

CITY OF BARBOURMEDE
ORDINANCE NO. 3
SERIES 2018

AN ORDINANCE REGULATING PLACEMENT OF TEMPORARY
STORAGE UNITS AND DUMPSTERS LOCATED WITHIN THE CITY LIMITS
OF THE CITY OF BARBOURMEDE.

WHEREAS, the City Commission has determined that the placement of “temporary storage units” and “dumpsters” impact the safety, welfare and quality of life of all residents and property owners of Barbourmeade and therefore require the establishment of minimal standards,

NOW THEREFORE, be it ordained by the Mayor and Commissioners of the City of Barbourmeade, Kentucky;

Section One (1): DEFINITIONS

1. **TEMPORARY STORAGE UNITS**— an accessory structure that is intended for temporary storage of personal property, construction/building materials, and other items. This definition may include Portable on Demand Storage units (“PODS”) and/or similar structures, modular units (“trailers”) and/or any other portable structure used for the purposes above.
2. **DUMPSTERS**--- a temporary collection bag/unit/structure including, but not limited to, those intended for the collection of discarded materials such as construction debris, large quantities of yard waste, and discarded personal property, *excepting* traditional trash collection devices provided by waste management companies under contract with the City. A dumpster provided by a commercial service provider for the recurring collection of trash and waste that is not emptied by a commercial service provider shall be considered a “temporary storage unit” pursuant to the definition set out in paragraph 1.

Section Two (2): REGULATIONS

1. “Temporary storage units” and “dumpsters” may be placed on the owner’s property, in an appropriate location for thirty (30) calendar days without approval from the Barbourmeade City Commission.
2. “Temporary storage units” and “dumpsters” may be placed on an owner’s property for longer than thirty (30) calendar days *only* with the written approval of the Barbourmeade City Commission or its designated agent. Written approvals shall be maintained by the City Clerk.

3. No "temporary storage unit" or "dumpster" shall be allowed to remain in excess of sixty (60) calendar days or allowed to hold, store or dispose of any hazardous material.
4. No more than one (1) "temporary storage unit" and one (1) "dumpster" shall be placed on any residential lot at one time. Commercially zoned property shall have no more than two (2) storage units or dumpsters at one time provided they also comply with Federal, State and Local law and regulation.

Section Three (3): **EXCEPTIONS:**

1. The Barbourmeade City Commission shall be allowed to suspend the enforcement of this ordinance in whole, or in part, in the event of special circumstances and emergencies including but not limited to, flood, fire etc...
2. Commercial, business, or multi-family zoned property that are provided recurring waste and recycling disposal services through a commercial service provider are **exempted** from this ordinance provided that the provider is in compliance with Federal, State and Local law and regulation-- and the dumpster is emptied at least monthly. In the event that the recurring waste is not emptied once per month it will be considered a "temporary storage unit" pursuant to the definition contained in paragraph one (1) and comply with this ordinance.

Section Four (4): **PENALTIES**

1. Any person who violates this ordinance or any provision thereof shall be guilty of a violation and fined \$150.00 in addition to all cost(s) associated with the prosecution of this matter.

All continuing violations shall be considered separate and distinct offenses and separate penalties may be imposed for each day that the violation continues.

2. Any person who violates this ordinance or any provision thereof shall in addition to a criminal fine shall be subject to a civil penalty in the amount of \$150.00 for each violation.

All continuing violations shall be considered separate and distinct offenses and separate penalties may be imposed for each day that the violation continues.

The civil penalty may be recovered by the City of Barbourmeade in a civil action in the nature of a debt. If the offender does not pay the violation within twenty (20) days of the date of notice of the violation, the civil penalty may be used as an

alternative or in conjunction with the criminal penalty authorized in paragraph (4)1 above.

FURTHER, this Ordinance shall take effect upon approval, passage and publication as required by law.

FIRST READING THE 21st DAY OF May 2018.

SECOND READING THE 16th DAY OF July 2018.


/s/ Signature Affixed

Mayor, City of Barbourmede, Kentucky


/s/ Signature Affixed

Attest: Brian Davis, City Clerk

Those voting Aye:

Mayor, Bryan Coomer
Commissioner, Lisa Crockett
Commissioner, Dan Streit
Commissioner, Rob Longshore
Commissioner, Tom Budniak,

Those voting Nay: