

ORDINANCE NO. 2019-04

AN ORDINANCE ESTABLISHING THE REQUIREMENTS TO ERECT A FENCE ENCLOSING GARBAGE DUMPSTERS LOCATED IN MULTIFAMILY, COMMERCIAL AND/OR INDUSTRIAL AREAS WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF HEBRON ESTATES.

BE IT ORDAINED, by the City Council of the City of Hebron Estates, Bullitt County, Kentucky as follows:

SECTION ONE: DEFINITIONS

(a) The term garbage as herein used shall mean every refuse accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends the preparation, use, cooking, dealing in, or storing of meat, fish, fruit or vegetables.

(b) The term rubbish as herein used shall mean waste material and refuse of every character collected or accumulated within the City, except garbage, and shall include by way of enumeration but not by way of limitation grass, leaves, sticks, tree branches, stone, concrete, boards, glass, used furniture, which must be wrapped for disposal, or household appliances, tin cans, paper, cardboard, packing material, and discarded industrial materials.

SECTION TWO: DISPOSAL

It shall be unlawful for any person, firm or corporation to dispose of or dump garbage or rubbish upon the streets of the City of Hebron Estates or upon any public or private premises other than those duly designated for such purpose unless by special permission of the City Council.

SECTION THREE: COMMERCIAL DUMPSTERS

All garbage and rubbish shall be placed in closed dumpsters to assist in the reduction of odors and unwanted pest before being placed in garbage cans or dumpsters of the type and size as may be necessary to insure that it cannot be blown by the wind so as to be scattered or cause clouds of dust or particles; and it shall be unlawful to permit the escape of soot, ashes, or other solid products or results of combustion so as to be wind-blown or scattered.

SECTION FOUR: DUMPSTERS

Any multifamily housing (i.e. duplex, apartment building, condominium building) business, commercial or industrial location that disposes, on a regular basis, quantities greater than four (4) garbage cans of garbage and/or rubbish shall be required to use a dumpster of appropriate size, unless granted an exemption in writing by the franchise holder.

SECTION FIVE: LOCATION AND SCREENING OF COMMERCIAL AND/OR INDUSTRIAL DUMPSTERS.

(a) No owner, occupant, or person in control of property shall suffer or permit the placement of a commercial and/or industrial dumpster, or other garbage and/or rubbish storage facility in any of the following:

- (1) In the open space between a building face and adjoining public right-of-way extending across the entire width of a lot or tract [the area commonly called the front yard or side yard];
- (2) On curbs or in the public right-of-way;
- (3) In a fire lane;
- (4) In a required parking space;
- (5) In any location that blocks vehicular or pedestrian traffic;
- (6) To obstruct drivers' sight lines at intersection of streets and driveways; or
- (7) To interfere with utilities.

(b) The owner, occupant, or person in control of property who suffers or permits the placement of a commercial and/or industrial dumpster or other garbage and/or rubbish storage facility, other than publicly accessible commercial and/or industrial dumpster solely for collection of recyclable paper, shall screen the commercial and/or industrial dumpster as follows:

- (1) Enclosure.
 - a. If the commercial and/or industrial dumpster is located in front of a building line, in a location visible from view of a public street or an adjoining single-family or public property, then on three (3) sides with a wall constructed of masonry, brick, stone, wood or similar material (which must be maintained); or
 - b. If the commercial and/or industrial dumpster is located behind the building line or building, in a location visible from view of a public street or an adjoining single-family or public property, then on three (3) sides with a wall constructed of:
 1. Masonry, brick, stone, or similar material; or
 - c. If the commercial and/or industrial dumpster is on property that is zoned for retail uses and placed as far from the public street as practical and there is not a physical location behind the building for the commercial and/or industrial

dumpster, then screening must be constructed in accordance with the requirements provided in subsection (b)(1).

- d. If the commercial and/or industrial dumpster is on property that is zoned for industrial uses, screening is required which is constructed in accordance with the requirements provided in subsection (b)(1)b.
- e. If the commercial and/or industrial dumpster is behind a building and in a location not visible from view of a public street or an adjoining single-family or public property, then screening is not required; however, any screening that is constructed must be in accordance with the requirements provided in subsection (b)(1)b.

(2) Gate.

- a. If screening is required by subsection (b)(1)(a), then on the fourth side with double swing, blind gates; or
- b. If screening is required by subsection (b)(1)(b) and the fourth side is visible from view of a public street, then on the fourth side with double swing, blind gates.
- c. If screening is required by subsection (b)(1)(a) or (b) or (c) or (d) or (e) and the fourth side faces the interior of the property and is not visible from a public street, or adjoining single-family residence or public property then no gate shall be required.

(3) Enclosure Size. The size of the enclosure and the direction of the swing of the gate shall be dictated by the sanitation company that is the City Franchisee at the time the Dumpster Enclosure is constructed or reconstructed.

(4) Height. Any screening wall and/or gate constructed in accordance with this subsection shall be at least one (1) foot higher than the commercial and/or industrial dumpster it surrounds, but in no instance shall the screening wall and/or gate be shorter than four (4) feet or higher than nine (9) feet.

(c) The owner, occupant, or person in control of property who suffers or permits the placement of publicly accessible commercial and/or industrial dumpster solely for collection of recyclable paper shall be limited to no more than two (2) bins per lot or parcel, placed as far from the public street as practical. If such property abuts a single-family residential property, the owner, occupant, or person in control of the property shall provide a screen as described in subsection (b)(1) on the side adjacent to the residential property.

(d) It is an affirmative defense to this section that:

(1) The commercial and/or industrial dumpster is located behind a building and is not visible from a public street or adjoining single-family or public property;

- (2) The commercial and/or industrial dumpster is for the temporary purpose of disposing of waste generated during the time of an active building permit for the demolition or construction of improvements on the property upon which the commercial and/or industrial dumpster is located;

(e) Applicability.

- (1) This section shall apply to all commercial and/or industrial dumpsters in the City after the effective date.
- (2) All commercial and/or industrial dumpsters currently in the City shall be moved to a location in compliance with this section no later than thirty (30) days after the effective date.
- (3) All commercial and/or industrial dumpster shall be screened in compliance with this section no later than 180 days after publication of this Ordinance.

(g) Modification procedures.

- (1) A person may obtain a modification to this section only through an application to and written permission from the City Council.
- (2) A modification to the provisions of this section may be granted in the following area:
 - a. Setback regulations; and
 - b. Location requirements.
- (3) A modification shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely on economic gain or loss. In order to grant a modification to the provisions of this section it must be determined that:
 - a. The requested modification does not violate the intent of this section;
 - b. The requested modification will not adversely affect surrounding properties;
 - c. The requested modification will not adversely affect public safety; and
 - d. Special conditions exist which are unique to this property which make compliant with the regulation extremely difficult.

SECTION SIX: PENALTY

Any person, firm or corporation violating any provision of this Ordinance shall incur a civil penalty of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for

each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION SEVEN: EFFECTIVE DATE

This Ordinance shall take effect upon publication. Any existing multifamily, commercial, and/or industrial business which do not meet the requirements of this Ordinance upon its passage shall be permitted six (6) months from publication to comply with the requirements of this Ordinance. Any dumpster fence existing at the time of passage of this Ordinance which is four (4) feet or less in height need not be immediately replaced; however, when repair and/or replacement becomes necessary it must be repaired and/or replaced in compliance with the terms of this Ordinance.

SECTION EIGHT: REPEALER

Any ordinances or parts of ordinances in conflict with this Ordinance or any part of this Ordinance are repealed.

SECTION NINE: INVALIDITY

Should any section, clause, line, paragraph, or part of this Ordinance be held unconstitutional or invalid for any reason, the same shall not affect the remainder of this Ordinance.

Given first reading at a regular meeting of the City Council of the City of Hebron Estates, Bullitt County, Kentucky, on the 4th day of February, 2020. Given second reading, voted upon and passed at a regular meeting of the City Council of the City of Hebron Estates, Bullitt County, Kentucky, on the 3rd day of March, 2020.

Votes for 4; Votes against 0; Not Voting 0.



JERRY CLARK, MAYOR

ATTEST:



MICHEALE MCCAULEY, CITY CLERK