

ORDINANCE NO. 89-004

AN ORDINANCE REGULATING SOLID WASTE MANAGEMENT
(STORAGE, COLLECTION, TRANSPORTATION, PROCESSING AND DISPOSAL)

AN ORDINANCE PERTAINING TO PUBLIC HEALTH, SAFETY, AND WELFARE;
REGULATING STORAGE, COLLECTION, TRANSPORTATION, PROCESSING AND
DISPOSAL OF SOLID WASTE; PROVIDING FOR COLLECTION AND DISPOSAL OF SOLID
WASTE; PROVIDING A PENALTY FOR VIOLATION OF THE PROVISIONS OF THIS
ORDINANCE; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED by the Fiscal Court of the County of Scott, Kentucky, that this ordinance shall be known as the Solid Waste Management Ordinance.

SECTION 1. DEFINITIONS

For the purposes of this ordinance the following terms shall be deemed to have the meaning indicated below:

APPROVED INCINERATOR – an incinerator which complies with all current regulations of the responsible local, State, and Federal air pollution control agencies.

BULKY RUBBISH – Non-putrescible solid wastes consisting of combustible and/or non-combustible waste materials from dwelling units, commercial, industrial, institutional, or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors, with the equipment available therefor.

CITY – The City of Georgetown, Stamping Ground and Sadieville, Kentucky.

COLLECTION – removal of solid waste from the designated pickup location to the transportation vehicle.

DEMOLITION AND CONSTRUCTION WASTE – waste materials from the construction or destruction of residential, industrial or commercial structures.

DIRECTOR – the director of Solid Waste Management Program of the County of Scott shall be _____

DISPOSABLE SOLID WASTE CONTAINER – disposable plastic or paper sacks with a capacity of 20- 35 gallons specifically designed for storage of solid waste.

DWELLING UNIT – any room or group of rooms located within a structure, and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping cooking and eating.

HAZARDOUS WASTE – any waste or combination of wastes which is determined by the Kentucky Department for Environmental Protection, because of its quantity, concentration, or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness, or pose a substantial present or potential threat to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed.

MULTIPLE HOUSING FACILITY – a housing facility containing more than one dwelling under one roof.

OCCUPANT – any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or of any other improved real property, either as owner or as a tenant.

PERSON – any individual, partnership, corporation, association, joint stock company, trust, estate, political subdivision or organization of any kind, or their legal representative, agent or assigns.

PROCESSING – incinerating, composting, baling, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

SOLID WASTE – any garbage, refuse, sludge and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining (excluding coal mining waste, coal mining by-products, refuse and overburden), and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges.

(a) Commercial solid waste – solid waste resulting from the operation of any commercial, industrial institutional or agricultural establishment.

(b) Residential solid waste – solid waste resulting from the maintenance and operation of dwelling units.

SOLID WASTE CONTAINER – receptacle used by any person to store solid waste during the interval between solid waste collections.

SOLID WASTE DISPOSAL – the process of discarding or getting rid of unwanted material, in particular the final deposition of solid waste by many.

SOLID WASTE MANAGEMENT – the administration of solid waste activities: storage, collection, source separation, transportation, processing, treatment and disposal.

STORAGE – keeping, maintaining or storing solid waste for the time of its production or until the time of its collection.

TRANSPORTATION – the transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.

YARD WASTES – grass clippings, leaves, tree trimmings.

SECTION 2. SOLID WASTE STORAGE

Section 2.1: Storage Containers Required.

The occupant or owner of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within Scott County, shall provide sufficient and adequate containers for the storage of all solid waste except bulky rubbish and demolition and construction waste to serve each such dwelling unit and/or establishment; and to maintain such solid waste containers at all times in good repair.

SECTION 2.2: Solid Waste to be Stored in a Manner prescribed by Ordinance.

The occupant or owner of every dwelling unit and of every institutional, commercial, industrial, agricultural or business establishment shall place all solid waste to be collected in proper solid waste containers, except as otherwise provided herein, and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times. Solid Waste shall be stored in a manner that will not provide harborage to rodents and vermin and will not create a fire hazard.

SECTION 2.3: Standards for Residential Storage Containers.

