

Proposed Draft Harrison County, KY - Dumpster Ordinance, *Eric H.*

This ordinance is to protect Harrison County, KY resident's health, safety, and property values as well as make Harrison County a more inviting county for travel and tourism. This ordinance does not apply to normal sized refuse containers "garbage cans" used for normal weekly residential pickup.

- I. No commercial dumpster should be located within 100' of the street front door/window of a nearby residence. Furthermore no dumpster should be within 25' of a residential property line.
 - a. When the property the dumpster is to be placed on is setup in such a manner that this is not possible the dumpster should be first set in the furthest most placement away from the front door/window of any nearby residence, preferably set near a non access side of the adjoining property and enclosed per standards in sections II and below regardless if it can be viewed from the adjoining residential property.
- II. Any dumpster that is beyond the 100' limitation or has been given a allowance per section "I", but can be seen from the first floor of a residence or street shall be screened on all sides with a solid cover privacy fence or block structure with a closed screened gate tall enough to fully block view from the aforementioned viewpoint and be locked during non business hours.
- III. If there is a dumpster in a commercial area that cannot be seen from a residence and is in accordance with section "I", it does not need to be screened.
 - a. Unless deemed necessary by a county authority, dumpster owners may be ordered to enclose each individual dumpster by a wall, fence or other means so constructed as to be inaccessible to the general public. Such enclosures shall be equipped with a self-latching and lockable gate or an equivalent enclosure sufficient to deny access to the general public.
- IV. No garbage should be stacked on or around the dumpster and no refuse should be found outside of the enclosure.
- V. All dumpster drainage openings shall remain plugged at all times.
- VI. Dumpsters near a residence should not emit a foul odor that can be detected from the residence. Dumpster may need to be emptied and deodorized immediately if odor is detected from a nearby residence.
- VII. No Dumpster should encroach on the right of way of any public road, public right of way, or deeded access of another property.
 - a. Only for Public Roads and Right of ways: if it is demonstrated by the dumpster owner that the physical layout of the property makes it impracticable to locate such dumpster on the private property of the premises using such dumpster and special circumstances make it impracticable for the placement of the dumpster elsewhere a specific site in the right of way will be visually marked off. This specific site must be approved by the board prior to issuance of the permit. The owner of any dumpster located in a public right of way shall pay a permit fee of \$500 a month for the use of

- the public right of way. This fee shall be paid in advance by the first of each calendar month for as long as the dumpster is located in the right-of-way.
- b. Dumpster shall have a flasher or reflector on the outside corner facing traffic at all times. Where traffic may approach from either side, the dumpster must have a flasher or reflector on the outside corner on both sides.
 - c. Dumpsters shall not block a public sidewalk or be placed in a location that restricts the "sight lines" of an intersection.
 - d. The owner and/or the user of a dumpster on a public right-of-way is/are responsible for any public property, street, curb and gutter, or public infrastructure damage.
 - e. No exceptions will be made for encroachment on another private property unless the dumpster owner has written consent from the current property owner which can be rescinded at any time.
- VIII. Dumpsters should have a sign placed on the gates for hours they can be emptied. No dumpsters are to be emptied between the hours of 9:30PM and 7AM.
- a. To ease costs associated with refuse collection companies having to open gates and have keys: Gates can be unlocked during the scheduled pickup hours and can have the gates open with a hour window of the actual pickup time, unless the particular dumpster has been designated to be locked at all times for reasons of health or safety.
 - b. In times of extreme inclement weather the county may grant a temporary hold to this section.
- IX. Any person who controls, whether owned, leased, or operated - dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing unless it is a construction / remodeling dumpster at which point it will not need to be covered but cannot overflow.
- X. Cleaning dumpsters on the street or sidewalk is not permitted.
- XI. Temporary dumpsters for construction / remodeling should be placed out of view of a residence if possible but if not would need to apply for a \$35 - 30 day dumpster permit that can be renewed once. If more than 60 days are necessary the party using the dumpster will need to pay \$5 a day for each day over the 60 day limit.
- XII. Dumpsters already in existence will have 240 days to comply with the ordinance. Any dumpsters not in compliance will be fined \$520 a month for the following 6 months. Any person, residence, firm, corporation or commercial establishment who violates this ordinance shall be guilty of a misdemeanor fined in an amount not to exceed \$50 per violation. Each day on which a violation of, or failure to comply with, this Section continues shall constitute a separate violation and shall be punishable as such. The county also is entitled to pursue all other remedies to which it is entitled under the authority of applicable law.
- XIII. The County may also deny the use of dumpsters to protect public health or safety concerns.
- XIV. BE IT FURTHER ORDAINED, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases or parts is held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

Exceptions to ordinance:

- Litter receptacles (other than dumpsters or other bulk containers)
- Individual homeowner trash and recycling containers of normal curbside pickup size.
- Refuse containers at facilities authorized to discharge storm water under a valid permit
- Large bulky items (e.g., furniture, bound carpet and padding, and other residential items placed curbside for pickup)