

ORDINANCE NO. 17
1990 Series

AN ORDINANCE REPEALING, AMENDING, AND READOPTING A 1983 ORDINANCE PERTAINING TO PUBLIC HEALTH, SAFETY AND WELFARE; REGULATING STORAGE, COLLECTION, TRANSPORTATION, PROCESSING, AND DISPOSAL OF SOLID WASTE; AND PROVIDING FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF FRANKLIN, COMMONWEALTH OF KENTUCKY, THAT THIS ORDINANCE SHALL BE KNOWN AS THE SOLID WASTE MANAGEMENT ORDINANCE.

SECTION 1. DEFINITIONS

For the purpose of this ordinance the following terms shall be deemed to have the meanings indicated below:

APPROVED INCINERATOR - an incinerator which complies with all current applicable regulations of the responsible local, state and federal agencies.

BULKY WASTE - a large appliance, piece of furniture or waste material from a residential source other than construction debris or hazardous waste, with weight or volume greater than allowed for containers or bundles yet small and light enough that two men can load it into a truck.

BUNDLE - Yard or Garden trimmings or newspapers and magazines securely tied together in forming an easily handled package not exceeding 40 inches in length, 30 inches in diameter, or 50 lbs. in weight.

COLLECTION - The mandatory pickup of solid waste from the designated pickup locations to the transportation vehicle.

COUNTY - refers to the unincorporated area of Franklin County, Kentucky. Will also refer to the appropriate office or employee of the County authorized to act as its agent in handling the pertinent matter of this ordinance.

CONSTRUCTION DEBRIS - Waste building material resulting from construction, remodeling, repair or demolition operations.

CONTAINERS - (a) Reuseable Containers - a receptacle made of plastic, metal, or fiberglass with a capacity not to exceed 35 gallons, a loaded weight of no more than 50 lbs., a tight-fitting lid, and handles of adequate strength for lifting. (b) Mobile Containers - wheeled containers especially designed for curbside collection and mechanical dumping into the appropriate, compatible collection vehicles. (c) Non-reuseable containers - Plastic sacks or bags designed for refuse with sufficient wall strength to maintain physical integrity when lifted by top or scavenged by small animals; securely tied at top

for collection, with a capacity not to exceed 35 gallons and a loaded weight not to exceed 50 lbs.

DISPOSAL SITE - A depository for the processing or final disposal of Solid Waste, Refuse, or Bulky Waste including but not limited to sanitary landfills, incinerators, waste to energy facilities and waste processing separation centers, licensed, permitted or approved by all governmental bodies and agencies having jurisdiction.

DWELLING UNIT - any room or group of rooms located within a structure, and forming a single habitable unit intended to be used for living, sleeping, cooking and eating. Also to include rented buildings containing two contiguous single family dwelling units.

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 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.

PERSON - any individual, partnership, corporation, association, joint stock company, trust, estate, or 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, and agricultural operations, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharge.

- (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 DISPOSAL - the process of discarding or getting rid of unwanted material, in particular the final deposition of solid waste by man.

TRANSPORTATION - The transporting of Solid Waste from the place of collection or processing to a solid waste processing facility or a solid waste disposal area.

SECTION 2. SOLID WASTE MANAGEMENT DIRECTOR

Section 2.1 County Appointed Solid Waste Management Director

The County Judge/Executive may appoint a Solid Waste Management Director, responsible for enforcing and managing the county's solid waste program.

SECTION 3. SOLID WASTE STORAGE

Section 3.1 Storage Container Required.

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 3.2 Residential Storage Containers.

Residential solid waste shall be stored in containers as defined in Section 1 of this ordinance.

Section 3.3 Yard and Garden Trimmings.

Yard and garden trimmings must be placed in containers or in bundles, as defined in Section 1 of this ordinance.

Section 3.3 Commercial Storage Containers.

Commercial, business, industrial, and agricultural solid waste shall be stored in containers designed for the storage and collection of solid waste. Containers shall be waterproof, leakproof and shall be kept in a neat and clean condition at all times.

