

ORDINANCE #15-2004

AN ORDINANCE ESTABLISHING A LICENSE FEE FOR OFF-SITE WASTE MANAGEMENT FACILITIES AND SOLID WASTE LANDFILLS IN FRANKLIN COUNTY

WHEREAS, the Franklin County Fiscal Court is the Governing Body for the Franklin County Solid Waste Management Area;

WHEREAS, the Franklin County Solid Waste Management Area has been designated by the Environmental and Public Protection Cabinet in accordance with the Provisions of KRS Chapter 224;

WHEREAS, the transportation of solid waste from outside of the Franklin County Solid Waste Management Area to off-site waste management facilities or solid waste landfills located in Franklin County will produce wear and tear on the roads of Franklin County; and

WHEREAS, the transportation of solid waste from outside of the Franklin County Solid Waste Management Area to off-site waste management facilities or solid waste landfills located in Franklin County increases the need for litter control and the provision of emergency services;

NOW, THEREFORE, the Franklin County Fiscal Court enacts this resolution pursuant to KRS 68.178 to impose a license fee on off-site waste management facilities and solid waste landfills.

Section I-Definitions

A. "Off-site waste management facility" means any facility for collection, storage, transportation, transfer, processing, or treatment of solid waste, whether such facilities are associated with facilities generating such waste or otherwise, but does not include collection, storage, transportation, transfer, processing, or treatment activities which occur incidental to or which are not otherwise distinguishable from a broader manufacturing operation at the site of said operation;

B. "Solid waste" means "solid waste" as defined in KRS 224.01-010(31)(a); and

C. "Solid waste landfill" means a waste management facility where the final disposal of solid waste occurs, and includes a municipal solid waste disposal facility, a contained landfill, a construction/demolition debris landfill, and a construction/demolition landfill of one (1) acre or less.

Section II- License to Operate an Off-site Waste Management Facility or Solid Waste Landfill

A. The operator of an off-site waste management facility or solid waste landfill shall obtain a license to operate from the Franklin County Solid Waste Coordinator. The operator shall submit an application to operate to the Franklin County Solid Waste Coordinator. The application shall include (i) the name of the owner of the off-site waste management facility or solid waste landfill (ii) the name of the operator of the off-site waste management facility or solid waste landfill, (iii) the address of the off-site waste management facility or solid waste landfill, (iv) a description of the location of the off-site waste management facility or solid waste landfill, and (v) a description of the solid waste activities conducted at the off-site waste management facility or solid waste landfill.

B. The operator of an off-site waste management facility or solid waste landfill currently in operation in Franklin County shall submit an application to operate to the Solid

Waste Coordinator within thirty (30) days of the effective date of this Ordinance. The operator of a new off-site waste management facility or solid waste landfill in Franklin County shall submit an application to operate to the Solid Waste Coordinator prior to commencing operation.

Section III-License Fee for an Off-Site Waste Management Facility

A. An off-site waste management facility shall pay a license fee of 2% of the gross receipts for solid waste received at the off-site waste management facility.

B. The license fee shall be paid for each calendar month. Payment of the license fee shall be remitted to Franklin County Fiscal Court on or before the 30th day following the end of the calendar month for which payment of the license fee is made.

C. A report shall be submitted with payment of the license fee, setting forth the amount of waste received from outside of the Franklin County Solid Waste Management Area, describing the type and source of the solid waste, and describing the method of determining the amount of the license fee being paid.

Section IV-License Fee for a Solid Waste Landfill

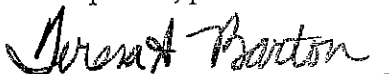
A. A solid waste landfill shall pay a license fee of 5.0% of the gross receipts for solid waste received at the landfill for disposal which originates from inside of the Franklin County Solid Waste Management Area. A solid waste landfill shall pay a license fee of 6.25% of the gross receipts for solid waste received at the landfill for disposal which originates from outside of the Franklin Solid Waste Management Area.

B. The license fee shall be paid for each calendar month. Payment of the license fee shall be remitted to Franklin County Fiscal Court on or before the 30th day following the end of the calendar month for which payment of the license fee is made.

C. A report shall be submitted with payment of the license fee, setting forth the amount of waste received from outside of the Franklin County Solid Waste Management Area, describing the type and source of the solid waste, and describing the method of determining the amount of the license fee being paid.

INTRODUCED AND GIVEN FIRST READING IN SUMMARY at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 16th day of September 2004.

GIVEN SECOND READING AND APPROVED at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 1st day of October, 2004 and of record in Fiscal Court Order Book 20, Page 32. This Ordinance shall take effect and be in full force when passed, published and recorded according to law.



Teresa A. Barton
County Judge/Executive

ATTEST:



Berry Hammermeister
Fiscal Court Clerk