters, siding and concrete slabs) may be set out.

(3) No more than four tires per residence may be set out. No automotive parts (including but not limited to engines, transmissions, axles and body panels) may be set out. No boats or motorcycles may be set out.

(4) Tree limbs, branches and brush must be cut into four foot lengths no greater than four inches in diameter and securely tied into bundles weighing no more than 60 pounds each.

(5) No loose debris may be set out. All small items must be boxed, bagged or bundled. No bag, box or bundle may weigh more than 60 pounds.

(6) No hazardous waste such as motor oil, batteries, paint, gasoline, antifreeze or chemicals (including medical waste) as defined in KRS Ch. 224 may be set out.

(7) No 55-gallon drums may be set out.

(8) Doors must be removed from freezers and refrigerators.

(9) All items must be set out no earlier than 4:00 p.m. of the Friday before the announced Project Pick-up Collection Week and no later than 6:00 a.m. on the Monday of the announced Project Pick-up Collection Week.

(10) Project Pick-up items must be set out at the same location as that specified for regular garbage pick-up but sufficiently separated so that it is easily distinguished.

## **GENERAL PROVISIONS REGARDING SOLID WASTE**

### **§ 51.500. MANDATORY SOLID WASTE COLLECTION.**

(A) It shall be the duty of the owner and occupant of every residence and the owner of every commercial or industrial establishment to provide for not less frequent than weekly disposal of all solid waste generated by either (1) employing the services of a solid waste collection and disposal service; or (2) having use of the service of a

municipally provided waste hauler; or (3) having solid waste collection and disposal services through the Urban Services District.

(B) The owner and occupant of said residence or the owner of said commercial or industrial establishment that does not have use of a municipally provided solid waste collection and disposal service must be able to produce evidence of compliance with subsection (A)(1) above in the form of a paid receipt from the solid waste collection and disposal service employed by the owner and/or occupant.

**§ 51.501. PROHIBITED ACTIVITIES.**

(A) No person shall deposit, dump, discharge, place or cause to be placed any solid waste upon any road, highway or alley or upon any public or private land other than a solid waste management facility permitted by the Cabinet that meets all applicable Louisville Metro zoning regulations.

(B) No person shall tamper with, remove from, or deposit solid waste into any container not owned by them or expressly provided for their use.

(C) No person shall upset or overturn the contents of any waste or recycling container on any street, alley, or other public or private place.

**§ 51.502. LOCATIONS FOR DEPOSIT OF SOLID WASTE.**

Solid waste and yard waste collected, disposed of or deposited within the County shall be disposed of or deposited only at a landfill, solid waste management facility, recycling facility, compost facility or waste disposal facility, permitted by the Cabinet and meeting all applicable laws and regulations.

**§ 51.503. TRANSPORTATION AND COLLECTION OF SOLID WASTE.**

(A) Only closed, leak-proof and self-unloading packer trucks shall be used for the collection of solid waste.

(B) No person shall convey or transport any solid waste upon or along any public way in the County unless such solid waste is contained or covered so as to prevent it from leaking, dropping, falling, blowing or scattering from the vehicle in which it is being conveyed or transported; provided, however, a vehicle engaged in the collection of non-putrescible waste may be uncovered while in the process of acquiring its load where said stops are separated by less than one mile.

(C) No person shall drain the liquid from any such vehicle upon any road or highway or upon any land other than a Waste Disposal Facility or Recycling Facility permitted by the Cabinet and that meets all applicable laws and regulations.

(D) All vehicles used for the collection, transportation and disposal of solid waste, other than those used by the Urban Services District, must be registered with the District pursuant to regulations duly adopted by the Board of Directors. Said registration must be displayed in a manner set out in regulations duly adopted by the Board of Directors.

**§ 51.504. FAILURE TO OBEY REGULATIONS.**

It shall be a violation of this chapter for any person to willfully fail to obey the lawful regulations of the Director promulgated pursuant thereto concerning the collection and disposal of waste.

**§ 51.505. DISPOSAL OF ORDINARY COMMERCIAL SOLID WASTE.**

It shall be the duty of every person having commercial solid waste to remove it or cause it to be removed for proper disposal in conformity with local, state and federal law. All commercial solid waste must be disposed of at an approved disposal facility.

**§ 51.506. DISPOSAL OF INDUSTRIAL WASTE.**

It shall be the duty of persons having industrial waste to remove it or cause it to be removed for proper disposal in conformity with local, state and federal law. All industrial waste shall be disposed of at a state approved disposal facility at the expense of the person producing or accumulating such waste.

**§ 51.602. SOLID WASTE CONTAINER SPECIFICATIONS.**

(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.

(2) Containers shall be designed for safe handling. They shall be non-absorbent, watertight, vector-resistant, animal-resistant, durable, easily cleanable, and provided with tight-fitting lids or covers which are readily opened or removed. Containers that have rusted through the sides or bottom or are bent, dented, damaged or jagged to the extent that they are not water, fly or rodent tight or which might be dangerous to collection personnel shall not be used for storing solid waste.

(3) 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.

(4) Plastic bags may be used outside of a container only for curbside collection of household waste, yard waste or recyclables and only in the General Services District. Plastic bags may not be used for any other outside storage of solid waste at any time. Paper bags may be used only for the storage and collection of yard waste.

(5) 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.

(6) 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.

(7) Solid waste generated by households shall be stored in collection containers of not more than 40 gallons nor less than ten gallons in capacity (unless they are mounted on casters and designed to be rolled to the collection vehicle for mechanical emptying), except for multi-family occupancies that are serviced by large capacity bins designed for mechanical dump systems.

(8) In the case of residential units rented or leased, the landlord shall be responsible for providing sufficient and appropriate storage containers on the premises for the collection, storage and the proper disposal of solid waste.

(9) It shall be the duty of every owner of multifamily properties containing nine or more units to provide bulk containers of sufficient volume for the frequency of collection and storage of garbage and household solid waste.

(10) 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.

(B) Enforcement. In addition to enforcement by the Department, IPL shall have authority to issue citations for violations paragraphs (A)(1) through (9) of this section.

**§ 51.603. PROVISION OF SOLID WASTE STORAGE AND REMOVAL.**

(A) The occupant of any premises, residence, business establishment, institution or industry shall be responsible for assuring the satisfactory storage, removal and disposal of all solid waste generated or accumulated on the property or premises. In the case of multi-family residential property, the landlord shall be responsible for providing sufficient storage containers on the premises for the collection, storage and disposal of solid waste.

(B) All persons shall store solid waste on their premises or property in such a manner so as not to constitute a public health nuisance or fire, health, or safety hazard, and shall collect it in such a manner so as not to promote the propagation, harborage, or attraction of vectors, or the creation of litter or other nuisances. Where storage containers are furnished, the provider of the container is responsible for maintaining it in good condition, ordinary wear and tear excepted, unless the container(s) is furnished under other terms, conditions, or agreements. The owner of the container other than a standard garbage can shall be prominently identified on the container in letters no smaller than two (2) inches tall.

(C) Enforcement. In addition to enforcement by the Department, IPL shall have authority to issue citations for violations of this section.

**§ 51.605. LANDFILL DISPOSAL BAN.**

(A) No Yard Waste may be disposed of or deposited at any landfill or solid waste management facility in the County, except for a compost facility. De minimis amounts of yard waste in otherwise mixed loads of solid waste shall not be considered a violation of this section. For purposes of this section, de minimis shall mean five (5%) percent or less, by volume, of yard waste mixed throughout a load of solid waste.

(B) Mixture with other waste:

(1) No yard waste may be mixed with any other solid waste and placed out for collection within the County.

(2) No yard waste may be commingled in the same waste collection vehicle with any other solid waste placed out for collection in the County, unless the vehicle is a "single-pass" or "co-collection" type of vehicle.

(3) No yard waste may be commingled with other waste in any vehicle hauling out of any transfer facility in the County.

(C) Bulk woody waste: No bulk woody waste may be disposed of at any landfill or solid waste management facility in the County.

(D) Recycling: All yard waste and bulk woody waste collected in the County must be deposited at a permitted facility for recycling, composting, landfarming or some other beneficial reuse.

**§ 51.998. PENALTIES AND INTEREST.**

(A) All licensing fees or renewal fees assessed herein shall accrue interest at the legal rate, compounded daily, for each day or portion of a day that the fee remains due and unpaid after the due date.

(B) Any licensee who fails to pay the licensing fee when due shall be subject to a penalty of \$ 1,000 per day for each day or any part of each day that the fee remains unpaid.

(C) If any due date falls on a Saturday, Sunday or legal holiday, the fee shall be due and payable without penalty or interest on the next day that is not a Saturday, Sunday or legal holiday.

(D) For good cause shown, if payment is made within five days of the due date, the penalties and interest prescribed by this Section may be waived in the discretion of the Department.

**§ 51.999. PENALTY.**

(A) A violation of this Ordinance shall be classified as a civil offense and, except as provided by L.M.C.O. Section 51.202, shall be enforced through the Code Enforcement Board as provided in L.M.C.O. 32.275 – 32.290, or as it may be amended.

(B) Any person who violates L.M.C.O. §§ 51.405, 51.500, 51.504, 51.505, 51.506, 51.602, 51.603, 51.604, and or who fails to perform any of the duties imposed by these sections, or who violates any determination, permit, administrative regulation, or order of the Waste Management District or the Department promulgated pursuant thereto shall be liable for a civil penalty of not less than \$50 per day or per occurrence, and not more than \$2,500 per day or per occurrence. Each day upon which a violation occurs shall constitute a separate violation. For a first offense within a two-year period, a specific civil fine of \$50 per day will be imposed for each offense if the person who has committed the offense does not contest the citation. For each subsequent offense committed within a two-year period from the date of payment or conviction on the first offense, a specific civil fine of \$100 per day will be imposed for each offense if the person who has committed the offense does not contest the citation.

(C) Any person who violates §§ 51.501, 51.502 or 51.503, or who fails to perform any of the duties imposed by these sections, or who violates any determination, permit, administrative regulation or order of the Waste Management District or the Department promulgated pursuant thereto, shall be liable for a civil penalty of not less than \$250 nor more than \$5,000. Each day upon which a violation occurs shall constitute a separate violation. For a first offense within a two-year period, a specific civil fine of \$250 per day will be imposed for each offense if the person who has committed the offense does not contest the citation. For each subsequent offense

committed within a two-year period from the date of payment or conviction on the first offense, a specific civil fine of \$500 per day will be imposed for each offense if the person who has committed the offense does not contest the citation.

(D) Any person who fails to obtain, retain, renew, or maintain any license required under this Chapter or under Solid Waste Regulations shall be liable for a civil penalty of not less than \$100 nor more than \$500. Each day upon which a violation occurs shall constitute a separate violation. For a first offense within a two-year period, a specific civil fine of \$100 per day will be imposed for each offense if the person who has committed the offense does not contest the citation. For each subsequent offense within a two-year period from the date of payment or conviction on the first offense, a specific civil fine of \$150 per day will be imposed for each offense if the person who has committed the offense does not contest the citation.

(E) Any person who knowingly provides false information in any document filed or required to be maintained under this ordinance or under Solid Waste Regulations enacted pursuant to this ordinance, shall be liable for a civil penalty of not less than \$500 nor more than \$2,500. Each day upon which a violation occurs shall constitute a separate violation. For a first offense within a two-year period, a specific civil fine of \$500 per day will be imposed for each offense if the person who has committed the offense does not contest the citation. For each subsequent offense within a two-year period from the date of payment or conviction on the first offense, a specific civil fine of \$1,000 per day will be imposed for each offense if the person who has committed the offense does not contest the citation.

(F) Any person who violates §§ 51.602 or 51.604, or who fails to perform any of the duties imposed by these sections, or who violates any determination, permit, administrative regulation or order of the Waste Management District or the Department promulgated pursuant thereto, shall be liable for a civil penalty of not less than \$100 nor more than \$1,000. Each day upon which a violation occurs shall constitute a separate violation. For a first offense within a two-year period, a specific civil fine of \$100 per day will be imposed for each offense if the person who has committed the offense does not contest the citation. For each subsequent offense within a two-year period from the date of payment or conviction on the first offense, a specific civil fine of \$250 per day will be imposed for each offense if the person who has committed the offense does not contest the citation.

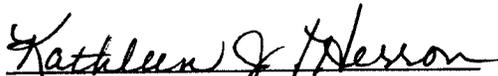
(G) Any person who violates any other provision of this Chapter or any regulation promulgated pursuant thereto or who fails to perform any duties imposed by this Chapter, or who violates any determination or order of the Waste Management District or Department promulgated pursuant thereto shall be liable for a civil penalty of not less than \$500 nor more than \$2,500 for each day during which the violation continues, and in addition, may be concurrently enjoined from any violations as provided herein. For a first offense within a two-year period, a specific civil fine of \$500 per day will be imposed for each offense if the person who has committed the offense does not contest the citation. For each subsequent offense within a two-year period from the date of payment or conviction on the first offense, a specific civil fine of \$1,000 per day will be imposed for each offense if the person who has committed the offense does not contest the citation.

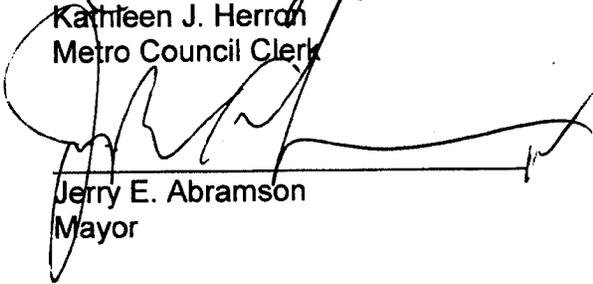
(H) Any person cited pursuant to this Ordinance may pay the minimum civil penalty within seven (7) days from the date of issuance or request a hearing regarding such penalty to the Code Enforcement Board ("Board") in accordance with Code Sections 32.275 et. seq. If the person fails to respond to the citation within seven (7) days as referenced above, the person shall be deemed to have waived the right to a hearing. In this event, the Board shall enter a final order determining that the violation was committed and impose the maximum civil penalty set forth in the citation. Each day that a violation continues after a citation has been issued or notice has been served shall be deemed a separate offense.

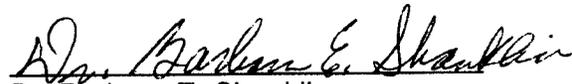
(I) It shall be the duty of the Office of the Jefferson County Attorney to institute an action for the recovery of any penalties and costs otherwise authorized in this Chapter, and to bring an action for an injunction against any person violating or threatening to violate any provision of this Chapter, or any administrative regulation, order, or determination of the District promulgated pursuant thereto.

(J) Any penalties levied or damages recovered under this chapter shall be in addition to any other remedies under federal, state or local law.

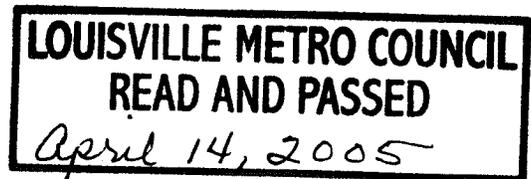
**SECTION IV.** This Ordinance shall take effect upon its passage and approval.