Section 3.4 Air Tight Containers.

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

SECTION 4. COLLECTION OF SOLID WASTE

Section 4.1: County Responsibility Defined.

The County will ensure that solid waste collection is available in all unincorporated areas of the county. The County may award a collector

an exclusive right to collect and dispose of residential and/or bulky solid waste.

Section 4.2: Collectors Responsibility Defined.

Solid waste collectors operating in the county shall be responsible for preventing any leakage or spillage of solid waste during the collection and transportation process. Collectors will be responsible for all other provisions of this ordinance as they apply to the collection and transportation of solid waste.

Section 4.3: Person(s) Responsibility Defined

It shall be the responsibility of any individual, partnership, corporation, association, joint stock company, trust, estate, or political subdivision, or organization of any kind, or their legal representative, agent or assigns to ensure that the provisions, as outlined by this ordinance, are met. There will be no exceptions to mandatory pickup.

SECTION 5. TRANSPORTATION OF SOLID WASTE.

Section 5.1: Collection Vehicle Standards.

All solid waste collection vehicles shall be licensed in the state of Kentucky and shall operate in compliance with applicable state, federal, and local regulations. All vehicles shall be kept in proper repair and sanitary condition.

SECTION 6. DISPOSAL OF SOLID WASTE

Section 6.1: Disposal in approved sites.

All solid waste of any origin shall be disposed of in sites approved and permitted by appropriate state agencies.

Section 6.2: Hazardous Waste.

Hazardous waste will require special handling and shall be disposed of only in a manner authorized by state regulations.

SECTION 7. PROHIBITED PRACTICES

It shall be unlawful for any person to:

1. Dispose of any garbage, refuse, rubbish or debris by dumping on any premise in the county with or without consent of the owner.

2. Dump or permit the dumping of garbage, refuse, rubbish, and debris on any property within the county limits, except where permitted by the county and the state.

3. Fail to have solid waste collected in a manner provided for in this ordinance.

4. Dispose of any dead animals in containers to be collected by the county or its agent, or in any dumpster leased by the county for public use.

5. Interfere in any manner with solid waste collection or transportation equipment which is operating legally in the county.

6. Burn solid waste except in an approved incinerator or unless a variance has been granted by the appropriate air pollution control agency.

7. Dispose of solid waste in any facility not approved by the County or the Kentucky Department of Environmental Protection.

8. Deposit solid waste in a container owned by someone else, unless written permission has been received by the owner to do so.

9. Violate any section of this ordinance or any lawful rules or regulations promulgated pursuant thereto.

SECTION 8. PENALTIES AND ENFORCEMENT

Any person violating any of the provisions of this ordinance, or any lawful rules or regulations promulgated pursuant thereto, shall upon conviction, be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than five-hundred dollars (\$500.00) for each conviction. Each day of violation shall constitute a separate offense. Enforcement by the county may be carried out by any peace officer of the county, the codes inspectors, or the Director of Solid Waste Management.

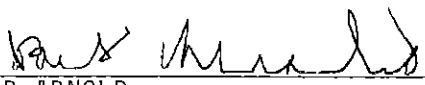
SECTION 9. SEVERABILITY CLAUSE

The provisions of this ordinance are severable and if any provisions or part thereof shall be held invalid, 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 NO. 17 SHALL BECOME EFFECTIVE ON THE DATE OF THE SECOND READING AND ADOPTION.

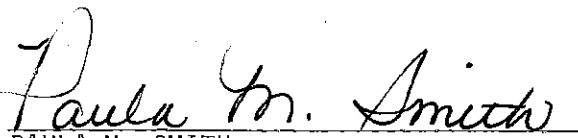
INTRODUCED AND GIVEN FIRST READING BY TITLE ONLY at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky held on the 9th day of July, 1990.

GIVEN SECOND READING AND ADOPTED at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 10th day of August, 1990, and of record in Fiscal Court Order Book 15, Page 548 .



BOB ARNOLD
Franklin County Judge/Executive

ATTESTED TO:



PAULA M. SMITH
FISCAL COURT CLERK