

ORDINANCE NO. _____, SERIES 2025

AN ORDINANCE AMENDING THE LOUISVILLE METRO CODE OF ORDINANCES ("LMCO") CHAPTER 51 REGARDING THE LICENSING OF WASTE HAULERS AND ENFORCEMENT OF LICENSING REQUIREMENTS.

SPONSORED BY: COUNCIL MEMBERS SEUM, JOSEPH, BAST, BRATCHER AND MULVEY-WOOLRIDGE

WHEREAS, the Department of Public Works and the Louisville/Jefferson County Metro Government Waste Management District is committed to providing the highest quality of public services and enhancing the quality of life for Louisville Metro Citizens; and

WHEREAS, the General Assembly, through KRS Chapter 109 and KRS Section 67.083(3)(o), provides counties with the authority to develop a solid waste management system to address solid waste generated within the geographical boundaries of the county, consistent with the provisions of KRS Chapter 109 and KRS Chapter 224; and

WHEREAS, Louisville Metro Government, based on KRS Chapter 109 and KRS Section 67.083(3)(o), adopted LMCO Chapter 51 creating the Waste Management District and assigning it responsibilities and duties (authorities) pursuant to KRS Chapter 224, for all municipal solid waste in the county to include assuring access to the collection system through a registration program of waste haulers or by contracting with a person, county, or city or a combination thereof, for the entire county or portions thereof, as deemed to be in the best interest of the Metro Government; and

WHEREAS, Louisville Metro Government, based on KRS Chapter 109 and KRS Section 67.083(3)(o), adopted LMCO Chapter 51 allowing the Waste Management District Board to adopt such rules and regulations as are necessary to carry out the purposes for which the Waste Management District was created and necessary for the

adequate management of solid waste in a manner adequate to protect the public health and consistent with such rules and regulations as may be promulgated by the Cabinet; and

WHEREAS, Louisville Metro Government, desires the Waste Management District increase enforcement to ensure that all waste loads are properly secured during transportation to reduce roadside litter: and

WHEREAS, Louisville Metro Government, desires the Waste Management District dedicate funding from increased license fees to litter removal and conducting continuous education programs center on reducing littering from vehicles; and

WHEREAS, Louisville Metro Government aims to enhance reporting requirements for waste haulers to enable the Waste Management District Board to effectively fulfill its intended purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AS FOLLOWS:

SECTION I. Section 51.001 of the LMCO is hereby amended as follows:

RECOVERED MATERIALS: those materials which have known current use, reuse, or recycling potential, which can be feasibly used, reused, or recycled, and which have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.

SECURED LOAD: a load that is securely fastened and/or covered in a manner that prevents any part of that load from becoming loose, detached, or leaving the vehicle while the vehicle is moving.

SECTION II. Section 51.300 of the LMCO is hereby amended as follows:

§ 51.300 WASTE HAULERS.

~~(A) Any public or private waste hauler engaged in the business of hauling waste within the county must register, obtain and maintain a Metro Government Waste Hauler License pursuant to regulations duly adopted by the Board of Directors.~~

~~(B) To obtain the Metro Government Waste Hauler License, waste haulers must register with the Waste Management District by completing a license application in a form specified by the Waste Management District pursuant to regulations duly adopted by the Board of Directors.~~

~~(CA)~~ *License to operate.*

(1) Any person, business, or entity ~~waste hauler~~ engaged in the business of hauling waste or providing waste hauling services for a fee within the Louisville/Jefferson County ~~must~~ shall annually register, obtain and maintain a Metro Government Waste Hauler License ("license").

