

ORDINANCE 19-2020

AN ORDINANCE AMENDING AND UPDATING CHAPTER 26, ARTICLE VI, OF THE OWENSBORO MUNICIPAL CODE TITLED “SOLID WASTES”; AND FURTHER AMENDING SECTION 26-263 BY IMPOSING A \$25.00 FINE FOR REPEATED RETURNS FOR COLLECTION OR FAILURE TO REMOVE MOBILE CONTAINER FROM THE CURB; AND FURTHER AMENDING SECTION 26-266 TO IMPOSE A \$50.00 FINE FOR STACKING LIMBS AND BRUSH ON STREETS, SIDEWALKS, AND MEDIANS REQUIRING REMOVAL; AND FURTHER AMENDING SECTION 26-298 BY IMPOSING A FINE OF \$100.00 TO \$500.00 FOR FAILURE OF COMMERCIAL AND INDUSTRIAL ESTABLISHMENTS TO MAINTAIN OPERATING CONDITIONS OF THEIR MOBILE CONTAINERS.

WHEREAS, the City of Owensboro provides for collection of solid wastes from residential, commercial, and industrial customers; and

WHEREAS, the current “Garbage and Refuse Collection Service Ordinance of the City of Owensboro” was originally enacted in Ordinance 61-95 on December 5, 1995; and

WHEREAS, since that time various amendments, updates, and additions to the ordinance have become necessary.

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

Section 1. That Chapter 26, Article VI, Division 1., Section 26-242 of the Owensboro Municipal Code be, and hereby is, amended to read as follows:

The purposes of this article are to provide for the health and general welfare of the citizens of the city by establishing an orderly and efficient method for the collection of garbage and refuse. The imposition of charges for sanitation services is to provide for revenue stream from which to fund [~~for the purpose of covering~~] the cost of the services rendered.

Section 2. That Chapter 26, Article VI, Division 1., Section 26-243 of the Owensboro Municipal Code be, and hereby is, amended to read as follows:

For the purpose of this article, the following words, terms and phrases shall have the meanings given in this section:

Apartment: A room or rooms occupied by a householder in a building designed for occupancy by two (2) or more householders.

Ashes: That refuse from fires which has been wetted and cooled to the touch prior to collection.

Building Materials: Any material such as lumber, brick, plaster, gutters, roofing or other substances accumulated as a result of repairs or additions to existing buildings, construction of new buildings or demolition of existing structures.

Bulk Container: A metal or high-density polyethylene (HDPE) container of four (4) to ten (10) ~~eight (8)~~ cubic yards, designed for industrial or commercial utilization, made of watertight construction, with sliding doors opening on two (2) sides and hinged top, on metal container or HDPE with slant top container, designed and constructed so that it can be emptied mechanically by specially equipped trucks.

Code Official: Those individuals charged with the administration and enforcement of the solid waste ordinance as designated by the public works director to include the sanitation manager, property maintenance inspectors or other such designees.

Contractor: An individual, group of individuals, company, business, or similar entity that provides landscaping, tree trimming, tree cutting, tree removal, or other handyman services, whether such services are performed for profit or without compensation.

Commercial Establishment: Any institution, including churches and schools, which provide a service.

Garbage: Waste resulting from the handling, preparation, cooking and consumption of food; waste from the handling, storage and sale of produce.

Home: A building occupied by one (1) householder.

Householder: A family unit or group of individuals residing within the same dwelling, unit or apartment.

Immediate family: Immediate family is defined as spouse, mother, father, stepmother, stepfather, daughter, son, daughter-in-law, son-in-law, stepdaughter, stepson, granddaughter, grandson, sister, brother, stepsister, or stepbrother.

Industrial Establishment: An institution which produces a product for sale or trade.

Mobile Container: A wheeled garbage receptacle, compatible with existing city garbage collection equipment, and approved by the sanitation manager.
[director.]

Refuse: Combustible trash, including but not limited to paper cartons, boxes, barrels, pieces of wood furniture and bedding; noncombustible trash, including but not limited to metals, tin cans, metal furniture, glass, crockery and street rubbish, but not including waste resulting from the demolition of a building.

Sanitation Service: The service of collecting, transporting and disposing of garbage and refuse.

Solid Waste: Means garbage refuse and similar solid waste material discarded from residential, commercial, institutional and industrial sources and community activities, including residue after recyclables have been separated, but does not include sludge or raw sewage.

