

**CITY OF SOUTHGATE
CAMPBELL COUNTY, KENTUCKY
ORDINANCE NO. 19-05**

AN ORDINANCE AMENDING SECTIONS 93.16 AND 93.17 OF THE CITY OF SOUTHGATE CODE OF ORDINANCES AND CREATING A NEW SECTION OF CHAPTER 93 OF THE CITY OF SOUTHGATE CODE OF ORDINANCES TO ESTABLISH A PERMITTING PROCESS FOR THE PLACEMENT OF BULK SOLID WASTE CONTAINERS AND PORTABLE STORAGE CONTAINERS ON THE CITY RIGHT-OF-WAY OR IN A RESIDENTIAL ZONE.

WHEREAS, the temporary placement of bulk solid waste containers, commonly known as dumpsters, and portable storage containers, commonly known as PODS, is often necessary as part of the process of rehabilitating or repairing houses in the City; and

WHEREAS, PODS have become an increasingly common storage method; and

WHEREAS, the Southgate City Council desires to establish updated regulations related to bulk solid waste containers and portable storage containers, which allow for their responsible use while also protecting the health, safety and general welfare of the City's residents.

NOW, THEREFORE, be it ordained by the City Council of the City of Southgate, Kentucky:

SECTION 1

That Sections 93.16 and 93.17 of the City of Southgate Code of Ordinances are hereby amended to read as follows:

§ 93.16 STREET OBSTRUCTIONS.

It shall be unlawful for any person to encumber or obstruct any street or other public way of the city with any cart, wagon, automobile, or other vehicle or with any sand, dirt, stone, lumber, or any other article; however, this shall not apply to the use of streets or other public ways for building purposes when a proper building permit has been obtained or for purposes of storage of bulk solid waste containers or portable storage containers when a proper permit has been obtained pursuant to § 93.25.

§ 93.17 STREET OBSTRUCTION PERMIT.

(A) It shall be unlawful for any person to erect or cause to be erected; to remove or cause to be removed over a public street, alley, or other public place; or to improve or cause to be improved any house or other structure within the city limits without first obtaining from the City Clerk a permit to use and occupy the street or other public place for the purpose of depositing the materials necessary in the erection, removal, or improvement of the house or other structure.

(B) An application for a street obstruction permit shall be made in writing to the City Clerk.

It shall state the name of the owner, the location of the premises, the character of the proposed structure and the material of which it is to be constructed, the contract price or an estimate of the cost if there is no contract, and the length of time for which the use and occupation of the street is desired.

(C) The use and occupancy of any street shall not be granted for a longer time than four months. It may be extended for good cause. The use of any street or alley shall not exceed one-third of its width. The use of any street or alley shall not be permitted except in the front of the premises to be improved. No materials shall be prepared in the street which can be prepared on the premises. The gutters shall not be obstructed. No obstruction shall be permitted to remain on a public street or alley during the night without a red light displayed during the hours of darkness.

(D) All surplus materials shall be removed immediately upon the completion of the work, and the street shall be put in good repair.

(E) No person shall fence in or otherwise obstruct any sidewalk, street, or public place.

(F) Permits for the placement of bulk solid waste containers and portable storage containers shall be governed by the provisions of § 93.25.

SECTION 2

That Title IX, Chapter 93, Section 93.25 is hereby added to and amends the City of Southgate Code of Ordinances:

§ 93.25 CONTAINERS.

(A) Definitions. For the purpose of this section, the following definitions shall apply:

(1) Bulk solid waste container shall mean a container intended for construction waste material or other refuse, excluding garbage, for the purpose of removing said material from a site. These containers are commonly referred to as dumpsters.

(2) Portable storage container shall mean any box-like container transported by truck or trailer to a desired location for drop-off, storage, and eventual pick-up. A commonly accepted name for these containers is PODS, an acronym for portable on-demand storage.

(B) Permit Required.

(1) No person shall place a bulk solid waste container or portable storage container in a residential zone or in the city right of way without first obtaining a permit from the City Clerk. The applicant shall provide his or her name, address, and the specific location where the bulk solid waste container or portable storage container is proposed to be placed.

(2) No permit shall be issued under this section unless the applicant has provided the City Clerk with at least twenty-four (24) hours' notice in advance of the placement of the bulk solid waste container or portable storage container. For purposes of this subsection, Saturdays,

Sundays, and City holidays shall not be counted in the required notice period.

(3) Permits issued under this section shall be valid for a period of thirty (30) days.

(4) No more than one (1) bulk solid waste container or portable storage container shall be placed on, or in the adjacent right-of-way of, any parcel at the same time.

(C) Placement in Right of Way.

(1) No permit shall be issued under this section for the placement of a bulk solid waste container or portable storage container in the right of way if:

(a) The placement will obstruct the flow of traffic;

(b) The placement will impede or obstruct emergency vehicles; or

(c) The bulk solid waste container or portable storage container can reasonably be placed in a driveway as an alternative.

(2) No bulk solid waste container or portable storage container in the right of way shall be placed more than six (6) inches from the curb or with any portion of the container on or over the curb.

(D) Penalty

(1) Any person who place a bulk solid waste container or portable storage container in violation of this section shall be deemed to have committed a violation, and shall be fined not more than two hundred dollars (\$200) for the first offense, and not more than five hundred dollars (\$500) for each subsequent offense within five (5) years.

(2) Any other violation of this section shall be governed by § 93.99.

(3) Any bulk solid waste container or portable storage container placed in violation of this section shall be subject to removal and/or impoundment by the Police Department.


SECTION 3

That any ordinance or any portion thereof in conflict with this Ordinance is, to the extent of such conflict, repealed.

SECTION 4

That this Ordinance shall take effect and be in full force when passed, published and recorded according to law, said publication may be in summary form.

Passed this 17th day of April, 2019.



JAMES HAMBERG
Mayor

ATTESTED:

Brandi Barton

BRANDI BARTON

City Clerk

First Reading: 4/3/19

Second Reading: 4/17/19

Publication: