

**ORDINANCE NO. 2418**

**AN ORDINANCE OF THE CITY OF ERLANGER, IN KENTON COUNTY, KENTUCKY, AMENDING THE ERLANGER CODE OF ORDINANCES SECTION 106.03 AND ORDINANCE 2361 TO REMOVE RECREATIONAL VEHICLES, BOATS AND TRAILERS IN DRIVEWAYS AS A NUISANCE AND TO MODIFY THE RESTRICTIONS ON STORAGE OF WASTE CONTAINERS AND AN ORDINANCE AMENDING THE ERLANGER CODE OF ORDINANCES SECTION 51.02 AND ORDINANCE 2326, DELETING PROVISIONS REGARDING THE STORAGE OF WASTE CONTAINERS**

**WHEREAS**, Erlanger Ordinance 2361 is a nuisance code within the meaning of KRS 82.700 through 82.725; and

**WHEREAS**, in Section 3.6 of Erlanger Ordinance 2361, as amended by Ordinance 2366 and in the Erlanger Code of Ordinances in Section 106.03, the parking of any recreational vehicle, boat or trailer in a driveway in a residential zone is defined and declared to be a public nuisance and prohibited during the period after the first day in November in any calendar year and before the first day of April in the following calendar year; and

**WHEREAS**, in Section 3.8 of Erlanger Ordinance 2361 and as also referenced in the Erlanger Code of Ordinances in Section 106.03, the location of any municipal solid waste container in the front yard of any lot or parcel of real estate in the city at any time other than that period of time that begins at 6:00 p.m. on the day before the day that municipal solid waste is scheduled by the city for collection from that real estate and ends at 6:00 a.m. on the following day; and

**WHEREAS**, the Erlanger Council wishes to consolidate all ordinances related to the Storage Waste Containers and as a result wishes to repeal and amend Erlanger Ordinance 2326 and Erlanger Code of Ordinances Section 51.

**WHEREAS**, the Erlanger City Council now wants to allow the parking of recreational vehicles, boats or trailers in driveways in residential zones throughout the year; and

**WHEREAS**, the Erlanger City Council now wants to modify the placements and storage of trash containers to conceal them from view;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF ERLANGER, IN KENTON COUNTY, KENTUCKY, AS FOLLOWS:**

*(Strikethrough portions are to be deleted, underlined portions are to be added as required by KRS 83A.060(3))*

**Section 1.0**

That the Erlanger City Council amends Ordinance No. 2361 Section 3.6 and Section 3.8 and the Erlanger Code of Ordinances, Section 106.03 (F) and Section 106.03 (H), as follows:

(F) The parking of any recreational vehicle, boat or trailer on ~~anywhere in~~ any occupied residential area except for only one of any such vehicles:

(1) In the rear yard of any lot or parcel of real estate;

- (2) In any area of a side yard that is continuously paved with blacktop or concrete, provided that no part of the such vehicle is within one foot of any point in the nearest boundary line; or
- (3) In any driveway during the period after May 1 and before October 15 in any calendar year, provided that:
  - (a) The area thereof occupied by any such vehicle is in addition to all off street parking areas required by this chapter;
  - (b) There is no more than one of any such vehicles parked, stored or otherwise located in any portion of any driveway on any one lot or parcel of real estate at any one time; and
  - (c) No part of any such vehicle is within one foot of any point in the nearest boundary line.
- (H) ~~The location of any municipal solid waste container in the front yard of any lot or parcel of real estate in the city at any time other than that period of time that begins at 6:00 p.m. on the day before the day that municipal solid waste is scheduled by the city for collection from that real estate and ends at 6:00 a.m. on the following day.~~
- (H) No person, firm or corporation shall cause or permit municipal solid waste containers or any other similar type containers of any kind to be placed at the curb line in front of any premises for collection before the hour of 4:00 p.m., prevailing time, of the evening before the collection dates on the street or alley on which the premises are located, and the containers shall be placed at the curb line in front of the premises. It shall be unlawful for garbage or trash containers to be placed for collection prior to the time contained herein on the streets or alleys or for the garbage or trash containers to remain on the streets or alleys except on the collection dates. After the containers have been emptied, the person owning the containers shall remove the containers from the front of the premises and place them within two feet of their premises or garage with the goal of hiding them from view as much as practical.

No garbage or trash containers shall be placed on the streets or alleys in violation of the provisions of this section by any person or for any reason.

