

CITY OF WINCHESTER, KENTUCKY
ORDINANCE NO. 3-2014

**AN ORDINANCE AMENDING SECTIONS OF CHAPTER 14
OF THE CODE OF ORDINANCES OF THE CITY OF
WINCHESTER, KENTUCKY, RELATING TO CREATION OF A
CLASS OF RESIDENTIAL MULTIFAMILY GARBAGE USER,
ALLOWING THE USE OF A CONTAINER BY SUCH CLASS
AND ESTABLISHING RATES THEREFORE**

SUMMARY OF ORDINANCE

This is an ordinance amending section of Chapter 14-81.6 of the City's Code of Ordinances to create a Multifamily Residential user classification and provide for the election of such user to use container services and provide rates for such container usage. The ordinance also provides that yard waste and large trash collection for such users and commercial, industrial and other non-residential users will not be provided.

The proposed ordinance can be viewed in full text at the office of the City Manager or City Clerk, City Hall.

I hereby certify that the foregoing is a true and accurate summary of the contents of the above-entitled ordinance.

/S/ John Rompf

John Rompf
White, McCann & Stewart, PLLC
WMU Counsel

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WHEREAS, the Winchester Municipal Utilities Commission is vested by ordinance with the management, control, maintenance, and operation of the combined and consolidated water system, wastewater system, and solid waste system; and

WHEREAS, the Winchester Municipal Utilities Commission has determined and recommended to the Winchester Board of Commissioners an amendment to the garbage collection classifications to provide for a multifamily residential user class with the option for that class to utilize containers for garbage collection as well as establishing rates for such containers and usage; and

WHEREAS, the classifications and rates previously established have been found to impose and unreasonable burden on multifamily residential users, and

WHEREAS, public comment has been received and the proposed classifications and user rates have been reviewed by the Winchester Board of Commissioners.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF
WINCHESTER, KENTUCKY, AS FOLLOWS:**

SECTION I

Sec. 14-81.6. - Solid waste utility rate schedules.

(a) *Residential and non-residential solid waste schedules.* [The following sections 14-81.6.1, **and** 14-81.6.2 **and** 14-81.6.3 establish residential and non-residential solid waste utility rate schedules.]

(b) *State environmental surcharge.* A charge of forty-five cents (\$0.45) per month for solid waste customers shall be shown on all solid waste bills as a separate item and identified as a "state environmental surcharge." The "state environmental surcharge" shall be adjusted in proportion to the fee assessed per KRS Chapter 224, Subchapter 43.

Sec. 14-81.6.1. - Residential solid waste utility rate schedules.

The monthly charge for residential solid waste utility service is ~~\$18.30~~ 32.14 for each residential house, apartment, mobile home, unit, or other residential establishment served. ~~The rate shall be adjusted as follows:~~

~~January 1, 2011\$21.73~~

~~January 1, 2012\$25.79~~

~~January 1, 2013\$30.61~~

~~January 1, 2014\$32.14~~

If a customer's business establishment, business function, co-exists and operates in the same physical space as that customer's residential establishment, residential function, the commercial rate for solid waste utility service shall apply to the entire establishment.

If a customer's business establishment and residential establishment do not co-exist and operate in the same physical space, even if located under the same roof and being served by one meter at the same street address, each establishment will be charged a separate solid waste utility charge based upon the definitions contained in section 14-82.

Curbside yard waste collection and disposal service is provided to residential customers at no additional cost. Yard waste curbits are available for customer convenience and rental for the residential customer. The charge for the yard waste curbit shall be \$16.45 annually and shall be billed as a one-time charge on the combined utility bill due in May of each year.

Curbside large trash collection and disposal service is provided to residential customers at no additional cost. Said service is limited to one pickup per month per service address and customer must call the transfer station to request pickup.

Sec. 14-81.6.2. - Commercial, industrial, and other non-residential rate schedules.

Commercial, industrial, and other non-residential establishments shall be provided with containerized solid waste services commensurate with their solid waste disposal needs.

The curbit service with one 90-gallon curbit furnished at a minimum monthly non-residential charge of \$34.95. ~~Effective August 1, 2000, t~~^The minimum monthly non-residential charge shall be \$34.95. Non-residential customers may, depending upon solid waste disposal needs, be required to or may optionally rent additional curbits. The monthly charge for curbit rental shall be \$2.06 per curbit rented. The

charge for disposal of additional curbits in excess of one per pickup is \$4.37 per additional curbit.

Customers in the downtown central business district may, at the discretion of the Winchester Municipal Utilities, be provided bag program service in lieu of curbit service. Where this service is provided, up to 20 bags per month will be provided to the customer included in the minimum monthly charge. Additional bags may be purchased at a rate of \$1.20 per bag.

Curbside yard waste collection, large trash collection and disposal services are not provided to commercial, industrial, and other non-residential customers.