Townhouses and Condominiums: Individual ownership of a unit in a multi-unit structure.

Yard Waste: Leaves, logs (under six (6) inches in diameter), limbs, shrubs without root balls, brush, live Christmas trees, and other common yard and garden plants, excluding grass.

Section 3. That Chapter 26, Article VI, Division 1., Section 26-244 of the Owensboro Municipal Code be, and hereby is, amended to read as follows:

There is hereby created an administrative department of the city to be known as the department of sanitation. The department of sanitation shall be charged with the responsibility of collecting and transporting all solid waste generated within the City of Owensboro. The department shall be under the direction of a director of public works. ~~[sanitation, which position is hereby created. It is deemed and declared that the position of director of sanitation is equivalent to and conforms with the position of superintendent of the sanitation department, the name by which the position has heretofore been designated.]~~

Section 4. That Chapter 26, Article VI, Division 1., Section 26-246 of the Owensboro Municipal Code be, and hereby is, amended to read as follows:

All waste resulting from the demolition or remodeling of a building shall be promptly removed from commercial or industrial buildings and within seven (7) days for residential structures from the city and disposed of at a solid waste management facility legally permitted by the Commonwealth [State] of Kentucky. The collection and transportation of such waste by the person responsible for demolition, or his agent, shall not be deemed a violation of this article.

Section 5. That Chapter 26, Article VI, Division 1., Section 26-248 of the Owensboro Municipal Code be, and hereby is, amended to read as follows:

(a) It shall be unlawful and a prohibited practice for any person, except an owner or duly authorized personnel, to tamper with, rummage through, pick out, collect from, or otherwise disturb any refuse, litter or cast-off material, including aluminum cans, once it has been deposited in any bulk containers provided or authorized by the city, whether publicly or privately owned.

(b) It shall be unlawful and a prohibited practice for any person, except an owner or duly authorized personnel, to climb into or enter a bulk container for any purpose.

(c) It shall be unlawful and a prohibited practice for any person to deposit any refuse or discards of any kind into a privately owned bulk container if the depositor is not an owner or does not have a proprietary interest in the bulk container.

(d) In addition, any person found guilty of illegally dumping any solid waste into a bulk container which is not owned by that person shall remove the material and dispose of same in a state-permitted disposal facility, and a scale ticket from the disposal facility shall be submitted to the sanitation manager. [~~director of sanitation.~~]

Section 6. That Chapter 26, Article VI, Division 1., Section 26-249 of the Owensboro Municipal Code be, and hereby is, amended to read as follows:

Any person violating any provisions of sections 26-246 through 26-248 may [~~shall~~] be subject to being cited by the code official and fined not less than one hundred dollars (\$100.00) 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 7. That Chapter 26, Article VI, Division 2., Section 26-261 of the Owensboro Municipal Code be, and hereby is, amended to read as follows:

The city shall collect all solid waste unless otherwise required by law, or by written permission of the director of public works. [~~sanitation.~~]

All residential property owners within the city shall collect and store solid waste generated on their property in mobile containers furnished and approved by the sanitation department. [~~director of sanitation.~~]

The city shall not be liable to any property owner for the cost of repair or replacement for any resident-supplied yard waste [~~unapproved or approved mobile~~] container that was not provided by the city.

(a) [(1)] Mobile containers: Each mobile container shall:

(1) Bear ~~[shall bear]~~ a serial number which has been assigned to a street address; ~~[address,]~~

(2) Remain the property of the sanitation department; and

(3) Remain ~~[and the mobile container shall remain]~~ at the assigned property regardless of whether the resident sells or moves.

(b) Household units constructed or annexed into the city shall receive ~~[receive, free]~~ from the city, one (1) approved mobile container, which shall be treated as real property and shall remain with the property to which it is assigned. Householders may request ~~[purchase]~~ additional mobile containers per the sanitation department rate schedule. ~~[at their own expense.]~~

(c) ~~[(2)]~~ Replacement of mobile containers: The householder shall maintain the mobile container in good working order, ordinary wear and tear excepted, and shall be responsible for purchasing a replacement from the sanitation department if, in the sole opinion of the sanitation manager ~~[director of sanitation,]~~ the mobile container is damaged beyond repair as a proximate result of the householder's negligence.

~~[negligence, or is lost or stolen. Mobile containers for household units will be of not less than eighty (80) gallons' nor more than one hundred (100) gallons' capacity. They must be so constructed that they can be emptied by the lifting devices mounted on city trucks. All mobile containers shall be subject to the approval of the director of sanitation.]~~ Residential property owners may be ~~[shall be solely]~~ responsible for the repair or replacement of mobile containers that are stolen or damaged by vandalism.

(d) All waste must be deposited in the mobile container with the lid closed. Material protruding from container may prevent the container from being collected. Loose items/bags or boxes set on or beside a mobile container will not be collected during regular collection service and constitutes a special load for which there are additional charges.

(e) Residential customers may purchase blue overflow trash bags at City Hall for excess trash. Bags shall be collected on regular sanitation service day. Bags shall be placed four (4) feet from mobile container and should not exceed thirty (30) pounds in weight for collection.

~~[(3) Purchase of mobile container: Mobile containers shall be purchased from the sanitation department unless otherwise approved by the director of sanitation.]~~

Section 8. That Chapter 26, Article VI, Division 2., Section 26-262 of the

Owensboro Municipal Code be, and hereby is, amended to read as follows:

(a) Mobile containers will be serviced once a week in accordance with a schedule prepared by the ~~[director of]~~ sanitation manager with the exception of ~~[some]~~ commercial or industrial areas that may require more frequent servicing.

(b) Special assistance to physically impaired individuals who live alone is available, upon the approval of the sanitation manager. ~~[director of sanitation.]~~ The ~~[director of]~~ sanitation manager shall require a doctor's certificate for those persons who are unable to transport their mobile container to the curb.

(c) Apartment complexes of ten (10) or more units shall be serviced by bulk containers approved by the sanitation manager. ~~[director of sanitation.]~~ Apartment complex owners must provide an adequate number of bulk containers, as deemed necessary by the sanitation manager, ~~[director of sanitation,]~~ to service the apartment residents.

Section 9. That Chapter 26, Article VI, Division 2., Section 26-263 of the Owensboro Municipal Code be, and hereby is, amended to read as follows:

(a) All mobile containers must be at the curb before 6:00 a.m. on collection day. Mobile containers that have not been placed at the curb when the collection truck passes may ~~[will]~~ not be collected until the following scheduled pickup date.

(b) Locations where service issues persist for mobile containers repeatedly not being placed timely at curb, upon written notice by the sanitation manager to the householder, resident, or owner, a return for collection will constitute a special collection and a service fee of twenty-five dollars (\$25.00) may be added to the monthly sanitation charge for each return collection required.

(c) The mobile containers shall be removed from the curb on the same day they are serviced and shall be stored behind the plane of the front wall (excluding porches) of the residence or establishment or as directed or approved by the sanitation manager. Failure to remove the mobile container shall constitute a violation of this ordinance enforceable by citation by a code official. If, upon a notice of violation the mobile container remains at the curb for twenty-four (24) hours a citation shall be issued and a fine of twenty-five dollars (\$25.00) shall be assessed to include an additional administrative service fee of twenty-five dollars (\$25.00) for each violation for a total of fifty dollars (\$50.00) for each occurrence cited.

Notice of violations/citations related to enforcement of this ordinance shall utilize the forms and appeal process format as per the property maintenance ordinance as found in Chapter 5, Article IV of the Owensboro Municipal Code. ~~[serviced.]~~

(d) Any appeal of a citation issued under this section shall:

(1) Be in writing;

(2) State the reason or grounds for the appeal; and

(3) Be mailed or delivered to the director of public works, 1410 West Fifth Street, Owensboro KY 42301.

(e) ~~[(b)]~~ All solid waste shall be deposited in approved mobile containers.
(f) ~~[(e)]~~ The ~~[director of]~~ sanitation manager shall determine that area considered to be the curb as it relates to refuse collection.

(g) ~~[(d)]~~ Preparation exceptions:

(1) Leaves: Loose leaf collection shall be scheduled by the sanitation manager beginning in late September or early October, and shall run through February 15. Loose leaves to be collected shall be placed/piled behind the curb, out of the gutter and not blocking the sidewalk. Leaves collected after February 15 to April 1 must be bagged by the resident or deposited in containers with a maximum capacity of thirty-two (32) gallons, not exceeding thirty (30) pounds in weight and appropriately identified for yard waste collection. [leaves may be piled behind the curb between October 26 and February 15 for pickup. Leaves collected from February 15 to April 1 must be bagged or deposited in containers with a maximum capacity of thirty-two (32) gallons and appropriately identified for collection.]