## Section 2.0

That the Erlanger City Council amends and repels in its entirety Ordinance No. 2326 and the Erlanger Code of Ordinances Section 51 as follows:

### ~~§ 51.01 DEFINITIONS.~~

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

~~“COLLECTION DAY.” The day for the collection of household solid waste according to the collection schedule of the franchisee that has been approved by the city.~~

~~“COLLECTION LOCATION.” The edge of the pavement of the public street upon which the collection unit abuts, or such other location agreed to by the franchisee or designated by the Erlanger Director of Public Works.~~

~~“COLLECTION UNIT.” Any separate residence for human beings in the city, other than those located within either:~~

~~(1) A single separate building with more than four (4) separate residences therein; or~~

~~(2) A multiple building complex, in which all of the buildings thereof are in the same ownership, and located on one (1) lot or parcel of real estate, or adjoining lots or parcels of real estate in the same ownership, and with at least one (1) building thereof having four (4) or more separate residences therein.~~

~~“EVERYBODY.” Every human being, or any organization or combination thereof, in the form of a corporation, partnership, joint venture, unincorporated, associated or otherwise.~~

~~“FRANCHISEE.” The franchisee of the city for the collection, removal and disposal of household solid waste from collection units.~~

~~“HOUSEHOLD SOLID WASTE.” All refuse, garbage, trash, yard waste and other solid material discarded from a collection unit.~~

~~“NOBODY.” No human being, or any organization or combination thereof, in the form of a corporation, partnership, joint venture, unincorporated, associated or otherwise.~~

#### ~~§ 51.02 PROHIBITIONS.~~

~~Nobody shall, by either act or omission, cause, conspire, promote, aid, assist, encourage, allow or engage in:~~

~~(A) The accumulation of any household solid waste from any collection unit in the city, at a location within or outside of that collection unit, in any manner other than by either:~~

~~(1) Enclosing that household solid waste within a covered household solid waste container, with a maximum capacity of ninety-six (96) gallons; or~~

~~(2) Tying that household solid waste into bundles with a maximum length of forty-eight (48) inches and a maximum weight of fifty (50) pounds except for large items of household solid waste like water heaters, clothes washers, clothes dryers, refrigerators and other such items.~~

~~(B) The location of any household solid waste in containers, bundles or otherwise, or any empty solid waste containers anywhere in the front of the collection unit, or anywhere on either side of the collection unit where they may be seen from any street, except for that household solid waste that is placed for collection, pursuant to the provisions of this chapter.~~

~~(C) The transportation of any household solid waste to or from any collection unit in the city, other than through the use of the franchisee.~~

#### ~~§ 51.03 REQUIREMENTS.~~

~~Everybody with any ownership or possessory interest in any collection unit in the city shall and is hereby jointly and severally obligated to:~~

~~(A) Cause all of the accumulated household solid waste from the collection unit in which they have any ownership or possessory interest to be placed at the collection location after sunset on the evening before the collection day;~~

~~(B) Cause all of the household solid waste containers to be removed from the collection location to the rear of the collection unit, or either side of the collection~~

unit where they are not visible from any street, before sunrise on the day after the collection day; and

(C) Pay all of the fees and charges of the franchisee for the collection, removal and disposal of that household solid waste; but no more than the maximum amount established in the city franchise for that collection, removal and disposal.

~~§ 51.99 PENALTY:~~

(A) Each separate violation of this chapter shall be a misdemeanor for which everybody convicted thereof in a court of competent jurisdiction shall be sentenced to pay a criminal fine not to exceed the maximum amount of five hundred dollars (\$500.00) as set forth in KRS 534.050(2)(a) or a term of imprisonment not to exceed the maximum period of twelve (12) months as set forth in KRS 532.090(1), or both.

(B) Each separate violation of this chapter is hereby classified as a civil offense, for which:

(1) The maximum civil fine required by KRS 65.8808(2)(b) that may be imposed for each separate violation of this chapter, is hereby established as five hundred dollars (\$500.00);

(2) The specific civil fine required by KRS 65.8808(2)(c) that will be imposed for each separate offense and violation of this chapter if the person who has committed the violation and offense does not contest a citation therefor, is hereby established as one hundred dollars (\$100.00); and

(3) An enforcement officer may, in lieu of immediately issuing a civil citation therefor, give notice that a violation of § 51.02 shall be remedied within a specific period of time.

**Section 3.0 – Provisions Severable**

The provisions of this ordinance are severable; and the invalidity of any provision of this ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

**Section 4.0 – Conflicting Ordinances Repealed**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**Section 5.0 – Effective Date**

This ordinance shall be effective as soon as possible according to law.

**Section 6.0 - Publication**

This ordinance shall be published in summary pursuant to K.R.S. 83A.060 (9).

Adopted this 4th day of August, 2015.

First Reading- July 7, 2015

Second Reading- August 4, 2015    Votes Cast 11 Yes 0 No

City of Erlanger,  
Kenton County, Kentucky

By:

Tyson Hermes  
Mayor

Attest:

Melissa Andress  
City Clerk/Director of Administration