  
Kathleen J. Herron  
Metro Council Clerk

  
Jerry E. Abramson  
Mayor

  
Dr. Barbara E. Shanklin  
President of the Council

Approved: 4-19-05  
Date



**APPROVED AS TO FORM AND LEGALITY:**

Irv Maze  
Jefferson County Attorney EPM

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

LMCO51SolidWasteFromBabsBySpickardROCbknDraft2  
LMCO 51 Solid Waste Draft 3 epm  
LMCO 51 Solid Waste Draft 4 epm  
LMCO 51 Solid Waste Draft 5 epm  
LMCO 51 Solid Waste Draft 6 epm

10-13-04  
10-20-04  
10-26-04  
11-15-04  
11-19-04





**SOLID WASTE MANAGEMENT SERVICES DIVISION**

LOUISVILLE, KENTUCKY

**APPEAL HEARING REQUEST**

By submitting this form, you are requesting a hearing before the Code Enforcement Board. It is **mandatory** that you attend the hearing scheduled for you. Failure to attend the hearing **will** result in the civil actions against you to be upheld by the Code Enforcement Board.

**\*\*COMPLIANCE DOES NOT WAIVE PENALTY\*\***

Address of Violation: \_\_\_\_\_

Citation number: \_\_\_\_\_ Violation Type: \_\_\_\_\_

**REASON FOR APPEAL HEARING:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name: \_\_\_\_\_

Mailing address: \_\_\_\_\_

City, state, zip: \_\_\_\_\_

Phone number: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**ALL REQUESTS FOR APPEALS MUST BE SUBMITTED WITHIN TEN (10) DAYS OF THE OFFICIAL CITATION NOTICE**

**MAIL YOUR REQUEST FOR APPEALS TO:**

**SOLID WASTE MANAGEMENT SERVICES DIVISION  
600 MERIWETHER AVENUE  
LOUISVILLE, KY. 40217**

## **Procedures for appealing a citation**

In order to dispute a citation, the individual that was issued the citation shall:

- Forward a copy of the citation, accompanied by a written request stating the grounds for the appeal to the Solid Waste Management Division within ten (10) days of the citation notice.
- If proof of delivery is desired, please mail return receipt requested.
- Include with the request:
  - ✓ Citation Number
  - ✓ Date of Issue
  - ✓ Property Address
  - ✓ Type of Violation
  - ✓ Mailing Address
  - ✓ Telephone Number

A notice of the hearing date and time will be sent a minimum of fourteen (14) days prior to the hearing date. **Please be prompt for hearings.** Bring any information (with copies) to support the appeal. The appeal will be allotted up to 20 minutes for presentation and documentation.

After the Code Enforcement Board determines and votes on its decision based upon the evidence presented, an Order will be issued stating the decision of the Code Enforcement Board and listing any fines and/or penalties that may be incurred.

**Legal Counsel is optional**

**ILLEGAL DUMPING CITATION  
VIOLATOR INSTRUCTION FORM**

You have been issued a citation pursuant to Louisville Metro Code of Ordinances Section 51.510. Your vehicle will be impounded and a civil fine of \$500 has been assessed against you. Your vehicle will be impounded for a minimum of 72 hours or until ass fines and administrative fees have been paid.

Pursuant to Section 51.510(J), you may request an Appeal Hearing to challenge the validity of the citation by mailing or submitting this form to the Code Enforcement Board within 10 days of receiving this citation. It will be mandatory that you attend the hearing. If you fail to attend the hearing a determination that the violation was committed shall be entered and the citation will be final. An impounded vehicle can be released pending the appeal if a bond is placed in the amount of \$500 with the Department of Public Works at 600 Meriwether Avenue M-F 8 am to 5 pm.

Pursuant to Section 51.999 if you do not request an Appeal Hearing within 10 days a determination that the violation was committed shall be entered and the citation will be final; a fine of \$500 for each offense will be automatically assessed against you; and If your vehicle has not yet been impounded, this citation shall serve as an ORDER OF IMPOUNDMENT.

If you do not Appeal this citation you may gain release of your vehicle three days from the date on the citation by submitting the following information.

1. Proof in the form of a receipt from a licensed disposal facility or licensed waste hauler that the debris has been removed and disposed of properly (will be verified). If you choose not to clean up the debris Metro will do so and charge you for the removal (minimum of \$250)
2. Payment of all fines and administrative charges
3. Proof of ownership or right to possess the vehicle

REASON FOR YOUR APPEAL

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NAME: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

PHONE NUMBER: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

CITATION #: \_\_\_\_\_

## **IF YOU CHOOSE TO APPEAL THIS CITATION**

COMPLETE THE FRONT OF THIS FORM AND SEND TO:  
COMPLIANCE AND ENFORCEMENT SUPERVISOR  
SOLID WASTE MANAGEMENT SERVICES  
600 MERIWETHER AVE  
LOUISVILLE, KENTUCKY 40217

## **IF YOU CHOOSE NOT TO APPEAL THIS CITATION**

BRING PROOF THAT YOU HAVE DISPOSED OF THE DEBRIS AT A PROPERLY PERMITTED DISPOSAL FACILITY (IF APPLICABLE), PROOF OF OWNERSHIP OR RIGHT OF POSSESSION TO THE IMPOUNDED VEHICLE, AND CHECK PAYABLE TO LOUISVILLE METRO TREASURER TO

LOUISVILLE METRO PUBLIC WORKS & ASSETS-SOLID WASTE MANAGEMENT DIVISION  
600 MERIWETHER AVENUE, LOUISVILLE KENTUCKY 40217  
(502-574-3571)  
MONDAY-FRIDAY 8 AM TO 5 PM

UPON VERIFICATION ALL FEES HAVE BEEN PAID AND DEBRIS REMOVED A **RELEASE FORM** SHALL BE ISSUED FOR YOU TO TAKE TO THE IMPOUND LOT. PAYMENT OF CITATION **DOES NOT** INCLUDE TOWING, HANDLING AND STORAGE FEES CHARGED AT THE IMPOUND LOT.

LMPD IMPOUND LOT  
1487 FRANKFORT AVENUE  
HOURS M-F 8AM TO 9PM, SAT 8-5, AND SUN 8-4  
(502-574-7078)



**DEPARTMENT OF PUBLIC WORKS AND ASSETS  
DIVISION OF SOLID WASTE MANAGEMENT  
NOTICE**

«to\_Current»  
«WADDRESS»  
«CITY», «STATE» «ZIP»

**Re: «WADDRESS»** «today\_date»

An enforcement officer from the Louisville Metro Department of Public Works Solid Waste Management Services Division has found carts assigned to your address setting out during business hours. Louisville Metro Code of Ordinances prohibits containers of trash, garbage, or refuse of any kind in or on the street or sidewalks of the Central Business District between the hours of 8 am and 3 pm.

If this is an oversight and you currently follow these procedures we would like to thank you. If you are unaware of the requirement and leave your carts out please take the necessary steps to correct the situation. This letter is intended to make you aware and no fines have been assessed. However, failure to correct the situation will result in a citation resulting in a \$100.00 fine.

If you have any questions or concerns please call «Inspectors\_name» at «inspectors\_phone\_number» and refer to the address noted above.

Thank you,

Compliance & Enforcement Manager  
Department of Public Works  
Solid Waste Management Services Division  
600 Meriwether Avenue  
Louisville, Kentucky 40217



## DEPARTMENT OF PUBLIC WORKS AND ASSETS

LOUISVILLE, KENTUCKY

**GREG FISCHER**

MAYOR

**VANESSA D. BURNS**

Director

Date:

Address:

Today we noticed yard waste placed out for collection in traditional plastic bags and as you may not be aware we want you to know of an important change in the way yard waste is collected in Louisville Metro. In May of 2014 the Louisville Metro Waste Management District Board adopted a regulation that became effective January 1, 2015. The regulation requires all yard waste set out for collection be in reusable containers, paper yard waste bags, or compostable plastic bags. Traditional plastic bags are not allowed. The regulation also prohibits waste haulers from collecting yard waste in plastic bags. This change, which the vast majority of residents have already adopted, is important so the yard waste can be composted.