(2) Yard waste: Yard waste, excluding grass, shall be deposited in containers with a maximum capacity of thirty-two (32) gallons, not exceeding thirty (30) pounds, [gallons] and appropriately identified for collection.

(3) Grass clipping disposal: Blue bags may be purchased at City Hall if a residential customer desires to dispose of grass clippings.

(4) Prohibited material: No loose aggregate material such as sand, soil, gravel, unbagged cat litter, rocks, building materials, compressed gasses, or liquids will be collected. No material placed by contractors or other individuals hired to remove leaves, grass clippings, and similar items will be collected. Contractors shall collect and dispose, at their expense, [dispose of] all their waste materials generated to [at] a solid waste facility permitted by the Commonwealth [State] of Kentucky.

(5) City property or buildings. Collections, transportation, or disposal of building material, trash, refuse, etc. generated from city-owned buildings, property, or locations shall be exempt.

Section 10. That Chapter 26, Article VI, Division 2., Section 26-264 of the Owensboro Municipal Code be, and hereby is, amended to read as follows:

Small dead animals shall be picked up at the curb on a call-in basis and shall not be placed in or adjacent to mobile containers. Owners of large dead animals, over thirty (30) pounds [animals] shall be responsible for their removal and disposal.

Section 11. That Chapter 26, Article VI, Division 2., Section 26-265 of the Owensboro Municipal Code be, and hereby is, amended to read as follows:

Procedures for regular and special garbage collection by the sanitation department shall be as determined by the director of public works or his/her designee. [~~director of sanitation.~~]

Section 12. That Chapter 26, Article VI, Division 2., Section 26-266 of the Owensboro Municipal Code be, and hereby is, amended to read as follows:

Any solid waste not compatible with the mobile container [usual] residential collection service (automated side loader [units—(garbage) trucks) is considered a special load.

(a) [(1)] Logs and brush: (Residential service customers only): Each resident, owner, or householder shall separate logs and brush. Logs and brush shall not be placed inside mobile containers or bulk containers. Brush shall [~~is to~~] be prepared with butt end behind the curb and sidewalk and not in the street. Stacking limbs and brush on the streets, sidewalks, and medians is strictly prohibited and may result in notice of violation by code official requiring removal and may result in a citation if uncorrected with a fifty dollar (\$50.00) fine or fee assessed per citation. [~~prohibited.~~]

(b) [(2)] Tree contractors:

(1) [~~a.~~] All tree cutters, trimmers, [~~cutters~~] and contractors shall display their name and city license number prominently on the sides of their vehicles. Contractor includes, but is not limited to, all individual or entities that provide services for hire or without charge and includes landscape companies, tree contractors, handyman services, tree trimmers.

(2) [~~b.~~] Disposal by contractor: All material prepared or cut by a contractor shall be disposed of by the contractor at a state-permitted disposal facility at the expense of the contractor. [~~facility.~~]

(3) [~~c.~~] It is a violation for a householder, resident, or owner [~~householder~~] to have logs, tree limbs and bushes [~~picked up~~] collected for disposal by the city if a contractor or someone other than a member of his or her immediate family has cut the material.

(4) [~~d.~~] Penalty for violation of this subsection: [~~subsection (2):~~] Any householder and/or [~~or~~] contractor who shall neglect or refuse to comply with the provisions of this subsection [(2):] may be issued a citation by the code official and [~~shall be~~] fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00). [~~Each day's violation shall constitute a separate offense.~~]

(5) Yard waste collection services are applicable only to residential accounts in good standing. Tree removal, topping, or trimming

performed by rental companies, rental management companies, or their agents or assigns shall be considered cut by a contractor and tree removal collection services are not applicable. The public work director or designee grants final authority related to applicability for yard waste service.

(6) Consideration for yard waste services for entities other than residential service may be warranted under certain circumstances and authority shall be granted to the director of public works on a case-by-case basis. Charges, if applicable, shall be determined by the level of service as assigned by the director of public works or designee.

(c) [(3)] Large, bulky items: All items which do not fit inside [intø] mobile containers are defined as large, bulky items.

