

ORDINANCE NO. 02-001

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

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

Whereas, the City of Pioneer Village has exercised its general powers, including the powers to grant 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 has been able to secure reduced rates for the pick up of residential and commercial trash within the City limits of the City of Pioneer Village 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 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 PIONEER VILLAGE, BULLITT COUNTY, KENTUCKY THAT:

SECTION ONE: Pursuant to the Franchise heretofore granted as advertised, and bid in Ordinance Number *01-007, Bullitt County Sanitation* shall be the exclusive trash and garbage hauler within the city limits of the City of Pioneer Village, Kentucky.

SECTION TWO: Except as provided in the original Ordinance, Franchise, and Contract entered into therefore, which provides that existing contracts with other waste haulers for residential and commercial purposes shall be honored for a limited period of time, it shall be a civil or criminal violation for any other waste hauler to operate within the city limits of the City of Pioneer Village and each day shall constitute a violation subject to penalties, civil or criminal, as hereinafter set forth.

SECTION THREE: Each residential property owner which is occupied by the owner 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 negotiated and agreed monthly charge as set forth in the franchise agreement.

SECTION FOUR: Each commercial property owner which is occupied by the owner 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 negotiated and agreed monthly charge as set forth in the franchise agreement.

SECTION FIVE: The franchisee shall bill those owners 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 billing. If said billing 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 billing. Said billing together with any and all additional fees shall be paid no later than thirty (30) days from the date of the billing.

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

SECTION SEVEN: If such owner fails to pay within thirty (30) days from the date of the billing, the franchisee shall notify the City Clerk in writing of the name and address of such owner or owners who have failed to pay. For the first violation the City Clerk shall take a criminal complaint against the owner 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 billing plus all additional penalties until paid plus all applicable Court Costs.

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

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

In addition to the criminal violation penalties provided for hereinabove, the City shall also have a civil claim against the owner or owners for the amount due plus penalties and including Court Costs and Attorney's fees in collecting the amount due.

The franchisee, shall with the first billing send notice of the penalties, both civil and criminal, which are applicable to the billing to each of the owners set forth hereinabove and shall annually notify all owners of the penalties provided. Further, the franchisee shall provide a copy or notice of such penalties to all new subscribers within the City of Pioneer Village as they may be added to the list.

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 it shall be the responsibility of the owner of the residential or commercial property to make such payment and it shall be the owner who shall be liable for the penalties provided for herein.

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

SECTION TEN: This Ordinance shall take effect upon publication.

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 1st day of July, 2002.

Given first reading at a regular meeting of the City Council of the City of Pioneer Village, Bullitt County, Kentucky, on the 5th day of February, 2002. Given a second reading at a regular meeting of the City Council of the City of Pioneer Village, Bullitt County, Kentucky, on the 5th day of March, 2002.

Votes For 5 Votes Against 0 Not Voting 0



GARY W HATCHER, MAYOR

ATTEST:


TONYA S HALL, CITY CLERK

**SUMMARY OF
ORDINANCE NO. 02-001**

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

This Ordinance relates to the mandatory pick up of garbage within the City of Pioneer Village, Bullitt County, Kentucky, providing for payment and penalties for the failure to comply with this Ordinance.

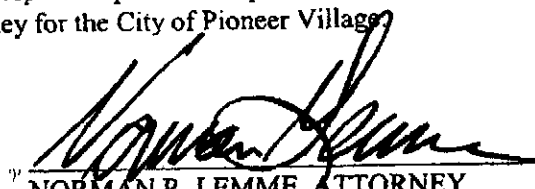
The penalties for failure to comply are as follows:

1. The penalty for the first violation shall be two dollars (\$2.00) per day until paid.
2. For the second violation the penalty shall be five dollars (\$5.00) per day until paid.
3. For the third and subsequent offenses the penalty shall be ten dollars (\$10.00) per day until paid.
4. In addition to the criminal violation penalties provided for hereinabove, the City shall also have a civil claim against the owner or owners for the amount due plus penalties and including Court Costs and Attorney's fees in collecting the amount due.
5. Any waste hauler in violation of Section Two of this Ordinance shall be guilty of a violation and subject to a fine of Two Hundred Fifty Dollars (\$250.00). Each day shall constitute a separate offense.

All of the above penalties shall be subject to the Court Costs incurred in the Bullitt District Court.

The complete text of the Ordinance is of Record in the Office of the City Clerk and becomes effective upon publication of this summary.

The undersigned certifies this is a Summary of Ordinance 02-001 for the purpose of reading pursuant to KRS 83A.060(4) and for the purpose of publication pursuant to KRS 83A.060(9) and the undersigned is the City Attorney for the City of Pioneer Village



NORMAN R. LEMME, ATTORNEY
CITY OF PIONEER VILLAGE

Date of First Reading: 2-5-02

Date of Second Reading: 3-5-02