

ORDINANCE NO. 19-06

AN ORDINANCE OF THE CITY OF RICHMOND, KENTUCKY PERTAINING TO THE CITY'S COMMERCIAL SOLID WASTE COLLECTION FRANCHISE, THE COLLECTION OF SOLID WASTE FROM MULTI-FAMILY STRUCTURES, AND THE FEES APPLICABLE TO SUCH COLLECTION

WHEREAS, the City has provided for the collection of solid waste in the City through its having entered into two separate solid waste collection franchise agreements, a commercial franchise agreement and a residential franchise agreement; and

WHEREAS, the rates applicable to solid waste collection customers in the City differ depending upon whether the collection services fall within the commercial franchise agreement or the residential franchise agreement; and

WHEREAS, the City, through the enactment of Ordinance No. 12-30, defined the term "business" to include "... the renting or leasing of real estate in the City for commercial or industrial purposes or the renting or leasing of two or more residential units....;" and

WHEREAS, the City further, through the enactment of Ordinance No. 14-20, made a finding that "... the operation of a multi-family residential structure is in the nature of the operation of a business, and is in fact the operation of a business....;" and

WHEREAS, despite those provisions, a dispute has arisen as to whether the operation within the City of a multi-family residential structure is a business which would fall within the City's commercial solid waste collection franchise agreement, and hence be subject to the collection rates set forth in that franchise agreement, and the Board of Commissioners does wish again to foreclose any uncertainty as to that issue; and

WHEREAS, the City's existing commercial solid waste collection franchise agreement provides that "... the city reserves the right to call the renting of two or more units a business," a right which the City contends it has previously exercised as is above set forth;

NOW, THEREFORE, BE IT ORDAINED that for purposes of the City's existing solid waste collection franchise agreements as well as for purposes of any future such franchises granted by the City, multi-family structures are considered to be businesses and commercial enterprises which fall within and are governed by the City's commercial solid waste collection franchise agreement(s), including the fee structure included within those agreements.

The term "multi-family structures" as used in this Ordinance shall be defined to mean structures or buildings containing four or more residential units.

DATE OF FIRST READING:	February 26, 2019
MOTION BY:	Commissioner Grant
SECONDED BY:	Commissioner Brewer

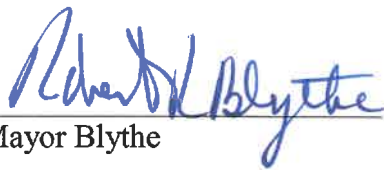
DATE OF SECOND READING:
MOTION BY:
SECONDED BY:

March 12, 2019
Commissioner Brewer
Commissioner McDaniel

VOTE


Commissioner Brewer
Commissioner Grant
Commissioner McDaniel
Commissioner Morgan
Mayor Blythe

YES	NO
x	
absent	
x	
x	
x	




Mayor Blythe

ATTEST:



City Clerk

Approved as to form:



City Attorney, Garrett Fowles