

ORDINANCE NO. 2002-05

AN ORDINANCE RELATING TO THE MANDATORY PICK UP OF GARBAGE WITHIN THE CITY OF HEBRON ESTATES, PROVIDING FOR PAYMENT THEREFORE, AND PENALTIES FOR FAILURE TO COMPLY.

Whereas, the City of Hebron Estates has determined that in the interest of public safety and welfare, garbage and trash shall be picked up weekly from all residential and commercial establishments, and;

Whereas, the City of Hebron Estates has exercised its general powers pursuant to KRS 82.082, including the powers to grant an exclusive franchise and its police power to grant and enforce an exclusive franchise for the collection of residential and commercial garbage and trash, and;

Whereas, by awarding an exclusive franchise, the City may be able to secure reduced rates for the pick up of residential and commercial garbage and trash within the City limits of the City of Hebron Estates for all of its residences and businesses, with the exclusion of industrial wastes, and;

Whereas, the failure to have a weekly garbage and trash pick up and to pay for same will adversely effect the public health and safety and endanger the general welfare,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEBRON ESTATES, BULLITT COUNTY, KENTUCKY as follows:

SECTION ONE: The exclusive trash and garbage hauler within the city limits of the City of Hebron Estates, Kentucky shall be that person, or legal entity awarded the Franchise for the term of the Franchise as set forth by any Ordinance awarding such.

SECTION TWO: Except as provided in the Franchise Ordinance, and Contract entered into therefrom, it shall be a civil and criminal violation for any other garbage and trash hauler to operate within the city limits of the City of Hebron Estates and each day of operation shall constitute a violation subject to penalties, civil and criminal, as hereinafter set forth.

SECTION THREE: Each residential property which is occupied by the owner(s) or anyone with the owner's consent, for a total of seven (7) days during any monthly period shall be responsible for and indebted to the franchisee for the established monthly charge as set forth in the franchise agreement.

SECTION FOUR: Each commercial property which is occupied by the owner(s), or anyone with the owner's consent, for a total of seven (7) days during any monthly period shall be responsible for and indebted to the franchisee for the established monthly charge as set forth in the franchise agreement.

SECTION FIVE: The franchisee shall invoice those entities as set forth in Sections Three and Four herein and payment shall be due and payable to the franchisee on or before fifteen (15) days from the date of said invoice. If said invoice is not paid within fifteen (15) days, the franchisee may add a ten percent (10%) penalty or a five dollar (\$5.00) handling fee, whichever is greater, to said invoice. Said invoice together with any and all additional fees shall be paid no later than thirty (30) days from the date of the invoice.

SECTION SIX: In the event an owner, or anyone with the owner's consent, as described herein above shall fail to pay within thirty (30) days from the date of invoicing, such failure shall not relieve the franchisee of its duty to continue collecting the garbage and trash from said property.

SECTION SEVEN: a) If such owner, or anyone with the owner's consent, fails to pay within thirty (30) days from the date of the invoice, the franchisee shall notify the City Clerk in writing of the name and address of such owner, or anyone with the owner's consent, who have failed to pay the invoice. For the first violation the City Clerk shall take a criminal complaint against the owner, and anyone with the owner's consent, failing to pay in the District Court of Bullitt County. The penalty for the first violation shall be two dollars (\$2.00) per day from the date of invoice, plus all additional penalties fees until paid, plus all applicable Court Costs.

b) For the second violation, the penalty shall be five dollars (\$5.00) per day from the date of invoice, plus all additional penalty fees until paid together with all applicable Court Costs.

c) For the third and subsequent offenses the penalty shall be ten dollars (\$10.00) per day from the date of invoice plus all additional penalties fees until paid, plus all applicable Court Costs.

d) In addition to the criminal violation penalties provided for hereinabove, the City shall also have a civil claim against the owner(s) and anyone with the owner's consent, for the amount due plus penalty fees and including Court Costs, and Attorney's fees in collecting the total amount due.

e) The franchise, shall with the first billing send notice of the penalties, both civil and criminal, which are applicable to the invoice to each of the owner(s), or anyone with the owner's consent, set forth hereinabove and shall annually notify all owner(s), or anyone with the owner's consent, of the penalties provided. Further, the franchisee shall provide a copy or notice of such penalties to all new subscribers within the City of Hebron Estates, as they become property residents.

SECTION EIGHT: Nothing contained herein shall prohibit an owner from requiring a tenant to pay or reimburse the owner for payment as provided for herein. Nevertheless, should such tenant or others fail to pay any invoice it shall be the responsible of the property owner of the residential or commercial real estate to make such payment and it shall be the owner who shall be liable for the penalties provide for herein.

SECTION NINE: Any garbage and/or trash hauler who violates Section Two hereof shall be guilty of a violation and subject to a fine of Two Hundred Fifty Dollars (\$250.00) per day. Each day shall constitute a separate offense.

SECTION TEN: This Ordinance shall be published according to law.

SECTION ELEVEN: Should any clause, line, paragraph or part of this Ordinance be held unconstitutional or invalid for any reason, the same shall not effect the remainder of this Ordinance.

SECTION TWELVE: All Ordinances or parts of Ordinances in conflict with this Ordinance or any part of this Ordinance are hereby repealed.

SECTION THIRTEEN: This Ordinance shall take effect on the 31st day of March, 2003.

Given first reading at a regular meeting of the City Council of the City of Hebron Estates, Bullitt County, Kentucky, on the 1st day of October, 2002. Given a second reading at a regular meeting of the City Council of the City of Hebron Estates, Bullitt County, Kentucky, on the 5th day of November, 2002.

Votes For 4; Votes against 0; Not Voting 0;



HERSCHEL RICKETTS JR., MAYOR

ATTEST:



JENNIFER HURST, CITY CLERK