(2) To obtain the license, waste haulers must register ~~with the District~~ by completing a license application in a form specified by the District ~~Department~~. The application ~~will require~~, at a minimum, shall require the following information:

~~(a) Name, address and principal place of business of the applicant;~~

~~(b) A copy of applicant's state application for a license to operate municipal solid waste transportation vehicles as described in Section 1 of 601 KAR 40:020;~~

~~(c) A copy of applicant's current Kentucky Transportation Cabinet Application for Kentucky Solid Waste Transporter Vehicle Identification Card form as required by KRS 174.450 and 601 KAR 40:020.~~

(a) Business name including "doing business as" if applicable and address of principal place of business;

(b) Name and contact information, including email address and phone number, of a person with the authority to act on the business's behalf including the authority to submit annual reports pursuant to this Chapter and respond to enforcement actions;

(c) Location where equipment including vehicles, dumpsters, and trailers will be parked when not in use;

(d) A current inventory of all vehicles required to be registered pursuant to subsection LMCO § 51.503 (F), including the make, model, type, and vehicle identification number of each vehicle;

(e) List of waste hauling services provided including the following information:

i. Curbside collection of garbage, recycling, organics (yard waste or food waste)

ii. Front load services using dumpsters

iii. Periodic bulky waste services via roll off dumpsters, trailers, box trucks, or other means

(f) Proof of general liability insurance dated within the last 30 days;

(g) Listing of any solid waste violations or enforcement actions, from any jurisdiction, against the company or an owner having more than 10% ownership, for the last five years;

(h) Certification by affidavit that all vehicles intended to engage in conveying or transporting any solid waste upon or along any public way in Jefferson County are in full compliance with all applicable regulations of this Chapter, including but not limited to, compliance with the requirements of LMCO § 51.503;

(3) To obtain and maintain the license, waste haulers collecting putrescible waste operating within the county must offer a basic service package to all residential customers. The basic service offered must consist of once-a-week curbside collection of household waste; a minimum of once every other week seasonal collection of yard waste; and a minimum of once every other week collection of recyclables. Other alternative collection service scenarios may be used if approved by the Board. Haulers must provide for the collection, of the following recyclable materials at a minimum: newspaper, cardboard, empty food and beverage cartons, aluminum and steel cans; ~~clear, green and brown container glass, HDPE, and PETE plastic bottles, containers and jugs.~~

~~(4) All private waste haulers operating within the county must, as a condition of the license, have a variable service rate pricing structure for their respective residential customers.~~

~~(54)~~ All private waste haulers must offer collection of ~~source separated~~ recyclable materials to all commercial and industrial customers.

~~(65)~~ To obtain and maintain the license, all waste haulers must be in compliance with all state, federal and local laws and regulations pertaining to waste haulers and waste hauling.

~~(DB)~~ *License fee.* The license fee for a waste hauler operating in the county shall be 400 \$500 per year and 40 \$25 per waste collection vehicle operated by the licensee. The annual renewal fee shall be due and payable on or before July 31 of each year. ~~The annual renewal fee shall be based on the most current renewal of the Kentucky Municipal Solid Waste Transporter License.~~ A copy of the current Carrier vehicle inventory Listing ~~(with corrections) for municipal solid waste transporters should~~ shall accompany the annual renewal fee.

(EC) *Required reporting.*

(1) All waste haulers operating within the county shall file an annual report; ~~with the District.~~

(2) ~~Such~~ Reports shall be due on February ~~1st~~⁵ of each year.;

(3) ~~Such~~ Reports shall be in conformance with the format and requirements as set forth established by the Department the Waste Management District and include. ~~The report will provide data to the District on at least the following items~~ if applicable pursuant to the hauling operations:

(a) Number of curbside households ~~and businesses served~~ including separate counts of households collected by contract and by subscription;

(b) Number of businesses and households served by front load dumpster:

~~(b) Amounts of solid waste collected by weight;~~

(c) Description of gGeographic areas served by curbside services within the county;

(d) Frequency of service of curbside service scenario by household count to include once per week, twice per week, every other week, and backdoor service;

~~(e) Amounts of recyclables collected by weight;~~

~~(f)~~ Disposal facilities used and amount by weight delivered to each facility;

~~(g)~~ Yard waste facilities used and amount by weight delivered to each facility;

~~(h)~~ Amount of bulk waste by type, if collected separately; and

(ih) Recycling facilities used and amount by weight delivered to each facility.

