

109.310 Collection of solid waste pick-up fees -- Combination with property tax bill -- Notice -- Waiver if owner of property is not the occupant -- Assessment of fines or fees.

- (1) A county or urban-county government may collect solid waste pick-up fees which are delinquent three (3) consecutive months or more by combining the delinquent fees with the property tax bill for the property where the solid waste pick-up is made. The fees shall be limited to a return on capital expenditures and to cover operational costs.
- (2) The pick-up fee when combined with the property tax bill shall be clearly set out as the delinquent amount owed for solid waste pick-up services and shall in no way be represented as an assessment based on the value of the property.
- (3) Sixty (60) days before a property tax bill which includes a delinquent solid waste pick-up fee is mailed, the county office responsible for solid waste pick-up billing shall give written notice to the owner of the property that the pick-up bill is delinquent and that, if left unpaid, the fee will be combined with the next property tax bill.
- (4) A county or urban-county government may waive the solid waste pick-up fee for businesses which request a waiver. The request for a waiver shall include a certification that the solid waste generated by the business is disposed of properly and include a description of the disposal method and the property owner's federal employer's identification number.
- (5) If the owner of the property is not the occupant of the property where the solid waste is picked up, the county or urban-county government shall waive the delinquent solid waste pick-up fee portion of the property tax bill if the owner of the property requests a waiver. In requesting the waiver, the owner shall certify he is not the occupant of the property and that the occupant will be notified that failure of the occupant to pay the solid waste pick-up fee will be considered a breach of the occupant's lease making the occupant subject to eviction.
- (6)
 - (a) Notwithstanding the provisions of subsections (1) to (5) of this section, or any other provision of law to the contrary, no fine or fee shall be assessed on a residential property owner or lien placed on the residential property, relating to the failure of an occupant of the residential property to enter into a contract for solid waste collection services, or failure to pay solid waste pick-up fees if:
 1. The residential property owner does not occupy the residential property; and
 2. There is no valid agreement for the residential property owner to pay for or otherwise provide for solid waste collection services on behalf of the occupant.
 - (b) A fine or fee may be assessed against the occupant of the residential property or a lien may be placed on the property of the occupant when the occupant has failed to enter into a contract for solid waste collection services, or has failed to pay solid waste pick-up fees.

Effective: March 21, 2017

History: Amended 2017 Ky. Acts ch. 105, sec. 5, effective March 21, 2017. -- Created 1990 Ky. Acts ch. 158, sec. 2, effective July 13, 1990.