(d) [(4)] Fee for pickup of large, bulky items of residential service accounts only: [items:] Fees for sanitation department [the] collection of [each] large, bulky item loads or partial loads shall be determined by the public works director or designee. [director of sanitation.] Such removal will be performed by the sanitation department [sanitation department.] upon placement at the curb in front of the residence. The resident shall notify the sanitation department requesting collection prior to or when placed at the curb. Upon regular collection service date the route driver will contact the sanitation department dispatcher and provide the information that a special load has been placed at the curb at the residential location. Items placed at the curb in a residential location constitutes an implied contract and the applicable fee associated with that pick-up will be added to the sanitation bill for servicing that location. [payment of that fee.] This section applies to residential customers only and does not include such refuse as building material, roofing, soil, rocks, concrete, sand, gravel, bricks, lumber, liquids, paint, compressed gases, etc.

(e) [(5)] Fee exemption for delivery of large, bulky items to transfer station utilized by the city: Applies to residential accounts in good standing only: The owner, resident, or householder may transport large, bulky items to the transfer station [in a pickup truck or smaller vehicle:] and, upon proper identification establishing city residence and the location from which the material was generated, [identification,] may dispose of the items at no cost to the owner, resident, or householder. Transfer station disposal fees for said items shall be paid by the sanitation department. This subsection shall apply only to city resident households and not any business or any individual operating a business from a residential location, to include rental companies, management companies, their agents, or assigns.

Section 13. That Chapter 26, Article VI, Division 3., Section 26-281 of the Owensboro Municipal Code be, and hereby is, amended to read as follows:

Collection of garbage and refuse from commercial or industrial establishments shall be made weekly [at least weekly,] and more frequently if necessary to prevent unsanitary or unsightly accumulations. The sanitation manager [director of sanitation] shall establish routes of varying frequency for collection and assign each commercial or industrial establishment to the route the frequency of which is most adapted to its collection needs. If a business encompasses more than one address immediately adjacent to one another, consideration may be given for combined service at those locations. Business support locations not customarily occupied, that do not generate trash, may request consideration for exemption of sanitation service. Exemptions for seasonal business may have collection schedules adjusted to reflect period of operation to comply with sanitation department standards. Requests for combined service or exemptions shall be made to the sanitation manager and require approval of the public works director or designee.

Section 14. That Chapter 26, Article VI, Division 3., Section 26-282 of the Owensboro Municipal Code be, and hereby is, amended to read as follows:

(a) All solid waste from industrial establishments shall be deposited in bulk or mobile containers. Container storage location, enclosure, and access shall be approved by sanitation manager. It shall be the responsibility of each establishment to furnish the enclosure, ingress/egress route, container pad, apron and maintenance or repairs of such.

(b) Services not offered by the sanitation department such as roll-offs shall be authorized on an individual basis by contacting the sanitation manager. If approved, the setting of any roll-off in a city right-of-way requires an encroachment permit from the city engineering department. [Only one (1) type of collection service (bulk or mobile containers) will be made for each establishment.]

Section 15. That Chapter 26, Article VI, Division 4., Section 26-297 of the Owensboro Municipal Code be, and hereby is, amended to read as follows:

Fees for residential solid waste collection shall be recommended by the public works director, in conjunction with the director of finance and city manager, and approved [determined] by the board of commissioners.

Section 16. That Chapter 26, Article VI, Division 4., Section 26-298 of the Owensboro Municipal Code be, and hereby is, amended to read as follows:

(a) Mobile Container Charges for Commercial and Industrial Establishments: Each commercial and industrial establishment shall have the first mobile container assigned to its address. Any additional mobile containers shall be provided on the sanitation rate schedule. Charges shall be based on service type as directed by sanitation manager or requested [~~purchased~~] by the property owner. A service rate shall be determined by the director of public works [~~sanitation~~] based on the number of containers and the frequency of collection.

(b) Bulk Container Service Rates: The director of public works [~~sanitation~~] shall determine the service rate for emptying a bulk container. The service rate to a commercial or industrial establishment, church or school using a bulk container shall be determined by the number of times the bulk container is emptied each week. In the event more than one (1) commercial or industrial establishment uses the same bulk container, each such establishment shall be charged in accordance with its average weekly production of solid waste. The director of public works or designee [~~sanitation~~] shall meet with the users to determine their respective rates.

(c) Charge for Each Return Pickup Call: Each owner or operator of a commercial or industrial establishment shall provide reasonable access to its bulk container. In the event that the bulk container is unable to be serviced on its regular date because the sanitation truck's access to the bulk container is blocked by a vehicle, vehicles or other obstruction and a return trip to service the bulk container is made necessary because of the obstruction, then a fee based on the normal collection rate may [~~shall~~] be charged to the commercial or industrial establishment's account for the return trip.

