

**CITY OF BARDSTOWN, KENTUCKY
REGULAR CITY COUNCIL MEETING MINUTES
12-08-2015
7:00 PM**

The City Council met in regular session in the Council Chambers with Mayor Royalty and the following Councilmen:

- Councilman Buckman
- Councilman Copeland
- Councilman Hagan
- Councilman Lydian
- Councilman Simpson
- Councilman Williams - **Absent**

Others present: City Electrical Engineer Jeff Mills, Human Resource Director Larry Green, City Clerk Barbie Bryant, City Attorney Tim Butler, Interim Fire Chief Chuck Montgomery, Police Lieutenant Chris Brandon, Nelson County Gazette Reporter Jim Brooks, The Kentucky Standard Reporter Randy Patrick, and citizens Margaret Sims, Marlin Howard, Howard Keene, Pastor Freddy Riggs, David Haydon and Magistrate Sam Hutchins.

BID FOR ADVANCE METERING INFRASTRUCTURE HARDWARE

City Electrical Engineer Mills presented the bid for electric metering equipment. **COUNCILMAN HAGAN MOVED TO APPROVE THE BID FROM TANTALUS IN THE AMOUNT OF \$765,191.95. THE MOTION WAS DULY SECONDED BY COUNCILMAN LYDIAN AND CARRIED BY A VOTE OF 5 TO 0.**

BID FOR FARM LEASE AGREEMENT

City Clerk Bryant presented the bid for leasing the 40 acres of farmland at the Jerry Riley Wastewater Plant. The term of the lease is for three (3) years. The bid reflects one year.

Farm Lease – Jerry L. Riley Wastewater Treatment Plant

Bid Tab

December 3, 2015, 10:00 a.m.

Bidder	Total Bid (\$)	Signed
Thomas Wheeler 175 St. Thomas Loop 502-294-9076	\$30/acre 40 acres= \$1,200	Yes

COUNCILMAN BUCKMAN MOVED TO APPROVE THE BID FROM THOMAS WHEELER IN THE AMOUNT OF \$1,200.00. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND AND CARRIED BY A VOTE OF 5 TO 0.

DRB-226 HAYDEN STRATTON COMPANY

City Clerk Bryant gave the description of the application; 30' X 50' (1500 SF) maintenance shop building at 168 Wildcat Lane, Tract #13 in the Kenmore Industrial Park. **COUNCILMAN HAGAN MOVED TO APPROVE DRB-226 HAYDEN STRATTON COMPANY, BASED ON THE RECOMMENDATIONS OF THE DRB AND THE SUBMITTED SITE, BUILDING, LANDSCAPING, AND LIGHTING PLANS. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 5 TO 0.**

MINUTES

THE MOTION TO APPROVE THE REGULAR CITY COUNCIL MEETING MINUTES OF 11-24-2015 WAS APPROVED BY UNANIMOUS CONSENT.

City Clerk Bryant presented a correction to the minutes for the May 26, 2015 Regular City Council meeting:

CHANGE ORDER #1, BILLY GILKEY, DEMAREE GUTHRIE PROJECT

Engineer Richter distributed a spreadsheet containing the information to the Council. There some areas containing obstacles (trees, roots, sheds) that we had to work through or under causing the city to go over \$21,000 of the original contract total. **COUNCILMAN HAGAN MOTIONED TO APPROVE THE CHANGE ORDER#1, BILLY GILKEY, DEMAREE GUTHRIE PROJECT IN THE AMOUNT OF ~~[\$21,000]~~ \$21,011 OVER THE ORIGINAL CONTRACT TOTAL, DULY SECONDED BY COUNCILMAN LYDIAN. VOTE 6 TO 0.**

COUNCILMAN HAGAN MOVED TO APPROVE THE CORRECTION TO THE 05-26-2015 REGULAR CITY COUNCIL MEETING MINUTES TO REFLECT THE QUOTED AMOUNT OF \$21,011. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED BY A VOTE OF 5 TO 0.

PROPOSED ORDINACE B2015 – COUNCIL MEETING TIME CHANGE

Councilman Hagan introduced the ordinance and asked for its first reading. City Clerk Bryant read the ordinance that will change the meeting start time from 7:00pm to 5:00pm. Councilman Lydian asked for a vote and the outcome was 2-3 (Hagan and Buckman voting yes).