Residential solid waste shall be stored in containers of not more than 35 gallons nor less than 10 gallons in nominal capacity. Containers shall be leakproof, water-proof, and fitted with a fly-tight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. The containers shall have handles, bails or other suitable lifting devices or features. Containers shall be of a type originally manufactured for residential solid waste, with tapered sides for easy emptying. They shall be of light weight and sturdy construction. The weight of any individual container and contents shall not exceed 75 pounds. Galvanized metal containers, or rubber, fiberglass, or plastic containers which do not become brittle in cold weather, may be used. Disposable solid waste containers with suitable frames or containers as approved by the Director may also be used for storage of residential solid waste.

SECTION 2.4: Standards for Commercial Storage Containers.

Commercial solid waste shall be stored in solid waste containers as approved by the Director. The containers shall be waterproof, leakproof and shall be covered at all times except when depositing waste therein or removing the contents thereof; and shall meet all requirements as set forth by Section 7.

SECTION 2.5: Yard Wastes.

Tree limbs less than 4" in diameter, lumber and brush shall be securely tied in bundles not larger than 48" long and 18" in diameter when not placed in storage containers. The weight of any individual bundle shall not exceed 75 pounds. 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 container and contents shall not exceed 75 pounds.

SECTION 2.6: Air Tight Containers

No owner, occupant, tenant or lessee of any building or dwelling may leave outside the dwelling or building, in a place accessible to children, any abandoned or unattended icebox, refrigerator or other receptacle that has an airtight door without first removing the door.

SECTION 2.7: Storage Containers Not in Compliance.

Solid waste containers which do not meet the specifications as outlined in this Section shall be considered waste and will be collected together with their contents and disposed of.

SECTION 3. COLLECTION OF SOLID WASTE

SECTION 3.1: County Responsibility Defined.

The County will ensure that solid waste collection is available to all rural residents and businesses.

SECTION 3.2: Collection Points.

Tree limbs and yard wastes, as described in Section 2.5, shall be placed at the curb or mailbox for collection. Solid waste containers as required by this ordinance for the storage of other residential solid waste shall be placed at the curb or mailbox for collection. Any solid waste containers, tree limbs, yard wastes, or other solid waste permitted by this ordinance to be placed at the curb or mailbox for collection shall be so placed not more than 12 hours before collection. All reusable containers shall be removed from the curb or mailbox 12 hours after collection.

SECTION 3.3: Bulky Rubbish.

The Director shall establish the procedures for collecting bulky rubbish from residential units within the County. Bulky rubbish shall be collected at least semi-annually.

SECTION 3.4: Authority for Collectors to Enter Private Property.

Solid waste collectors are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this ordinance. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste. Commercial solid waste may be removed from within commercial establishments upon written request of the owner and approval by the Director.

SECTION 3.5: Collection Frequency.

The following collection frequencies shall apply to collections of solid waste within the County:

All residential solid waste, other than bulky rubbish, shall be collected one time each week. All commercial solid waste shall be collected at least once weekly, and shall be collected at such lesser intervals as may be fixed by the Director or requested by the commercial establishment upon determination that such lesser intervals are necessary for the preservation of the health and/or safety of the public. All collections shall be made between 8:00 a.m. and 4:30 p.m.

SECTION 3.6: Ownership of Solid Waste.

All garbage and refuse placed in authorized storage containers and placed at the point of collection defined in Section 3.2, shall become the property of Scott County or its duly authorized agent and no person shall be allowed to separate, carry off or dispose of same without the written permission of the Director.

SECTION 3.7: Collector's Responsibility Defined.

Solid waste collectors employed by the County or a solid waste collection agency permitted by the County, shall be responsible for the collection of solid waste from the designated pickup location to the transportation vehicle provided the solid waste was stored in compliance with the provisions set forth in this ordinance. Any spillage or blowing litter caused as a result of the duties of the solid waste collector shall be collected and placed in the transportation vehicle by the solid waste collector.

SECTION 4. TRANSPORTATION OF SOLID WASTE

SECTION 4.1: Collection Vehicle Standards.

All transportation vehicles shall be maintained in a safe, clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for transportation of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste, or, as an alternative, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers. They shall be cleaned as often as necessary to prevent a nuisance and insect breeding and shall be maintained in good repair.

SECTION 5. DISPOSAL OF SOLID WASTE

SECTION 5.1: Disposal in Approved sites.

Solid wastes shall be deposited at a processing facility or disposal area approved by the City of Georgetown or other approved facility and complying with all requirements of Kentucky Revised Statutes 224.830, 224.835, 224.855 and the rules and regulations adopted thereunder. The County may designate the processing or disposal facility to be utilized by persons operating under Section 6 of this Ordinance.