~~(F) *Vehicle requirements.*~~

~~(1) Only closed, leak proof and self-unloading packer trucks shall be used for the collection of residential solid waste.~~

~~(2) All vehicles used for the collection, transportation and disposal of solid waste within the county must be registered with the District in a form provided by the Department.~~

~~(3) All vehicles used for the collection, transportation and disposal of solid waste within the county must display their registration on the vehicle in the form and location set by the Department.~~

~~(GD) *Prohibited activities.*~~

(1) No waste hauler may commingle yard waste and solid waste in a collection vehicle, unless using a "single pass" or "co-collection" type of vehicle especially designed and constructed to segregate two different collection streams. If such vehicles are used, the hauler(s) must notify the District in writing.

(2) No waste collection vehicle may be parked or stored within 1,000 feet of a residentially zoned or used property.

SECTION III. Section 51.503 of the LMCO is hereby amended as follows:

§ 51.503 TRANSPORTATION AND COLLECTION OF SOLID WASTE.

(A) *Requirements.* Only closed, leak-proof and self-unloading packer trucks shall be used for the collection of solid waste.

(B) *Violations.* No owner and/or operator of a shall allow or cause their vehicle(s) to engage in conveying or transporting any solid waste and/or recovered materials in an

unsecure manner upon or along any public way in the county unless such solid waste is contained or covered so as to prevent it from leaking, dropping, falling, blowing or scattering from the vehicle in which it is being conveyed or transported; provided, however, a vehicle engaged in the collection of non-putrescible waste may be uncovered while in the process of acquiring its load where said stops are separated by less than one mile. No owner and/or operator shall allow for the drainage or leakage of liquid from any such vehicle upon any land other than a waste disposal facility or recycling facility permitted by the Cabinet and that meets all applicable laws and regulations.

~~(C) No person shall drain the liquid from any such vehicle upon any road or highway or upon any land other than a waste disposal facility or recycling facility permitted by the Cabinet and that meets all applicable laws and regulations.~~

(C) *Inspections.* In addition to any civil penalty, an owner and/or operator found to be in violation of LMCO § 51.503 will be required to obtain a Waste Management District inspection to ensure the cited vehicle is in compliance with the requirements of this section. Failure to obtain an inspection within a time frame established by the Waste Management District shall result in revocation of the vehicle waste hauler sticker until such time as compliance has been confirmed.

(D) *Multiple Violations.* Any owner or operator who violates LMCO § 51.503 more than three times within a 12-month period may be required to present all or a specified number of waste vehicles in their fleet, as determined by the Waste Management District, for inspection to ensure compliance with this section.

(E) *Failure to Correct Violations.* Any owner and/or operator found to be in violation of this LMCO § 51.503 and who fails to correct the violation within the required time established by Waste Management District, in addition to the civil penalty in LMCO §

51.999, may have their license suspended by the Waste Management District until full compliance is achieved.

(DF) *Registration.* All vehicles used for the collection, transportation and disposal of solid waste, other than those used by the Urban Services District, must be registered with the District Waste Management District pursuant to ~~regulations duly adopted by the Board of Directors~~ LMCO § 51.300. Said registration must be ~~displayed in a manner set out in regulations duly adopted by the Board of Directors~~ on the front or side window on the driver's side of the vehicle.

(G) *Appeals.* Appeals of citations and/or notices requiring inspection shall be made to the Code Enforcement Board pursuant to the requirements of LMCO § 32.275 et seq.

SECTION IV. This Ordinance shall take effect upon its passage and approval, or otherwise becoming law.

Sonya Harward
Metro Council Clerk

Brent Ackerson
President of the Council

Craig Greenberg
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____