PROPOSED ORDINACE B2015 – ALCOHOL BEVERAGE AMENDMENTS

Councilman Buckman introduced the ordinance and asked for its first reading. City Clerk Bryant read the summary for the ordinance that will change the time for serving liquor by the drink on Monday through Saturday and selling packaged liquor or malt beverage all days of the week. No vote was taken.

ORDINACE B2015-29 ANIMALS PENALTY

City Clerk Bryant gave a second reading in summary. The full contents are recorded below:

ORDINANCE NO. B2015 – 29

AN ORDINANCE AMENDING AND ADOPTING AS AMENDED AN ORDINANCE RELATING TO CHAPTER 90 ANIMALS OF THE CITY OF BARDSTOWN’S CODE OF ORDINANCES.

WHEREAS, the City Council of the City of Bardstown, Kentucky authorized the creation of a Code Enforcement Board with the authority to issue remedial orders and impose fines in order to provide an equitable, expeditious, effective, and inexpensive method of ensuring compliance with the ordinances in force within the City; and

WHEREAS, through the orders assessed by the Code Enforcement Board, the penalty phase of this chapter will be strengthened; and

WHEREAS, the penalties assessed and enforced by the Code Enforcement Board must be specified in the penalty section of a chapter, with that chapter being determined to be the particular section amended to reflect such penalties for this chapter.

NOW THEREFORE, BE IT ORDAINED by the City of Bardstown, Kentucky, that Section 90.99 Penalty (A) and (B) of the Code of Ordinances relating to Animals be amended as follows:

SECTION 90.99 PENALTY

(A) Any person, firm, or corporation violating the provisions of §§ 90.10 and 90.24 shall be deemed guilty of a violation and shall be subject to a fine of not less than \$10 nor more than \$100 for each offense, and each day that the violation continues shall constitute a separate offense. **Violators of this chapter may be issued a citation by the officer in charge of enforcement. In addition or in the alternative, any person determined to be in violation of this chapter may be assessed civil penalties or fines, those fines assessed through the Code Enforcement Board process as provided for in Ordinance B2015-28 in the amount of no less than \$25 nor more than \$100 for the first offense, no less than \$50 nor more than \$200 for the second offense and no less than \$100 nor more than \$300 for any subsequent offense.**

(B) Sections 90.01-90.03, 90.11-90.13, and 90.20-90.23 shall be enforced by citation issued to the owners of any dogs not under restraint, or the owner of any animal is in violation of the above listed sections of this chapter. If any violation continues, each day the violation continues shall be deemed a separate offense and shall be separately disposed of in the manner set out above. Upon conviction for a first offense, the penalty shall constitute and be prescribed as a violation, subject to a fine of not more than \$250. Second and subsequent offenses shall constitute and be prescribed as a misdemeanor, subject to a fine of not more than \$250, imprisonment not exceeding 90 days, or both. **Violators of this chapter may be issued a citation by the officer in charge of enforcement. In addition or in the alternative, any person determined to be in violation of this chapter may be assessed civil penalties or fines, those fines assessed through the Code Enforcement Board process as provided for in Ordinance B2015-28 in the amount of no less than \$25 nor more than \$100 for the first offense, no less than \$50 nor more than \$200 for the second offense and no less than \$100 nor more than \$300 for any subsequent offense.**

COUNCILMAN HAGAN MOVED TO APPROVE ORDINANCE B2015-29 ANIMALS PENALTY. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN.

THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:

- COUNCILMAN COPELAND - AYE
- COUNCILMAN LYDIAN - AYE
- COUNCILMAN HAGAN - AYE
- COUNCILMAN BUCKMAN - AYE
- COUNCILMAN SIMPSON - AYE

MAYOR ROYALTY THEN DECLARED ORDINANCE NO. B2015-29 ADOPTED. IT WILL BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

ORDINACE B2015-30 DRAINAGE PENALTY

City Clerk Bryant gave a second reading in summary. The full contents are recorded below:

ORDINANCE NO. B2015 – 30

AN ORDINANCE AMENDING AND ADOPTING AS AMENDED AN ORDINANCE RELATING TO CHAPTER 156 DRAINAGE CONTROL OF THE CITY OF BARDSTOWN’S CODE OF ORDINANCES.

WHEREAS, the City Council of the City of Bardstown, Kentucky authorized the creation of a Code Enforcement Board with the authority to issue remedial orders and impose fines in order to provide an equitable, expeditious, effective, and inexpensive method of ensuring compliance with the ordinances in force within the City; and

WHEREAS, through the orders assessed by the Code Enforcement Board, the penalty phase of this chapter will be strengthened; and

WHEREAS, the penalties assessed and enforced by the Code Enforcement Board must be specified in the penalty section of a chapter, with that chapter being determined to be the particular section amended to reflect such penalties for this chapter.

NOW THEREFORE, BE IT ORDAINED by the City of Bardstown, Kentucky, that Section 156.99 Penalty of the Code of Ordinances relating to Drainage Control be amended as follows:

SECTION 156.99 PENALTY

Any person, firm, or corporation who violates or fails to comply with any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction, shall be subject to a fine of not less than ~~the~~ \$25, nor more than \$250, and in addition shall pay all costs and expenses involved in the case. ~~[In lieu of penalties provided herein, when the civil citation / notification is issued as described under §156.50 Enforcement Procedure, the City Civil Engineer may assess a civil penalty or fine of not less than \$25 and not more than \$250. All civil penalties shall be paid to the City of Bardstown]~~ **Violators of this chapter may be issued a citation by the officer in charge of enforcement. In addition or in the alternative, any person determined to be in violation of this chapter may be assessed civil penalties or fines, those fines assessed through the Code Enforcement Board process as provided for in Ordinance B2015-28 in the amount of no less than \$50 nor more than \$150 for the first offense, no less than \$75 nor more than \$200 for the second offense and no less than \$100 nor more than \$250 for any subsequent offense.** A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

COUNCILMAN SIMPSON MOVED TO APPROVE ORDINANCE B2015-30 DRAINAGE PENALTY. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND.

THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:

COUNCILMAN SIMPSON	-	AYE
COUNCILMAN BUCKMAN	-	AYE
COUNCILMAN HAGAN	-	AYE
COUNCILMAN LYDIAN	-	AYE
COUNCILMAN COPELAND	-	AYE

MAYOR ROYALTY THEN DECLARED ORDINANCE NO. B2015-30 ADOPTED. IT WILL BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

ORDINACE B2015-31 NUISANCES PENALTY

City Clerk Bryant gave a second reading in summary. The full contents are recorded below:

ORDINANCE NO. B2015 – 31

AN ORDINANCE AMENDING AND ADOPTING AS AMENDED AN ORDINANCE RELATING TO CHAPTER 94 NUISANCES OF THE CITY OF BARDSTOWN’S CODE OF ORDINANCES.

WHEREAS, the City Council of the City of Bardstown, Kentucky authorized the creation of a Code Enforcement Board with the authority to issue remedial orders and impose fines in order to provide an equitable, expeditious, effective, and inexpensive method of ensuring compliance with the ordinances in force within the City; and

WHEREAS, through the orders assessed by the Code Enforcement Board, the penalty phase of this chapter will be strengthened; and

WHEREAS, the penalties assessed and enforced by the Code Enforcement Board must be specified in the penalty section of a chapter, with that chapter being determined to be the particular section amended to reflect such penalties for this chapter.

NOW THEREFORE, BE IT ORDAINED by the City of Bardstown, Kentucky, that Section 94.99 Penalty (A), (B) and (C) of the Code of Ordinances relating to Nuisances be amended as follows:

SECTION 94.99 PENALTY

(A) Violation of the provisions of this chapter or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, on conviction thereof, be fined not less than \$10 nor more than \$500 or imprisoned for not more than 30 days or both, and in addition shall pay all costs and expenses involved in the case. Each day a violation continues shall be considered a separate offense. Violators of this chapter may be issued a citation by the officer in charge of enforcement. In addition or in the alternative, any person determined to be in violation of this chapter may be assessed civil penalties or fines, those fines assessed through the Code Enforcement Board process as provided for in Ordinance B2015-28 in the amount of no less than \$100 nor more than \$200 for the first offense, no less than \$150 nor more than \$250 for the second offense and no less than \$200 nor more than \$300 for any subsequent offense. Nothing herein contained shall prevent the city from taking any other lawful action as is necessary to prevent or remedy any violation.