As you may not have been aware we are asking that you repackage the yard waste in re-usable containers, paper bags or compostable plastic bags. To help you we have included several paper yard waste bags along with detailed information on this change. We also encourage you to read and consider our Love'Em and Leave'Em program best practices guide which contains information that is recommended by turf grass experts across the country as a way to create a healthy lawn.

For additional information please call 311.

Compliance & Enforcement Officer  
Louisville Metro Department of Public Works  
Solid Waste Management & Services Division  
600 Meriwether Avenue  
Louisville Kentucky 40217



**DEPARTMENT OF PUBLIC WORKS AND ASSETS**

LOUISVILLE, KENTUCKY

**GREG FISCHER**

MAYOR

**VANESSA D. BURNS**

Director

To: «OFNAME» «OLNAME» «today\_date»  
«OADDRESS»  
«OCITY», «OSTATE» «OZIP»

A re-inspection of a property, business, or a property you manage located at «VSTNO» «VDIR» «VSTNAME» «VSUFFIX» has found the violations have not been corrected. Therefore, as per LMCO Chapter 51.999, the attached citation has been issued.

If you have any questions concerning the violation(s) please contact «FUBY» at «inspectors\_phone\_number».

Thank you,

Compliance & Enforcement Manager  
Louisville Metro Department of Public Works & Assets  
Solid Waste Management & Services Division  
600 Meriwether Avenue  
Louisville Kentucky 40217  
502-574-3571



**DEPARTMENT OF PUBLIC WORKS**

Solid Waste Management Services  
600 Meriwether Avenue  
Louisville, Kentucky 40217

Citation No: \_\_\_\_\_

Date Issued: \_\_\_\_\_

Time Issued: \_\_\_\_\_

**Violator:**

**Address where debris was generated:**

**Address where debris was disposed:**

**Violation Date/Time:**

**Fine Amount if Uncontested: \$**

**Maximum Fine if Contested: \$**

**Clean-up Fee \$**

**Facts Constituting the Offense:**

**Ordinance(s)/Code Section(s) Violated:**

You must pay the penalty or request a hearing regarding such penalty to the Code Enforcement Board ("Board") within 10 days of the issuance of the citation in accordance with §§ 32.275 et seq. If you fail to respond to the citation you shall be deemed to have waived the right to a hearing. In this event, the Board shall enter a final order determining that the violation was committed and impose the maximum civil penalty set forth in the citation. Each day that a violation continues after a citation has been issued or notice has been served shall be deemed a separate offense.

To appeal you must complete the attached appeal form. Your appeal should listing the facts and specific disagreements which form the basis for your appeal. Your statement of appeal must be mailed or hand-delivered to the Director of the Division of Solid Waste Management, 600 Meriwether Ave., Louisville, Ky. 40217.

If you fail to respond a lien bearing interest at 18% per annum will be filed against your property for the amount of the civil fine plus associated administrative fees and lien filing costs.

Additional violations will subject you to additional civil fines or a criminal complaint being filed against you in Jefferson County District Court and, upon conviction, you may be subjected to additional fines or imprisonment, as provided by law. All assessed penalties and costs not paid by you will become a lien against your property. Notwithstanding subsections (A) through (I) above, any person, firm or corporation who violates any provision of this chapter shall be subject to criminal proceedings and upon conviction thereof shall be subject to a fine of not more than \$250 if committed by a person, not more than \$500 if committed by a corporation, and/or imprisonment for a term not to exceed 50 days, and/or impoundment of the vehicle used in violation of § 51.510. Each day that a violation continues after a citation has been issued or notice has been served shall be deemed a separate offense.

Officer: \_\_\_\_\_

Contact: \_\_\_\_\_



**DEPARTMENT OF PUBLIC WORKS AND ASSETS**

LOUISVILLE, KENTUCKY

**GREG FISCHER**

MAYOR

**VANESSA D. BURNS**

Director

**Division of Solid Waste Management  
Violation Notice Discharge**

Name

**Date and Time:**

**Enforcement Officers:**

**Date and Time of Offense:**

Notice of Violation:

This letter confirms release of the above mentioned violation notice in full. All files related to this enforcement action are hereby removed from Metro records.

Please retain this letter as verification.

Signature: \_\_\_\_\_

Code Enforcement Officer

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Compliance and Enforcement Supervisor

Date: \_\_\_\_\_



**DEPARTMENT OF PUBLIC WORKS AND ASSETS**

LOUISVILLE, KENTUCKY

**GREG FISCHER**

MAYOR

**VANESSA D. BURNS**

Director

**OFFICIAL CITATION  
REMEDATION DOCUMENTATION**

A citation has been issued regarding violations of the Solid Waste Ordinance at the listed address. This document will be used as proof of clean-up by the Louisville Metro Division of Solid Waste Management in court proceedings as needed.

Address of Clean-Up:

Service Request Number:

Enforcement Officer:

Date Sent:

Return Date:

Cost Requested (check box)

Place Image Here

Check the appropriate box:

- \_\_\_\_ Site found as seen in picture and cleaned
- \_\_\_\_ Site was clean on arrival, no cleanup required
- \_\_\_\_ Photos (before & after) attached
- \_\_\_\_ Cost of cleanup (if applicable)

The supervisor must photograph debris and sign this document as proof of collection if cleanup was required. After completion this document must be forwarded to the Enforcement Officer listed.

Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**NOTE: By signing this document you may be summoned to testify before the Code Enforcement Board**



**SOLID WASTE MANAGEMENT SERVICES  
OF PUBLIC WORKS**  
Division of Public Works  
600 Meriwether Avenue  
Louisville, Kentucky 40217

### Common Issues Resulting in a Violation

#### **Garbage bags set outside of cart or on top of cart, garbage in non-metro containers.**

1. Plastic bags outside of the cart are not protected from animals that will get into and spread the trash creating litter.
2. Non-Metro Carts do not fit the collection attachment on Metro vehicles making it difficult and sometimes dangerous to empty
3. Some areas of Louisville have one person (driver) automated collection equipment that reach and grab the cart and dump it. This reduces collection cost and injury to workers.

**Don't have enough room in your cart?** Additional carts can be purchased by call Metro Call 311 or 574-5000. If you cannot afford an additional cart assistance may be provided.

**Don't have a cart?** One cart has been delivered to each household. Each cart has a serial number that identifies where it belongs. One lost or stolen carts will be replaced for free of charge however additional incidents may require a replacement fee. How to contact us about additional carts: MetroCall at 311 or 574.5000

#### **Junk set out for collection outside of the announced collection schedule.**

1. Junk makes the neighborhood look bad driving home values down. Piles of junk also attract unwanted animals and scavengers.
2. Louisville Metro maintains only enough "bulky item crews" to rotate through the city in designated collection areas. If a crew was to come and collect your junk outside of the schedule it means they will likely have overtime to complete the assigned area.
3. The weekly garbage crew typically has over a thousand households to collect each day. Additional time to collect larger debris potentially causes overtime and injury. Bulky waste removal requires special equipment the weekly garbage collectors do not have.

**When can you set junk out?** There are several ways to find your 3 day junk set out period. A mailer is sent to each household listing the date for the coming year; Through email/text notification by going to [www.louisvilleky.gov](http://www.louisvilleky.gov) and enter your address in the blue 311 Service Lookup box in the left column, you will be notified by email and text message the week prior to your scheduled dates; call MetroCall 311 or 574-5000

**Can't wait for the collection period?** The Division of Solid Waste Management operates a Waste Reduction Center located at 636 Meriwether Avenue for residents to drop off bulk waste items. A fee is charged based on the size of the load. However up to three household items can be disposed of for free at the Waste Reduction Center located a 636 Meriwether Avenue. Contact MetroCall 311 for the operating hours

## Carts left at the curb or alley after collection.

1. Each year hundreds of thousands of dollars of your tax money is spent replacing stolen carts or carts that are damaged by vehicles driving down the alley or street.
2. Reduces access to people going through your trash for identity theft, metal, or other things and making a mess
3. Removal keep's the alley/curbs neat and clean thus increasing property values.
4. Always remove your carts or bins and store them inside your fence or close to your house in a safe and neat location on your property after collection. Pick up loose litter each week.