SECTION 5.2: Hazardous Waste Disposal.

Hazardous wastes under provisions will require special handling and shall be disposed of only in a manner authorized by State regulations.

SECTION 6. PERMITS

SECTION 6.1: Permit Requirements.

No person shall engage in the business of collecting transporting or processing of solid waste within the county of Scott, without first obtaining an annual permit therefor from the County; provided, that this provision shall not be deemed to apply to employees of the holder of any such permit.

SECTION 6.2: Insurance Requirements.

No such permit shall be issued until and unless the applicant therefor, in addition to all other requirements set forth, shall file and maintain with the Director evidence of a satisfactory public liability insurance policy, covering all operations of such applicant pertaining to such business and all vehicles to be operated in the conduct thereof, in the amount of not less than \$_____ for each person injured or killed, and in the amount of not less than \$_____ in the event of injury or death of two or more persons in any single accident, and in the amount of not less than \$_____ for damage to property. Such policy may be written to allow the first \$_____ of liability for damage to property to be deductible. Should any such policy be cancelled, the Director shall be notified of

such cancellation by the insurance carrier in writing not less than ten (10) days prior to the effective date of such cancellation, and provisions to that effect shall be incorporated in such policy, which shall also place upon the company writing such policy the duty to give such notice.

SECTION 6.3: Permit Application.

Each applicant for any such permit shall state in his application therefor; (a) the nature of the permit desired, as to collect, transport, or process of solid waste or any combination thereof; (b) name and address of the applicant and whether a sole proprietorship, corporation, or partnership, with disclosure of the ownership interests; (c) the number of employees and solid waste collection vehicles to be operated thereunder; (d) schedule of fees the applicant plans to charge; (e) the precise location or locations of solid waste processing or disposal facilities to be used; (f) boundaries of the collection area; (g) number of rural residences and businesses collected from; and (h) such other information as required by the Director.

SECTION 6.4: Permit Issuance.

If the application shows that the applicant will collect, transport and process solid wastes without hazard to the public health or damage to the environment and in conformity with the laws of the Commonwealth of Kentucky and this ordinance, the Director may issue the permit authorized by this Ordinance. The Director shall have the authority to limit the number of annual permits issued under this section in order to preserve the health, comfort, safety and welfare of the residents, to promote energy conservation, and to provide for collection and disposal consistent with good solid waste management practices. The permit shall be issued for a period of one year, and each applicant shall pay therefor a fee of \$-0_. If modifications can be made to the application regarding service, equipment, or mode of operation, so as to bring the application within the intent of this ordinance, the Director shall notify the applicant in writing setting forth the modification to be made and the time in which it shall be done.

SECTION 6.5: Application Denial.

If the applicant does not make the modifications pursuant to the notice in 6.4 within the time limit specified therein, or if the application does not clearly show wastes will create no public health hazard or be without harmful effects on the environment, the application shall be denied and the applicant notified by the Director, in writing stating the reason for such denial. Nothing in this section shall prejudice the right of the applicant to reapply after the rejection of his application provided that all aspects of the reapplication comply with the provisions of this ordinance. Nothing in this section shall prevent the denial of a permit should the total number of annual permits have already been issued.

SECTION 6.6: Inspections.

In order to ensure compliance with the laws of the Commonwealth, this ordinance and the rules and regulations authorized herein, the Director is authorized to inspect all phases of solid waste management within the County of Scott. No inspection shall be made in any residential unit unless authorized by the occupant or by due process of law. In all instances where such inspection reveals violation of this ordinance, the Director shall issue notice for each such violation stating therein the violation or violations found, the time and date and the corrective measure to be taken, together with the time in which such corrections shall be made.

SECTION 6.7: Permit Suspension.

In all cases, when the corrective measures have not been taken within the time specified, the Director shall suspend or revoke the permit or permits involved in the violations, however, in those cases where an extension of time will permit correction and there is no public health hazard created by the delay, one extension of time not to exceed the original time period may be given.

SECTION 6.8: Injunctive Relief.

In the event a permit is revoked and the persons continues to operate, the Director may request the action of a court of law to enjoin the acts and to enforce compliance with this ordinance or any rule or regulation promulgated thereunder. In any such action, the court may grant to the County such prohibitory or mandatory injunctive relief as the facts may warrant.