(d) Material shall be placed in the bulk container so that lids close and doors shut. Over-full containers may be subject to a rate of one and one-half (1-1/2) times the standard rate. No debris shall be placed on top of the container or piled around the container. Continued overfull conditions may warrant added collection frequency requirements as determined by the sanitation manager.

(e) Purchased bulk containers shall be properly maintained, to include doors, lids, and lift attachments in acceptable, operating conditions and remain materially sound. Containers failing to meet these conditions shall be tagged out of service by the sanitation manager and repair or replacement shall be directed to owner. Failure to remedy shall be a violation of the Owensboro Municipal Code, shall be cited by code official and be subject to a fine of no less than one hundred dollars (\$100.00) up to five hundred dollars (\$500.00) with remedial measures requiring immediate replacement or leasing of a replacement until repaired.

(f) Call-in for extra collections related to bulk containers shall be per rate schedule as established by public works director.

Section 17. That Chapter 26, Article VI, Division 4., Section 26-299 of the Owensboro Municipal Code be, and hereby is, amended to read as follows:

The director of public works [~~sanitation~~] is directed to apply the schedule of charges for commercial or industrial establishments. The director shall change the monthly rate for commercial or industrial establishments when the category to which the establishment is assigned no longer applies due to an increase or decrease in the establishment's average weekly production of solid waste. For and on behalf of the board of commissioners, and subject to the supervision and orders of the board, the director of public works [~~sanitation~~] may change and modify such schedule of monthly charges for commercial or industrial establishments as experience may show a change of modification is necessary for an equitable imposition of sanitation charges.

Section 18. That Chapter 26, Article VI, Division 4., Section 26-300 of the Owensboro Municipal Code be, and hereby is, amended to read as follows:

The municipal utilities commission is hereby designated as the agent of the city to bill and collect sanitation fees. The fees so collected shall be periodically delivered to the city, and full and complete records of all transactions in connection with billing and collecting of sanitation fees shall be maintained and delivered to the city by the commission.

Section 19. That Chapter 26, Article VI, Division 5., Section 26-316 of the Owensboro Municipal Code be, and hereby is, amended to read as follows:

Commercial or industrial establishments that generate excessive amounts of solid waste necessitating the use of a self-compacting bulk container may apply to the director of public works [~~sanitation~~] for a self-service permit. If the director is satisfied from the application that the applicant's proposed methods of storage, collection and disposal of its garbage and refuse are adequate and not detrimental to the public health, safety and welfare, and will comply with all ordinances of the city and state and federal laws and regulations, the application may be granted upon payment to the city of a fee of fifty dollars (\$50.00). Self-service permit holders shall be exempted from the levy of charges on commercial or industrial establishments set out in section 26-298, except landfill charges. The director of public works or designee [~~sanitation~~] shall periodically review the entire operation of the self-service permit holder and the director may revoke the same upon seven (7) days' written notice in the event that the operations of the permit holder are in violation of any city, state or federal law or regulation. Upon such revocation, the director of public works [~~sanitation~~] shall impose upon the

former self-service permit holder reasonable charges, using as a standard those provided for commercial or industrial establishments. The annual fee required for self-service permits shall be due and payable from June 1 to June 30 [~~on or before July 1~~] of each year.

Section 20. That Chapter 26, Article VI, Division 5., Section 26-317 of the Owensboro Municipal Code be, and hereby is, amended to read as follows:

Any commercial or industrial establishment that obtains a self-service permit on the basis of production of solid waste shall, in order to prevent hardship, have the right to renew the permit, provided the requirements for the renewal for operation thereunder are met and approved by the director of public works or designee. [~~sanitation.~~]

Section 21. That Chapter 26, Article VI, Division 5., Section 26-318 of the Owensboro Municipal Code be, and hereby is, amended to read as follows:

In the event an applicant for a self-service permit is denied such permit by the director [~~of sanitation,~~] or upon revocation by the director of public works [~~sanitation~~] of a self-service permit, the commercial or industrial establishment whose self-service permit is affected shall have the right to a hearing on its application before the board of commissioners; and upon written request for such hearing, the board shall set a time and place thereof and give the requesting party reasonable notice of such time and place.

INTRODUCED AND PUBLICLY READ ON FIRST READING, this the 15th day of September, 2020.

PUBLICLY READ AND FINALLY APPROVED ON SECOND READING, this the 6th day of October, 2020.

Thomas H. Watson, Mayor

ATTEST:

Beth Cecil, City Clerk