~~(B) [Violation of the provisions of this chapter or failure to comply with any of its requirements shall subject the offender to a civil penalty of \$25 per violation, plus court costs and reasonable attorneys' fees, which shall be recovered by the city in a civil action in the nature of a debt if not paid by the offender within ten continuous calendar days after citation for the violation offense or other failure to comply with the provisions of this chapter. Each day a violation continues shall be considered a separate offense. The penalty provided herein shall be in addition to any penalty provided for in §94.99.]~~ Violators of the provisions of §94.20 may be issued a citation by the officer in charge of enforcement. In addition or in the alternative, any person determined to be in violation of §94.20 may be assessed civil penalties or fines, those fines assessed through the Code Enforcement Board process as provided for in Ordinance B2015-28 in the amount of no less than \$100 nor more than \$200 for the first offense, no less than \$150 nor more than \$250 for the second offense and no less than \$200 nor more than \$300 for any subsequent offense.

~~[(C) Violation of the provisions of §94.20 shall constitute a violation and be subject to a fine not less than \$50, nor more than \$250.]~~

COUNCILMAN BUCKMAN MOVED TO APPROVE ORDINANCE B2015-31 NUISANCES PENALTY. THE MOTION WAS DULY SECONDED BY COUNCILMAN SIMPSON.

THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:

COUNCILMAN COPELAND	-	AYE
COUNCILMAN LYDIAN	-	AYE
COUNCILMAN HAGAN	-	AYE
COUNCILMAN BUCKMAN	-	AYE
COUNCILMAN SIMPSON	-	AYE

MAYOR ROYALTY THEN DECLARED ORDINANCE NO. B2015-31 ADOPTED. IT WILL BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

ORDINACE B2015-32 OCCUPATIONAL LICENSES PENALTY

City Clerk Bryant gave a second reading in summary. The full contents are recorded below:

ORDINANCE NO. B2015 - 32

**AN ORDINANCE OF THE CITY OF BARDSTOWN, KENTUCKY
AMENDING CODE OF ORDINANCE, CHAPTER 117 RELATING TO OCCUPATIONAL LICENSES**

WHEREAS, the City Council of the City of Bardstown, Kentucky authorized the creation of a Code Enforcement Board with the authority to issue remedial orders and impose fines in order to provide an equitable, expeditious, effective, and inexpensive method of ensuring compliance with the ordinances in force within the City; and

WHEREAS, through the orders assessed by the Code Enforcement Board, the penalty phase of this chapter will be strengthened; and

WHEREAS, the penalties assessed and enforced by the Code Enforcement Board must be specified in the penalty section of a chapter, with that chapter being determined to be the particular section amended to reflect such penalties for this chapter.

NOW THEREFORE, BE IT ORDAINED by the City of Bardstown, Kentucky, that Section 117.99 Penalty (E) of the Code of Ordinances relating to Occupational Licenses be amended as follows:

CHAPTER 117.99 PENALTY.

(E) The city may enforce the collection of the occupational tax due under §117.03 and any fees, penalties, and interest as provided in divisions (A), (B), (C), and (D) of this section by civil action in a court of appropriate jurisdiction. To the extent authorized by law, the city shall be entitled to recover all court costs and reasonable attorney fees incurred by it in enforcing any provision of this chapter. **Violators of this chapter may be issued a citation by the officer in charge of enforcement. In addition or in the alternative, any person determined to be in violation of this chapter may be assessed civil penalties or fines, those fines assessed through the Code Enforcement Board process as provided for in Ordinance B2015-28 in the amount of no less than \$50 nor more than \$200 for the first offense, no less than \$75 nor more than \$250 for the second offense and no less than \$100 nor more than \$300 for any subsequent offense.**

COUNCILMAN HAGAN MOVED TO APPROVE ORDINANCE B2015-32 OCCUPATIONAL LICENSES PENALTY. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN.

THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:

COUNCILMAN SIMPSON	-	AYE
COUNCILMAN BUCKMAN	-	AYE
COUNCILMAN HAGAN	-	AYE
COUNCILMAN LYDIAN	-	AYE
COUNCILMAN COPELAND	-	AYE

MAYOR ROYALTY THEN DECLARED ORDINANCE NO. B2015-32 ADOPTED. IT WILL BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

ORDINACE B2015-33 PROPERTY MAINTENANCE CODE PENALTY

City Attorney Butler gave a second reading in summary. The full contents are recorded below:

ORDINANCE NO. B2015 –33

AN ORDINANCE AMENDING AND ADOPTING AS AMENDED AN ORDINANCE RELATING TO CHAPTER 155 PROPERTY MAINTENANCE CODE OF THE CITY OF BARDSTOWN’S CODE OF ORDINANCES.

WHEREAS, the City Council of the City of Bardstown, Kentucky authorized the creation of a Code Enforcement Board with the authority to issue remedial orders and impose fines in order to provide an equitable, expeditious, effective, and inexpensive method of ensuring compliance with the ordinances in force within the City; and

WHEREAS, through the orders assessed by the Code Enforcement Board, the penalty phase of this chapter will be strengthened; and

WHEREAS, the penalties assessed and enforced by the Code Enforcement Board must be specified in the penalty section of a chapter, with that chapter being determined to be the particular section amended to reflect such penalties for this chapter.

NOW THEREFORE, BE IT ORDAINED by the City of Bardstown, Kentucky, that Section PM 106.2 Penalty of the Code of Ordinances relating to the Property Maintenance Code be amended as follows:

SECTION PM 106.2 PENALTY

Any person found guilty of a violation of any provision of this [~~code or Ordinance No. 572~~] **chapter** shall be guilty of a Class B misdemeanor. **Violators of this chapter may be issued a citation by the officer in charge of enforcement. In addition or in the alternative, any person determined to be in violation of this chapter may be assessed civil penalties or fines, those fines assessed through the Code Enforcement Board process as provided for in Ordinance B2015-28 in the amount of no less than \$100 nor more than \$200 for the first offense, no less than \$150 nor more than \$250 for the second offense and no less than \$200 nor more than \$300 for any subsequent offense.**

COUNCILMAN HAGAN MOVED TO APPROVE ORDINANCE B2015-33 PROPERTY MAINTENANCE CODE PENALTY. THE MOTION WAS DULY SECONDED BY COUNCILMAN SIMPSON.

THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:

COUNCILMAN COPELAND	-	AYE
COUNCILMAN LYDIAN	-	AYE
COUNCILMAN HAGAN	-	AYE
COUNCILMAN BUCKMAN	-	AYE

MAYOR ROYALTY THEN DECLARED ORDINANCE NO. B2015-33 ADOPTED. IT WILL BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

ORDINACE B2015-34 SIGN REGULATIONS PENALTY

City Attorney Butler gave a second reading in summary. The full contents are recorded below:

ORDINANCE NO. B2015 – 34

AN ORDINANCE AMENDING AND ADOPTING AS AMENDED AN ORDINANCE RELATING TO CHAPTER 98 SIGN REGULATIONS OF THE CITY OF BARDSTOWN’S CODE OF ORDINANCES.

WHEREAS, the City Council of the City of Bardstown, Kentucky authorized the creation of a Code Enforcement Board with the authority to issue remedial orders and impose fines in order to provide an equitable, expeditious, effective, and inexpensive method of ensuring compliance with the ordinances in force within the City; and

WHEREAS, through the orders assessed by the Code Enforcement Board, the penalty phase of this chapter will be strengthened; and

WHEREAS, the penalties assessed and enforced by the Code Enforcement Board must be specified in the penalty section of a chapter, with that chapter being determined to be the particular section amended to reflect such penalties for this chapter.

NOW THEREFORE, BE IT ORDAINED by the City of Bardstown, Kentucky, that Section 98.99 Penalty (D) (1) of the Code of Ordinances relating to Sign Regulations be amended as follows:

SECTION 98.99 PENALTY.

(D) Penalties.

(1) Violation of the provisions of the chapter or failure to comply with any of its requirements shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not less than \$50 nor more than \$500. **Violators of this chapter may be issued a citation by the officer in charge of enforcement. In addition or in the alternative, any person determined to be in violation of this chapter may be assessed civil penalties or fines, those fines assessed through the Code Enforcement Board process as provided for in Ordinance B2015-28 in the amount of no less than \$100 nor more than \$200 for the first offense, no less than \$150 nor more than \$250 for the second offense and no less than \$200 nor more than \$300 for any subsequent offense.** Each day such violation continues shall be considered a separate offense.

COUNCILMAN SIMPSON MOVED TO APPROVE ORDINANCE B2015-34 SIGN REGULATIONS PENALTY. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND.

THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:

COUNCILMAN SIMPSON	-	AYE
COUNCILMAN BUCKMAN	-	AYE
COUNCILMAN HAGAN	-	AYE
COUNCILMAN LYDIAN	-	AYE
COUNCILMAN COPELAND	-	AYE

MAYOR ROYALTY THEN DECLARED ORDINANCE NO. B2015-34 ADOPTED. IT WILL BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

ORDINACE B2015-35 SOLID WASTE MANAGEMENT AMENDMENTS

City Attorney Butler gave a second reading in summary. The full contents are recorded below:

ORDINANCE NO. B2015 – 35

AN ORDINANCE AMENDING AND ADOPTING AS AMENDED SECTION 51.01 DEFINITIONS; 51.02 STORAGE OF SOLID WASTE (D) and (E); SECTION 51.03 COLLECTION OF SOLID WASTE (A)(1), (D)(2), (F)(1), (J), and (K); SECTION 51.04 DISPOSAL OF SOLID WASTE; SECTION 51.08 PROHIBITED PRACTICES (B); AND SECTION 51.99 PENALTY OF CHAPTER 51: SOLID WASTE MANAGEMENT, OF THE CITY OF BARDSTOWN CODE OF ORDINANCES.

NOW THEREFORE, BE IT ORDAINED by the City of Bardstown, Kentucky, that Sections 51.01, 51.02, 51.03, 51.04, 51.08 and 51.99 be amended as follows:

§ 51.01 DEFINITIONS

“CONSTRUCTION AND DEMOLITION WASTE.” Waste, including **drywall, used lumber, rolls of carpet or padding**, plumbing fixtures, resulting from land development and the construction, remodeling, repair, and demolition of structures and uncontaminated solid waste consisting of vegetation resulting from land clearing and grubbing, utility line maintenance, and seasonal and storm related cleanup.

§ 51.02 STORAGE OF SOLID WASTE

(D) Standards for commercial storage containers. Commercial solid waste from a small producer shall be stored in solid waste containers as described in division (C). Commercial solid waste from a large producer shall be stored in a City provided garbage dumpster or such other container as may be approved by the city’s Director **of Public Works**. The containers shall be waterproof, leak proof and shall be covered at all times except when depositing waste therein or removing the contents thereof; and shall meet all requirements set forth pursuant to § 51.07. **In addition, the Director/Superintendent of Public Works hereby requires that dumpster areas shall be graded and paved in order to make the handling of dumpsters safe and accessible for the workers. Corrals or enclosures are required where feasible. Corral doors shall be hung and properly maintained to permit unobstructed access. Where enclosures are unfeasible, curbs may be required at the sole discretion of the Superintendent of Public Works to prevent the dumpsters from rolling off the dumpster pads. Refusal of service may be authorized upon 30 day written notice from the Superintendent or Director of Public Works where any unsafe or non-compliant condition exists in the service location. It is required that all liquid wastes and debris from spillage shall be cleaned in a timely fashion by the waste generator with an absorbent and properly disposed of to prevent the migration of wastes from the dumpster area.**

(E) Yard wastes and storage thereof. [~~Brush, tree limbs, and small pieces of lumber, less than four inches in diameter, may be stored by either securely tying them in bundles not larger than 48 inches long and 18 inches in total diameter or by storing them in solid waste containers. Other yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public rights of way. The weight of any individual bundle or container and its contents shall not exceed 40 pounds.~~] **Curbside collection described provides for two different acceptable ways to set out yards wastes in addition to yard wastes set out in cans for normal weekly collection. Disposable solid waste containers (plastic bags) may be used [only] for yard waste such as brush, tree limbs, leaves and small pieces of lumber, less than 4" in diameter or stored by securely tying them in bundles not larger than 48" long and 18" in total diameter. No loose material will be picked up. The weight of any individual bundle or container and its contents shall not exceed 40 pounds.**