## Yard waste is set out but it is not bundled or contained in a compostable bag.

Beginning January 1, 2015 all yard waste set out for collection must be in reusable containers, paper yard waste bags, or compostable plastic meeting ASTM D6400 Standards.

Recommended methods for handling yard waste:

- **Better than best:** Handle your yard wastes at home by following "LELE Louisville" Most of the year property owners should be able to simply mulch the grass back into your lawn. See the attached FAQ for more information
- **Best:** Reusable containers are often cheaper than using single-use bags in the long run. Bins should have sturdy handles for collection crews, a capacity between 20 and 40 gallons, and weigh no more than 60 pounds when filled.
- **Next Best:** Paper yard waste bags are durable and stand upright for easy filling.
- **Still Good:** Compostable plastic bags should clearly state they meet **ASTM D6400 standards** for composting. Bags marked "biodegradable" do not meet the requirement for this regulation.
- Tree limbs, branches and brush must be no greater than 2" in diameter, Must be cut into 4' lengths, securely tied in bundles or contained in garbage cans or plastic bags weighing no more than 60 pounds each.

## What if the items have been illegally dumped on my property?

Unfortunately there are several thousand miles of roadways and alley ways making it very difficult to catch the violators. Louisville Metro Government encourages citizens to take an active role by forwarding any information, pictures, video's, or evidence to MetroCall 311 or by going to <http://www.louisvilleky.gov/SolidWaste/> to view and upload pictures of people illegal dumping. Violators are issued a citation and charged for the cleanup. In addition if you have evidence or pictures showing who and in what vehicle they used to illegally dump we may impound the vehicle for up to 12 month. Please contact MetroCall if you have evidence.

Unfortunately, as with most other crimes, illegal dumping becomes the responsibility of the property owner to remove.

For a copy of Louisville Metro Code of Ordinances governing the collection of Solid Waste go to <http://www.louisvilleky.gov/NR/rdonlyres/5781522D-A737-42E9-9C55-23BD7C86F21D/0/SolidWasteORD44200525MB.pdf>



## DEPARTMENT OF PUBLIC WORKS AND ASSETS

LOUISVILLE, KENTUCKY

**GREG FISCHER**

MAYOR

**VANESSA D. BURNS**

Director

«AddressBlock»

«Date»

This letter is intended to make you aware your property located at «Address\_where\_activity\_takes\_place» is in violation of ordinance LMCO Chapter 51. 405 relating to early set-out of bulk waste (JUNK).

There are several reasons this is not allowed.

1. Your neighbors do not want to look at the junk for a long period of time.
2. Waste can get scattered creating litter
3. Junk attracts others to illegally dump their stuff on yours.

Our ultimate goal is to help you keep your property and neighborhood clean. Louisville Metro Government collects bulk items on a rotating schedule. These ordinances were enacted for the purposes of reducing litter, preventing health hazards, reducing injuries, reducing workers compensation cost, and to increase collection efficiency.

There are several ways to find your 3 day junk set out period. A mailer is sent to each household listing the dates for the coming year; sign up for email/text notification by going to [www.louisvilleky.gov](http://www.louisvilleky.gov) and enter your address in the blue 311 Service Lookup box in the left column, you will be notified by email and text message the week prior to your scheduled dates; and by calling MetroCall 311 or 574-5000

If you have any questions concerning the violation(s) you must contact «Officer» at «Officer\_Contact\_Number».

Respectfully,

Compliance & Enforcement Manager  
Louisville Metro Department of Public Works  
Solid Waste Management & Services Division  
600 Meriwether Avenue  
Louisville Kentucky 40217



## DEPARTMENT OF PUBLIC WORKS AND ASSETS

LOUISVILLE, KENTUCKY

**GREG FISCHER**

MAYOR

**VANESSA D. BURNS**

Director

### Resident

The Public Works and Assets - Solid Waste Management Service Enforcement Office has investigated a report of illegal dumping at your property. No evidence or not enough evidence was found to enable the officer to locate and cite the person(s) who dumped the items. Metro crews do not remove bulk items outside of the normal junk collection schedule unless an enforcement action has been initiated and the cost billed to the violator to cover the removal. Regrettably, as the property owner, this means the removal of the debris is your responsibility. Prompt removal of the debris is very important as a small amount of debris will attract additional dumping. Based upon this fact please ensure the debris is removed by \_\_\_\_\_. Several options for disposal are listed below.

**If it is small enough put the debris in your garbage cart.** All items will need to be prepared according guidelines set by your collection service.

**Load materials on a truck and self-haul the debris to a licensed disposal facility.** A resident/owner may take up to three household junk items for free to the Waste Reduction Center at 636 Meriwether Avenue. Call MetroCall 311 for fee and hours of operation. Other options: privately owned landfill or transfer station.

**Hire a licensed bulk waste hauler to remove the debris or have a dumpster delivered for you to fill and then call for a pickup.** Always request a receipt from the disposal facility where it was taken before paying the hauler. This prevents the waste hauler from keeping you money and dumping the debris on someone else

**Once you have removed the materials** take measures to prevent additional dumping such as creating a clear line of sight to the dumping area by using chain-link fencing or clearing away tall brush or trimming trees; install lighting, and place barriers to prevent unlawful entry to the property. Other ideas include starting a block watch and/or installing security cameras.

If you have any questions please contact \_\_\_\_\_

Thank you,

-----  
Compliance & Enforcement Manager  
Louisville Metro Department of Public Works & Assets  
Solid Waste Management & Services Division  
600 Meriwether Avenue  
Louisville Kentucky 40217  
\_\_\_\_\_



**DEPARTMENT OF PUBLIC WORKS AND ASSETS**

LOUISVILLE, KENTUCKY

**GREG FISCHER**

MAYOR

**VANESSA D. BURNS**

Director

**SOLID WASTE MANAGEMENT & SERVICES  
IMPOUNDMENT BOND RELEASE FORM**

LMPD CONTROL NUMBER: \_\_\_\_\_ SOLID WASTE CITATION NUMBER: \_\_\_\_\_

VIOLATOR: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

YEAR: \_\_\_\_ MAKE: \_\_\_\_\_ MODEL: \_\_\_\_\_

LICENSE NUMBER: \_\_\_\_\_

BOND PAYMENT: \$ \_\_\_\_\_ HEARING DATE: \_\_\_\_\_

BOND HAS BEEN POSTED RELEASING THE VEHICLE UNTIL SUCH TIME AS THE HEARING HAS BEEN HELD.