SECTION 6.9: Appeal.

Any person who feels aggrieved by any notice of violation or order issued pursuant thereto of the Director may, within ten (10) days of the act for which redress is sought appeal directly to the Fiscal Court of Scott County in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal.

SECTION 6.10: Permit Display.

All motor vehicles operating under any permit required by this ordinance shall display the number or numbers on each side in colors which contrast with that of the vehicle, such numbers to be clearly legible and not less than 3 inches high. Each permit for processing or disposal facilities shall be prominently displayed at the facility.

SECTION 7. RULES AND REGULATIONS

The Director shall make, amend, revoke, and enforce reasonable rules and regulations, governing, but not limited to:

- (a) Preparation, drainage and wrapping of garbage deposited in solid waste containers.

- (b) Specifications for solid waste containers, including the type, composition, equipment, size and shape thereof.
- (c) Identification of solid waste containers and of the covers thereof, and of equipment thereto appertaining, if any.
- (d) Weight limitations on the combined weight of solid waste containers and the contents thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers.
- (e) Storage of solid waste in solid waste containers.
- (f) Collection points of solid waste containers.
- (g) Collection, transportation, processing and disposal of solid waste.
- (h) Records of quantity and type of wastes received at processing and/or disposal facilities.
- (i) Handling of special wastes such as sludges, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.

The County Clerk or such other county official who is responsible for preparing utility and other service charge billings for the County, is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billing and collection of solid waste collection and/or disposal service charges, as hereinafter provided for.

A copy of any and all rules and regulations made and promulgated under the provisions hereof shall be filed in the office of the Scott County Clerk.

SECTION 8. PROHIBITED PRACTICES

It shall be unlawful for any person to: (1) dispose of garbage, refuse, rubbish or debris by dumping same on any premises in the County with or without the consent of the owner of the premises (2) dump or permit the dumping of garbage, refuse, rubbish, and debris on any property within the County limits, (3) deposit solid waste in any solid waste container other than his own, without the written consent of the owner of such container and/or, with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal; (4) fail to have solid waste collected as provided in this ordinance; (5) interfere in any manner with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the County, or those of a solid waste collection agency operating under contract with the County; (6) burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency; (7) dispose of dead animals in any container to be collected by the County; (8) own or operate a dump; (9) to engage in the feeding of food waste to animals for commercial purposes; (10) dispose of solid waste at any facility or location which is not approved by the County and the Kentucky Department for Environmental Protection; (11) engage in the business of collecting, transporting, processing or disposing of solid waste within the limits of the County without a permit from the County, or operate under an expired permit, or operate after a permit has been suspended or revoked; (12) violate any

section of this ordinance or any other rule or regulation promulgated under the authority of Section 7.

SECTION 9. PUBLIC NUISANCES.

Section 9.1: Notification

It shall be the duty of the Director to serve or cause to be served a notice upon the owner or occupant of any premises on which there is kept or maintained any nuisance in violation of the provisions of this ordinance and to demand the abatement of the nuisance within 15 days.

Section 9.2: Non-Compliance

If the person so served does not abate the nuisance within 15 days, the County may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such abatement shall be charged and paid by such owner or occupant. Whenever a bill for such charges remains unpaid for 20 days after that has been rendered, the County may file a statement of lien claim against the property.

SECTION 10. PENALTIES

Any person violating any of the provisions of this ordinance, or any lawful rules or regulations promulgated pursuant thereto, upon conviction, shall be punished by a fine of not less than twenty-five (\$25.00) nor more than five hundred dollars (\$500.00); provided, that each day's violation thereof shall be a separate offense for the purpose hereof.

SECTION 11. SAVINGS CLAUSE

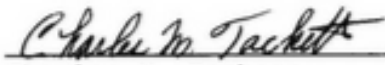
Nothing in this ordinance shall be deemed to affect, modify, amend or repeal any provision of any ordinance administered by the Scott County Health Department, or other department, board, commission, or agency of Scott County or cities therein.

SECTION 12. SEVERABILITY CLAUSE

The provisions of this ordinance are severable and if any provisions or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of this ordinance.

This ordinance shall become effective upon 4-3-, 1989

PASSED AND APPROVED THIS 3rd day of APRIL, 1989.



Charles M. Tackett
County Judge/Executive

ATTEST: 

Annie Clark Sharp
Clerk, Scott Fiscal Court