Effective January 1, 2013, t The monthly rental and disposal rates for each of the following types of containers are as follows hereby established, subject to a minimum charge of \$34.95 per month for each such establishment. Other container rates will remain the same.

| Container Size—Cubic Yards | Monthly Rental | Charge per Disposal (Pickup) |
|----------------------------|-----------------|------------------------------|
| 6 | \$22.50 | \$24.75 |
| 8 | \$30.00 | \$29.00 |
| <u>20</u> | <u>\$100.00</u> | <u>\$160.00</u> |
| <u>40</u> | <u>\$360.00</u> | <u>\$500.00</u> |

Sec. 14-81.6.3. – Multi-family residential establishment rate schedules.

Residential establishments with six (6) or more units shall have the option to select curbit or container solid waste services commensurate with their solid waste needs.

The curbit service with one 90-gallon curbit will be at the current residential current solid waste residential rate per unit.

The container service will be based upon container size and be billed at the current container rent and disposal schedule.

Curbside yard waste collection and disposal services are not provided to multi-family residential customers.

Large trash collection and disposal services are provided at the current rate for transfer station tipping fees for compactable, non-compactible, construction and demolition debris, and white goods, per cubic yard plus a \$25.00 service fee.

The monthly rental and disposal rates for each type of container are hereby established, subject to a minimum charge of \$ 34.95 per month for each such establishment:

| Container Size—Cubic Yards | Monthly Rental | Charge per Disposal (Pickup) |
|----------------------------|----------------|------------------------------|
| 6 | \$20.25 | \$23.75 |
| 8 | \$27.00 | \$28.00 |
| 20 | \$100.00 | \$160.00 |
| 40 | \$200.00 | \$320.00 |

| Compactor Size Cu. Yd. | Monthly Rental | Disposal (Pickup) Rate |
|------------------------|----------------|------------------------|
| 17 | \$260.00 | \$300.00 |
| 40 | \$360.00 | \$500.00 |

Effective January 1, 2011, the monthly rental and disposal rates for each of the following types of containers are as follows hereby established, subject to a minimum charge of \$34.95 per month for each such establishment. Other container rates will remain the same.

| Container Size—Cubic Yards | Monthly Rental | Charge per Disposal (Pickup) |
|----------------------------|----------------|------------------------------|
| 6 | \$21.00 | \$24.25 |
| 8 | \$28.00 | \$28.50 |

Effective January 1, 2012, the monthly rental and disposal rates for each of the following types of containers are hereby established, as follows subject to a minimum charge of \$34.95 per month for each such establishment. Other container rates will remain the same.

| Container Size—Cubic Yards | Monthly Rental | Charge per Disposal (Pickup) |
|----------------------------|----------------|------------------------------|
| 6 | \$21.75 | \$24.25 |
| 8 | \$29.00 | \$28.50 |

Effective January 1, 2013, the monthly rental and disposal rates for each of the following types of containers are as follows hereby established, subject to a minimum charge of \$34.95 per month for each such establishment. Other container rates will remain the same.

Effective upon adoption by the Winchester City Commission the monthly rental and disposal rates for each of the following types of containers for multi-family residential establishments are hereby established, subject to a minimum charge of \$34.95 per month for each such establishment. Other container rental and disposal rates will be per the established schedule.

| Container Size—Cubic Yards | Monthly Rental | Charge per Disposal (Pickup) |
|--|----------------|------------------------------|
| 6 - unscheduled pickup (multi-family) | \$13.60 | \$63.10 |
| 6 - scheduled pickup (multi-family) (per pickup; min 1 pickup per week) | \$13.60 | \$29.65 |
| 8 - unscheduled pickup (multi-family) | \$16.60 | \$76.40 |
| 8 - scheduled pickup (multi-family) (per pickup; min 1 pickup per week) | \$16.60 | \$35.50 |

The Winchester Municipal Utilities Commission may provide other non-residential solid waste services for special or unusual cases with rates fixed by contract and established to recover all costs of providing service.

Sec. 14-81.7. - Transfer station fees.

Winchester Municipal Utilities residential solid waste customers providing evidence of current paid account and personal identification may dispose of solid waste generated at their residential service address at the transfer station at no additional cost.

Residential customers that are unable to provide evidence of a current paid account and personal identification shall be charged according to the fees assessed for non-residential and non-WMU solid waste customers.

Non-residential and non-WMU solid waste customers shall be charged the following fees for solid waste disposal at the transfer station:

Compactable, non-compactable, construction and demolition debris, and white goods, per cubic yard\$12.00

Shingles, per cubic yard\$ 20.00

SECTION II. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

SECTION III. All portions of this Ordinance amending the Code designate words and figures, which are deleted by including such words and figures stricken with dashed lines through the center. Words and figures added by the amendment are underlined with solid lines. The codifier is instructed to omit the words and figures deleted and the solid underlining when codifying this Ordinance.

Introduced for the first reading at a meeting of the Board of Commissioners of the City of Winchester, Kentucky, held on the 17th day of March, 2014, and finally adopted after second reading at a meeting of said Board held on the 1st day of April, 2014.

/s/ Edallen York Burtner

Edallen York Burtner, Mayor

ATTEST:

/s/ Marilyn Rowe

Marilyn Rowe, City Clerk

Prepared by : WMU Counsel John Rompf
March 11, 2014