§ 51.03 COLLECTION OF SOLID WASTE

(A) City responsibility defined. The city shall provide for the collection of solid waste as follows:

(1) The city provides [~~municipally owned solid waste collection service, including~~] normal curbside solid waste collection, special bulky item pickup, tree limb pickup, and [~~the pickup of large quantities of leaves in the fall~~] leaf collection. Loose leaves are collected during a publicly announced and defined time period in the Fall, as needed. Recyclable cardboard is collected at three designated locations; Public Parking Lot on West Flaget Avenue, Farmer’s Market Lot on East Flaget Avenue and the Guthrie Opportunity Center on Nutter Drive during business hours.

(D) City solid waste collection services and items that shall be placed at the collection point for each service.

(2) Special bulky rubbish and tree limb collection. Customers must call City Hall to request tree limbs or bulky item pickup. Tree limbs shall be no larger than six (6) inches in diameter and ten (10) feet long. [~~The weight of any one item per customer shall not exceed the weight of a normal household appliance.~~] **Neither tree limbs nor bulky rubbish waste material shall be stacked in more than one pile that exceeds four (4) cubic yards which is approximately the size of a pickup load.** Such items shall be placed at the collection point only on the regularly scheduled day of the week for normal collection. **Bulky items or yard waste shall not be picked up from alleyways except where alleyways are wider than ten (10) feet.** In the event of a storm related emergency the Mayor may order an exception to the quantity and weight limits stated above. The duration of the emergency status shall be defined by the Mayor or by the City Council as necessary.

(F) Collection frequency. The following collection frequencies shall apply to collections of solid waste within the city:

(1) All residential solid waste, other than bulky rubbish in excess of 40 pounds, shall be collected one time each week. All multiple housing facility and commercial solid waste shall be collected at least once weekly and may be collected at such lesser intervals as may be fixed by/or approved by the Director or requested by the customer upon determination that such lesser intervals are necessary for the preservation of the health and/or safety of the public. All residential collections shall be made between 7:00 a.m. and 8:00 p.m. If inclement weather endangers the safe collection of solid waste, services may be discontinued and will

resume as weather permits.

(J) Prohibitions. The following items shall not be deposited in solid waste containers and shall not be collected by the city:

- (1) Hazardous waste such as syringes, used needles, vials or petroleum products;
- (2) Liquid waste such as paint, poisons, acids, explosives, caustics, infectious or biohazard waste materials;
- (3) Tires or car parts;
- (4) Construction and demolition waste of such size and weight that would cause damage to equipment, such as rolls of carpet or pads.;
- (5) Batteries; and
- (6) Any burning or smoldering materials.

The Solid Waste Coordinator for Nelson County (502-348-1876) may be consulted for the proper disposal of all waste streams listed above and those prohibited by state and local regulations at the Nelson County Landfill.

(K) Solid waste subject to specific rules. Customers [shall] may themselves deliver to the county solid waste disposal facility, or privately contract for said delivery, any solid waste weighing in excess of [~~what the City can reasonably pick up,~~] or of a greater volume than what the City has defined as exceeding the permissible solid waste streams to be collected by the City [~~such as large appliances, tree trunks, and the like, and all construction and demolition waste~~]. Certain appliances may be taken to the metal recycling center on Spencer Mattingly Lane.

§ 51.04 DISPOSAL OF SOLID WASTE.

(A) Solid wastes shall be deposited at a processing facility or disposal area approved by the [county] City and complying with all requirements of the most recent KRS Chapter 224 and all applicable subchapters and the rules and regulations adopted there under.

§ 51.08 PROHIBITED PRACTICES.

It shall be unlawful for any person to engage in the following activities:

(D) It is unlawful to [B] burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency[?].

In the City of Bardstown it is illegal to burn garbage. Brush and woody debris may be burned during certain times of the year and only after receiving permission from the Bardstown Fire Department. Visit the Division for Air Quality Web site for more information.

§ 51.99 PENALTY

Any person who shall violate any of the provisions of this chapter, or any lawful rules or regulations promulgated pursuant thereto, upon conviction, shall be punished by a fine of not less than \$50 and not more that \$250; provided, that each days' violation thereof shall be a separate offense for the purpose hereof. Violators of this chapter may be issued a citation by the officer in [responsible] charge of enforcement. In addition or in the alternative, any person determined to be in violation of this chapter may be assessed civil penalties or fines, those fines assessed through the Code Enforcement Board process as provided for in Ordinance B2015-28 in the amount of no less than \$100 nor more than \$200 for the first offense, no less than \$150 nor more than \$250 for the second offense and no less than \$200 nor more than \$300 for any subsequent offense.

COUNCILMAN BUCKMAN MOVED TO APPROVE ORDINANCE B2015-35 SOLID WASTE MANAGEMENT AMENDMENTS. THE MOTION WAS DULY SECONDED BY COUNCILMAN COPELAND.

THE MAYOR CALLED THE ROLL AND THE FOLLOWING VOTED:

COUNCILMAN COPELAND	-	AYE
COUNCILMAN LYDIAN	-	AYE
COUNCILMAN HAGAN	-	AYE
COUNCILMAN BUCKMAN	-	AYE
COUNCILMAN SIMPSON	-	AYE

MAYOR ROYALTY THEN DECLARED ORDINANCE NO. B2015-35 ADOPTED. IT WILL BE RECORDED IN ORDINANCE BOOK NO. 10, PAGE NO. _____.

COMMITTEE AND STAFF REPORTS

City Clerk Bryant had knowledge of several Councilmen who would not be able to attend the December 22nd Regular City Council meeting and suggested the date of December 29, 2015 for the meeting. She did inform the Council that the meeting would be classified as a “Special” meeting. The five (5) Councilmen agreed to the new date.

City Electrical Engineer Mills gave an update on Cable Rate Amendments that will be effective February 1, 2016. Councilman Simpson will call a special meeting of the Electric and Cable TV Committee to review the amendments.

R2015-08 RESOLUTION TO DECLARE BIBLE READING WEEK

Resolution authorizing the Mayor of Bardstown to proclaim the week of January 1-8, 2016, as Bible Reading Week.

WHEREAS: KY 120 United is a group of pastors, laity and professionals from Kentucky that represent all 120 counties within Kentucky, focused on bringing unity throughout Kentucky with a return of the Christian beliefs in which our nation was founded; and

WHEREAS: KY 120 United will join with counties across Kentucky to publicly read the Bible in its entirety beginning 12:01 am January 1, 2016, and ending 6:00 pm January 4, 2016, for a total of ninety (90) hours consecutively; and

WHEREAS: Churches and Christians in Bardstown and Nelson County will join in this effort with KY 120 United; and

WHEREAS: The Bible is the inspired Word of God and is profitable for doctrine, for reproof, for correction, for instruction in righteousness according to 2 Timothy 3:16; and

WHEREAS: A Bible Reading Week would encourage our community’s citizens to refocus their hearts and minds towards the Creator, who our Founding Fathers often acknowledged and sought after in their own endeavors.

NOW, THEREFORE, I, John Royalty, Mayor of the City of Bardstown, on this important and history-making occasion, by virtue of the authority vested in me as Mayor, and on behalf of the City of Bardstown, do hereby proclaim January 1-8, 2016, as “**Bible Reading Week**” in Bardstown, Kentucky. I encourage all citizens to participate.

COUNCILMAN SIMPSON MOVED TO APPROVE R2015-08 PROCLAMATION FOR BIBLE READING WEEK. THE MOTION WAS DULY SECONDED BY COUNCILMAN BUCKMAN AND CARRIED 4-1. Councilman Hagan voted no.

CEMETERY DEEDS

THE MOTION TO APPROVE THE CEMETERY DEEDS FOR MARGARET AND CHARLES MATTINGLY, JULIE WILSON, CHARLES MOLYNEAUX AND NICOLE CRAWLEY WAS APPROVED BY UNANIMOUS CONSENT.

ADJOURNMENT

THE MOTION TO ADJOURN WAS APPROVED BY UNANIMOUS CONSENT.

CITY OF BARDSTOWN

John Royalty, Mayor

ATTEST:

Barbara Bryant, City Clerk