PAYMENT AMOUNT RECEIVED: \$ \_\_\_\_\_

CHECK OR MONEY ORDER NUMBER: \_\_\_\_\_

PAID BY:

THIS RELEASE MUST BE PRESENTED ALONG WITH PROOF OF OWNERSHIP OR RIGHT OF POSSESSION OF THE VEHICLE TO THE LMPD IMPOUND LOT LOCATED AT

---

SIGNATURE AND TITLE OF SOLID WASTE MANAGEMENT OFFICIAL RELEASING VEHICLE      DATE



**DEPARTMENT OF PUBLIC WORKS AND ASSETS**

LOUISVILLE, KENTUCKY

**GREG FISCHER**

MAYOR

**VANESSA D. BURNS**

Director

**SOLID WASTE MANAGEMENT ENFORCEMENT UNIT  
IMPOUNDMENT RELEASE FORM**

**LMPD CONTROL NUMBER:  
SOLID WASTE CITATION NUMBER:  
CODE BOARD HEARING:**

**VIOLATOR:**

**VIOLATION LOCATION:**

**YEAR:            MAKE:            MODEL            COLOR:**

**LICENSE NUMBER:            VIN:**

**FINE AMOUNT:  
ADMINISTRATIVE COST:**

**PAYMENT AMOUNT RECEIVED:  
CHECK OR MONEY ORDER NUMBER:**

**PAID BY:**

ALL FINES AND ADMINISTRATIVE CHARGES ASSESSED IN CONNECTION WITH THE AFORE MENTIONED CITATION HAVE BEEN PAID IN FULL. **THIS RELEASE DOES NOT INCLUDE TOWING, HANDLING, IMPOUNDMENT AND STORAGE FEES. THOSE FEES MUST BE PAID AT THE IMPOUND LOT.**

THIS RELEASE MUST BE PRESENTED ALONG WITH PROOF OF OWNERSHIP OR RIGHT OF POSSESSION OF THE VEHICLE TO THE **LMPD IMPOUND LOT (502-574-7078) (1487 FRANKFORT AVENUE-HOURS M-F 8AM TO 9PM, SAT 8-5, AND SUN 8-4)**

---

SIGNATURE AND TITLE OF SOLID WASTE MANAGEMENT OFFICIAL RELEASING VEHICLE

DATE

---

PHONE NUMBER:



DEPARTMENT OF PUBLIC WORKS AND ASSETS  
SOLID WASTE MANAGEMENT SERVICES DIVISION  
**CIVIL PENALTY LIEN AFFIDAVIT**

**COMPLAINANT**

LOUISVILLE-JEFFERSON COUNTY METRO  
DEPARTMENT OF PUBLIC WORKS AND ASSETS  
SOLID WASTE MANAGEMENT SERVICES DIVISION  
600 MERIWETHER AVENUE  
LOUISVILLE, KY. 40217  
CONTACT NUMBER: 502-574-3571

**-VS- RESPONDENT (S)**

**REGARDING ADDRESS:**

**TAX BLOCK: TAX LOT: CITATION NUMBER:**

Comes now the director for Louisville-Jefferson County Metro Department of Solid Waste Management or his /her designated representative and for this affidavit of Lien, pursuant to the provisions of Chapter 32.275 et seq of the Code of Ordinances of the Louisville-Jefferson County Metro Government and states as follows:

That on \_\_\_\_\_ and pursuant to the provisions of the above ordinance a representative of this department, acting by and for the Louisville-Jefferson County Metro, issued a citation against the property located at the above address in Louisville and Jefferson County, and owned by the respondent (s) herein, for violation of the provisions \_\_\_\_\_ of the Code of Ordinances of the Louisville-Jefferson County Metro Government.

Pursuant to said citation, a civil penalty of \$ \_\_\_\_\_ was assessed. The civil penalty became final by respondent's failure to appeal the citation, by the entry of a final, non-appealable Order of the Code Enforcement Board or by the entry of a final judgment by the Court.

Pursuant to Ordinance 32.298 of the Code of Ordinances of the Louisville/Jefferson County Metro Government, the undersigned hereby gives notice, asserts and confirms a lien on the property indicated above and all other property owned by respondent located within this county. The lien consists of the civil penalty shown above (or less if the amount of the penalty has been reduced due to actions taken by the respondent (s) and or the department), plus administrative cost of 18% of the penalty amount, and all charges and fees incurred by the department in connection with the enforcement of the citation.

Further, pursuant to the above ordinance, in addition to the lien, the owner of the property shall also be personally liable for the cost of filing and releasing the lien. (\$26.00)

**Lien Amount: Fine \$ \_\_\_\_\_ Clean-Up Fee: \$ \_\_\_\_\_ Lien Filing: \$ \_\_\_\_\_**

OATH: I CERTIFY THAT THIS DOCUMENT AND ALL ATTACHMENTS WERE PREPARED UNDER MY DIRECTION OR SUPERVISION. THIS INFORMATION SUBMITTED IS, TO THE BEST OF MY KNOWLEDGE AND BELIEF, TRUE, ACCURATE AND COMPLETE.

SIGNATURE/DATE: \_\_\_\_\_  
AUTHORIZED AGENT OF SOLID WASTE MANAGEMENT DIVISION

PRINTED NAME AND TITLE: \_\_\_\_\_

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

By \_\_\_\_\_ My Commission expires: \_\_\_\_\_ Notary Public



**DEPARTMENT OF PUBLIC WORKS AND ASSETS**

LOUISVILLE, KENTUCKY

**GREG FISCHER**

MAYOR

**VANESSA D. BURNS**

Director

**Department of Public Works  
Solid Waste Management & Services  
RELEASE OF CIVIL LIEN ESTIMATE**

Respondent:

Lien Address:

Lien Date:

Book:

Page:

This payoff is good through the last day of \_\_\_\_\_, 20\_\_

Total \$



**DEPARTMENT OF PUBLIC WORKS AND ASSETS**

LOUISVILLE, KENTUCKY

**GREG FISCHER**

MAYOR

**VANESSA D. BURNS**

Director

**RELEASE OF CIVIL LIEN**

The indebtedness against \_\_\_\_\_ is secured by that certain lien dated \_\_\_\_\_ and recorded in Book \_\_\_\_\_, Page \_\_\_\_\_, in the Office of the Clerk of the County Court of Jefferson County, Kentucky. Having been fully satisfied said lien is now fully released and discharged.

This \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
Representative of the Louisville Metro  
Department of Public Works, Solid  
Waste Management & Services Division

**State of Kentucky**

**County of Jefferson**

I, the undersigned, a notary public in and for the state and county aforesaid, do hereby certify that the forgoing instrument was produced and acknowledged before me on this date to be a true act and deed.

In testimony whereof I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Citation Number:

# Love 'Em and Leave 'Em Louisville

## Helpful Tips for Handling Yard Waste at Home

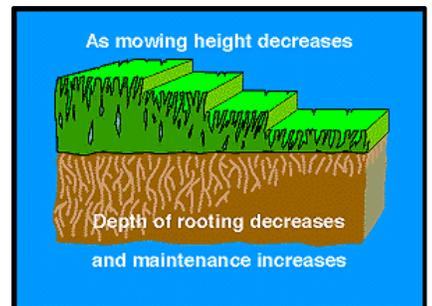


### Leaf mulch and grass clippings offer a number of benefits for your lawn!

- Provides a natural fertilizer for a greener, healthier lawn
- Improves soil structure providing better drainage, better water retention, and fewer weeds

### Recommendations for a Healthier, Greener Lawn<sup>1</sup>:

**Set your mower on maximum height!** The higher you mow your grass, the healthier it will be. The roots will be deeper, allowing your lawn to stay green with less water. Deep roots also prevent soil erosion and promote thicker grass growth. Taller grass helps stop weeds from growing by creating more shade to prevent weed germination. Follow the one-third rule: never cut more than one-third of the total height of the grass when you mow. Your lawn will thank you for it!



[www.whygoodnature.com](http://www.whygoodnature.com)

**Or even better...grow more, mow less!** If you feel like mowing your lawn is a constant battle, try replacing your turfgrass with plants you don't have to mow. Low-mow landscaping can save you time, money, and hassle. There are lots of options to choose from, such as trees, shrubs, flowers, groundcover, edible plants, and even low-mow grasses. For more low-mow tips, visit: [www.louisvilleky.gov/APCD/growmore](http://www.louisvilleky.gov/APCD/growmore).

**Don't bag those clippings!** A common misconception is that clippings left on the lawn will promote thatch buildup. This is not true. Clippings do not make significant contributions to thatch and should be returned to the lawn whenever possible. Leaves and grass contain mostly water and break down rapidly, releasing nutrients back into the soil.

**Mulch leaves into your lawn!** Mowing tree leaves in the autumn and returning them to the turf system is an outstanding alternative to raking and bagging. Studies have shown the positive effects of mowing tree leaves into lawns. To do this, take the grass catcher off your mower and mow over the leaves on your lawn. You want to reduce your leaves to dime-size pieces. You'll know you're done when about half an inch of grass can be seen through the mulched leaf layer.



**And one last tip!** Before mowing your lawn, trim your shrubs and clean your flower beds and landscaping. Place the trimmings on your lawn and cut your grass like normal. You may need to do a couple of passes over the extra materials, but when complete, you will never know they were there. Plus, you saved time and money by not bagging. To avoid hazards while mowing, make sure shrub trimmings are no larger than a pencil.



DEPARTMENT OF  
PUBLIC WORKS



OFFICE OF  
SUSTAINABILITY  
A Division of Develop Louisville

<sup>1</sup> Michigan State University Turfgrass Science program and Scott's Miracle-Gro.



## DEPARTMENT OF PUBLIC WORKS AND ASSETS

LOUISVILLE, KENTUCKY

**GREG FISCHER**

MAYOR

**VANESSA D. BURNS**

Director

# **NOTICE**

A complaint has been received that your company is emptying a waste container at the following location in the early morning hours.

### **Location:**

Metro Council members have been receiving complaints about waste containers being emptied in the early morning hours. Several Metro Council Members subsequently requested the Waste Management District Board to determine if a regulation limiting the hours during which containers can be emptied should be adopted.

Currently there is no Waste Management District regulation that controls the times in which waste containers may be emptied. Louisville Metro Ordinance (Noise) 99.02 (B) (5) and 99.03 (B) (14) prohibit making loud noise when emptying a container between the hours of 10 p.m. and 6 a.m. Louisville Metro Land Development Code 4.1.6 prohibits the emptying of waste containers within 100 feet of a residential occupancy between the hours of 10 p.m. and 7 a.m.

On the recommendation of their Advisory Committee, the Waste Management District Board decided to monitor the situation. During this time the Waste Management District staff is required to bring incidences of early morning dumping to the attention of the waste hauler involved in order for them to attempt to correct the situation. The staff is to report to the Board and the Board will determine if they should move forward on a regulation prohibiting emptying of containers before 6 a.m.

Please investigate the situation at this location and respond to this notice and advise us of your actions to remedy this situation. If possible, please make arrangements to stop emptying this container prior to 6 a.m. Failure to respond will be noted as a non-responsive situation.

When the Waste Management District Board reexamines this issue they will be interested in how responsive the waste hauling industry has been and that will factor into their decision on adopting a regulation limiting the hours during which containers may be serviced.

If you have any questions feel free to call me at

Compliance and Enforcement Supervisor



**DEPARTMENT OF PUBLIC WORKS AND ASSETS**

LOUISVILLE, KENTUCKY

**GREG FISCHER**

MAYOR

**VANESSA D. BURNS**

Director

«AddressBlock»

«Date»

This letter is intended to make you aware your property located at «Address\_where\_activity\_takes\_place» is in violation of ordinance LMCO Chapter 51. These ordinances were enacted for the purposes of reducing litter, preventing health hazards, reducing worker injuries, and to increase collection efficiency. We are attempting to make you aware of the issue and educate you on the proper regulations regarding the collection of solid waste.

One or more of the following issues were noted on your property:

- \_\_\_\_\_ Junk set out for collection outside of the announced collection schedule.
- \_\_\_\_\_ Carts left at the curb or alley after collection.
- \_\_\_\_\_ Garbage bags set outside of cart or on top of cart, garbage in non-metro containers.
- \_\_\_\_\_ Yard waste is set out but it is not bundled or contained in a compostable bag.

**Our ultimate goal is to help you keep your property and neighborhood clean.**

If you have any questions concerning the violation(s) you must contact «Officer» at «Officer\_Contact\_Number».

Respectfully,

*Pete Flood*

Compliance & Enforcement Manager  
Louisville Metro Department of Public Works  
Solid Waste Management & Services Division  
600 Meriwether Avenue  
Louisville Kentucky 40217



**DEPARTMENT OF PUBLIC WORKS AND ASSETS  
DIVISION OF SOLID WASTE MANAGEMENT  
NOTICE**

«today\_date»

«OFNAME» «OLNAME»  
«ADDRESS»  
«CITY», «STATE» «ZIP\_CODE»

Dear: «OFNAME» «OLNAME»

Recently a citizen reported someone discarding «MATERIAL» from a vehicle with license plate number «TAG\_NUMBER» and reported it to Metro Call, the Metro Government information and request line. This incident was observed «LOCATION» at «TIME\_DATE» on «OCCURANCE\_DATE».

Littering is against the law. If a law enforcement officer had observed the incident, the driver could have been pulled over and cited under KRS 512.070 for Criminal Littering. Criminal Littering is a Class A misdemeanor and carries a penalty of a \$500 fine or up to 12 months in jail. Please remember that cigarette butts are classified as litter.

Litter is a costly problem. Cleaning up litter along Louisville's roadsides costs taxpayers millions of dollars each year.

There are many ways to combat the growing litter problem, but the easiest way to help is to set a good example by not littering.

Here are some ways you can make a difference:

- Teach young people not to litter.
- Cover truck beds when transporting trash or other loose items.
- Carry and use the enclosed litter bag in your vehicle.

Please help us keep Louisville "Clean and Green". To find out more about Louisville Metro's anti-litter programs, call MetroCall at 311 or log onto the website [www.keepitcleanlouisville.org](http://www.keepitcleanlouisville.org) and see how *litter makes us all look bad*.

At times, we know that people can make mistakes recording numbers, and if that is the case, please accept our apology. If it is not a mistake, please make a conscious effort to properly dispose of your trash.

Sincerely,

Division of Solid Waste Management



**DEPARTMENT OF PUBLIC WORKS AND ASSETS  
DIVISION OF SOLID WASTE MANAGEMENT  
NOTICE**

«to\_Current»  
«WADDRESS»  
«CITY», «STATE» «ZIP»

**Re: «WADDRESS»** «today\_date»

Metro Louisville ordinances require carts to be removed from the collection site and stored on private property by 4 pm the day after collection. The intent of the ordinance is to improve community appearance but it also is important for other reasons. This includes the following:

- Prevent others from using your carts for their waste disposal.
- Prevents carts being damaged or stolen.
- Reduces the possibility of identity theft.
- Reduces the possibility of vandalism.

Follow the regulations below...

- Carts must be set out for collection between 4:00 p.m. on the day before and 6:00 a.m. the morning.
- After the cart(s) are serviced they must be removed from the collection point by 4:00 p.m. the following day and stored on your property (preferably behind a gated fence).
- Stencil or paint your address on the side of the container.
- Remove any litter at the curb or alley when removing your container.
- All items must be placed inside the cart and lid closed. This keeps odor and litter in and animals out.
- Broken or damaged city provided carts can be repaired or replaced by the city at no charge by calling Metro-Call (311). Suburban carts must be repaired by contacting your provider.

Please correct any of these violations immediately. A follow up inspection will be conducted and failure to comply may result in a citation resulting in a \$100.00 fine.

If you have any questions or concerns please call «Inspectors\_name» at «inspectors\_phone\_number» and refer to the address noted above. Please call between 8am and 10 am or 3pm to 5 pm, Monday through Friday.

Thank you,

Compliance & Enforcement Manager  
Department of Public Works  
Solid Waste Management Services Division  
600 Meriwether Avenue  
Louisville, Kentucky 40217



**DEPARTMENT OF PUBLIC WORKS AND ASSETS**

LOUISVILLE, KENTUCKY

**GREG FISCHER**

MAYOR

**VANESSA D. BURNS**

Director

To: «OFNAME» «OLNAME» «today\_date»  
«OADDRESS»  
«OCITY», «OSTATE» «OZIP»

This letter is to inform you a Code Enforcement Officer from the Public Works and Assets-Solid Waste Management Services Division has found your property, your business, or a property you manage located at «VSTNO» «VDIR» «VSTNAME» «VSUFFIX» to be in violation an order of the Director of Public Works relating to the removal of solid waste.

As you may have been unaware of this order a fine has not been issued and you have been given time to correct the violation(s). Please find attached a copy of the order issued on November 5, 2013, a copy of the notice of violation issued to onsite personnel, and contact information for resources to help you gain compliance. Failure to correct the violations by the re-inspection date will be issued with fines based on Louisville Metro Code of Ordinance Chapter 51.999

If you have any questions concerning the violation(s) please contact «FUBY» at «inspectors\_phone\_number».

Thank you,

Compliance & Enforcement Manager  
Louisville Metro Department of Public Works & Assets  
Solid Waste Management & Services Division  
600 Meriwether Avenue  
Louisville Kentucky 40217  
502-574-3571

# Notice of Violation

Louisville Metro Solid Waste Management Division  
600 Meriwether Ave.  
Louisville, Kentucky 40217

Address: \_\_\_\_\_

Date: \_\_\_\_\_

An inspection of the property at the address noted above revealed the existence of a violation(s) of Chapter 51 of the Metro Code of Ordinances. Violations must be corrected by the next inspection date. Any violations not corrected will cause a citation to be issued and a case to be initiated in the Louisville Metro Administrative Court. Further information can be found at [www.louisvilleky.gov/solidwaste](http://www.louisvilleky.gov/solidwaste)

## Junk Set-Out Violation

- J-1 Set out at wrong time** – items must be set out no earlier than 4 p.m. Friday before the announced pick up week and no later than 6 a.m. on the Monday of the pick up week. **51.405 (G) (9) Next Pick-Up:** \_\_\_\_\_
- J-2 Construction Demolition materials** – No construction/demolition materials, or computer materials may be set out. **51.405 (G) (2)**
- J-3 Improper Vehicle Parts** – No more than 4 tires per address, No automotive parts, boats or motorcycles **51.405 (G) (3)**
- J-4 Improper Yard Waste** – Tree limbs, branches and brush must be no more than 4 inches in diameter and must be cut into 4 foot lengths. All other yard waste must be in cans or bags and may not weigh more than 60 pounds. **51.405 (G) (4)**
- J-5 Loose Debris** – All small items must be bundled or put in plastic bags and weigh no more than 60 pounds. **51.405 (G) (5)**
- J-6 Improper Materials**– Hazardous materials cannot be set out. 55 gallon drums will not be accepted. **51.405 (G) (6)**
- J-7 Doors on Appliances** – Doors must be removed from refrigerators and freezers. **51.405 (G) (8)**
- J-8 Wrong Location** – Items must be set-out at the same location as that as specified for regular garbage collection. **51.405 (G) (10)**
- J-9 Items Must Be Separated** – Tree Branches, brush, tires and appliances must be kept separate, and from all other items. **51.405 (B) (1)**
- J-10 Imported Junk** – No materials generated and imported from any other properties is allowed to be set out in the junk area. **51.405 (G)(1)**
- J-11 Illegal Dumping** – No dumping on any public or private land not licensed for the purpose of waste disposal. All waste shall be placed in approved containers expressly provided for use by the property owner upon which the solid waste is placed. All bulky waste shall be placed upon the property from which the waste is or was generated. **51.510**

## Garbage Set-Out Violations

- G-1 Improper Container** – All garbage must be placed in Metro provided carts. **51.405 (A) (1)**
- G-2 Set Out at Wrong Time** – Containers for the collection of trash/recyclables/yard waste must be set out no earlier than 4 p.m. the day before regular pick up and no later than 6 a.m. the morning of pickup. **51.405(A) (2)**; Central Business District carts must not be set out before 3 p.m. day of collection and removed before 8 a.m. the following morning. **51.404 (B)**
- G-3 Garbage Carts Timely Removal** – Containers for the collection of trash/recyclables/yard waste must be removed from curbside/alley by 4 p.m. day after collection. **51.405 (A) (3)**
- G-4 Container Too Heavy** – Garbage carts must not be loaded so as to weigh more than 200 pounds. **51.405 (D)**
- G-5 Improper Yard Waste** –Tree limbs, branches and brush must be no greater than 2 inches in diameter, Must be cut into 4 foot lengths, securely tied in bundles or contained in garbage cans or approved bags weighing no more than 60 pounds each. **51.405 (E)**
- G-6 Improper Materials Set Out 51.405 (F):** \_\_\_\_\_
- G-7 Improper Set out Location 51.405 (D):** \_\_\_\_\_
- G-8 Construction debris and/or yard waste not allowed in Metro Carts. 51.405 (D)**
- G-9 Litter** – No material may be deposited, dumped, discharged, or placed upon any road, highway or alley or on any public or private land. All loose materials must be picked up. **51.501 (A)**
- G-10 Mandatory Solid Waste Collection** – Every owner of a residence and/or commercial establishment shall provide for weekly disposal of solid waste generated at the address. **51.500**

Enforcement Officer: \_\_\_\_\_ Phone: \_\_\_\_\_ RE-INSPECTION DATE: \_\_\_\_\_

**Department of Public Works  
Solid Waste Management Services**

600 Meriwether Avenue  
Louisville, Kentucky 40217  
502-574-3290

**Witness Statement**

Date of Incident: \_\_\_\_\_ Time of Incident: \_\_\_\_\_

Witness Name: \_\_\_\_\_

Witness Address: \_\_\_\_\_

Contact Information: \_\_\_\_\_

Address of Incident: \_\_\_\_\_

Describe the location of the incident. Please include any physical landmarks such as behind garage, in the alley, or near a certain building or creek....

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Describe the vehicle (include physical characteristics such as license tag, make, model, and color along with describing and dents or wording on the side of the vehicle:

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Describe the people who were involved: \_\_\_\_\_

In your own words describe what happened:

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**By signing this statement I agree the information contained herein is true to the best of my knowledge. I also understand that I may be subpoenaed by the Code Enforcement Board or other court of law to testify.**

**Witness Signature:** \_\_\_\_\_

Solid Waste Officer: \_\_\_\_\_

Date and Time of Statement: \_\_\_\_\_



**DEPARTMENT OF PUBLIC WORKS AND ASSETS**

LOUISVILLE, KENTUCKY

**GREG FISCHER**

MAYOR

**VANESSA D. BURNS**

Director

«TODAYS\_DATE»

«ONAME»

«OADDRESS»

«CITY», «STATE» «ZIP»

It has come to our attention you may not be aware of an important change in the way yard waste is collected in Louisville Metro. It was reported yard waste at your property located at «WADDRESS» is set out in plastic bags.

Last May the Louisville Metro Waste Management District Board adopted a regulation that became effective January 1, 2015. The regulation requires all yard waste set out for collection be prepared in containers that prevent plastic contamination and prohibits waste haulers from collecting yard waste in plastic bags. This change, which most residents have already adopted over the last six month education campaign, is important so that the yard waste can be properly composted and returned to the community and not placed into the landfill.

As you may not have been aware we are asking you repackaged the yard waste using the options on the attached citizen guide or removed it from the curb. For additional information and contact information please refer to the citizen guide.

Respectfully,

Compliance & Enforcement Manager  
Louisville Metro Department of Public Works  
Solid Waste Management & Services Division  
600 Meriwether Avenue  
Louisville Kentucky 40217