

Kentucky Department for Environmental Protection
Division of Waste Management
Recycling and Local Assistance Branch
300 Sower Boulevard – Frankfort KY 40601
(502) 564-6716

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Area Solid Waste Management Plan - Five Year Update
Years 2018 - 2022

1. BACKGROUND INFORMATION

A. Area Designation

1. Name of County or Regional Solid Waste Management Area ("RSWMA") *Franklin County*

Check One: ☒ *County* ☐ *Regional Solid Waste Management Area ("RSWMA")*

If area designation is a RSWMA, list counties: *N/A*

2. List all incorporated cities within the solid waste management area and the population of each.

| | | |
|-----------------------------|-----|-----|
| 1.) <i>Frankfort 27,885</i> | 2.) | 3.) |
| 4.) | 5.) | 6.) |
| 7.) | 8.) | 9.) |

B. Governing Body Information

1. Designation Type: ☒ *Fiscal Court* ☐ *109 Board (Taxing)* ☐ *109 Board (Non-taxing)* ☐ *Regional Area* ☐ *City/County Merger*

2. Name of chairperson of the governing body (judge executive, chairperson, etc.) *Huston Wells, Judge/Executive*

3. List each member of the governing body:

| | | |
|---|--|--|
| 1.) <i>Michael Turner, 1st District Magistrate</i> | 2.) <i>Fred Goins, 2nd District Magistrate</i> | 3.) <i>Don Sturgeon, 3rd District Magistrate</i> |
| 4.) <i>Scotty Tracy, 4th District Magistrate</i> | 5.) <i>Marti Booth, 5th District Magistrate</i> | 6.) <i>Lambert Moore, 6th District Magistrate</i> |
| 7.) | 8.) | 9.) |
| 10.) | 11.) | 12.) |

4. Address: *321 W Main Street*

| | | |
|--|------------------------------------|---|
| City: <i>Frankfort</i> | State: <i>Kentucky</i> | Zip Code: <i>40601</i> |
| 5. Telephone: <i>502-875-8751</i> | 6. Fax: <i>502-875-8755</i> | 7. Email: <i>hwells@franklincountyky.com</i> |

C. Solid Waste Coordinator Information

1. Name of Coordinator: *Mark Barrett*

2. Address: *321 W Main Street*

| | | |
|--|------------------------------------|---|
| City: <i>Frankfort</i> | State: <i>Kentucky</i> | Zip Code: <i>40601</i> |
| 3. Telephone: <i>502-875-7987</i> | 4. Fax: <i>502-875-8755</i> | 5. Email: <i>mbarrett@franklincountyky.com</i> |

6. Work Status (check one):

☐ *Volunteer* ☒ *Full-time* ☐ *Part-time*

7. Hours worked per week: *37.5*

D. Advisory Committee

List the names and representative bodies of the advisory committee members.

| Name | Representing |
|------------------------------|-----------------------------------|
| 1.) <i>Harry Carver</i> | <i>Downtown Frankfort, Inc.</i> |
| 2.) <i>Pattie Stivender</i> | <i>Bluegrass Greensource</i> |
| 3.) <i>Meika Finger-Gray</i> | <i>Kentucky State University</i> |
| 4.) <i>Fred Goins</i> | <i>Franklin County Magistrate</i> |
| 5.) <i>Michael Mueller</i> | <i>Inside Out Design</i> |
| 6.) <i>John Parrish</i> | <i>Citizen</i> |

| | |
|------------------------|---|
| 7.) Ira Linville | Citizen |
| 8.) Jill Robinson | Citizen |
| 9.) Keenan Bishop | University of Kentucky, Franklin County Cooperative Extension |
| 10.) Kay Harker | Citizen |
| 11.) Michael Turner | Franklin County Magistrate |
| 12.) Mike Nolan | Citizen |
| 13.) Tom Karsner | Franklin County Conservation District |
| 14.) Cindy Steinhauser | City Manager, City of Frankfort |
| 15.) Jay Edington | Recycling Coordinator, City of Frankfort |

E. Preparer Information

Complete this section, if the preparer is different than the solid waste coordinator.

1. Name: Blair Hecker, Solid Waste Administrator**2. Address:** 321 W Main Street**City:** Frankfort**State:** Kentucky**Zip Code:** 40601**3. Telephone:** 502-875-8751**4. Fax:** 502-875-8755**5. Email:** bhecker@franklincountyky.com**F. Resolution/Ordinance to Adopt Solid Waste Management Plan 5-Year Update****1. Check one:** ☒ Resolution ☐ Ordinance**2. Public Notice Date:****3. Date Signed:****4. The following documents must be attached. Check all that have been attached and place at the end of the report with a cover sheet labeled "Chapter 1 Attachments."**☒ A signed and dated copy of the resolutions/ordinance adopting the 5-year update☒ A dated original of the public notice, or a copy and an affidavit from the newspaper by whom the notice was originally published☐ Area Designation**2. COLLECTION SYSTEM****A. Collection System****1. Ordinance Type (check one):** ☒ Mandatory ☐ Universal**Date passed:** August 10, 1990**2a. Provide a detailed description of all the collection systems in your SWMA (collection systems include: franchise, permit, municipality owned/operated, private, staffed transfer stations and staffed convenience centers, etc.)**

City of Frankfort: The city of Frankfort provides a municipally operated curbside collection system for the approximately 10,000 homes located into the incorporated area of Frankfort. This service includes rolling trash and recycling carts that are collected weekly. Until 2016, the City of Frankfort operated a Pay As You Throw system, with fees based on sizing of carts to encourage recycling and discourage landfilling. This fee system was replaced in the fall of 2016 with a flat-rate one-time fee to upsize or downsize carts, with the fee being paid annually by residents. Within this system are quarterly 'free trash weeks', where residents may place an unlimited amount of waste on the curbside to be collected at no cost.

Franklin County: Franklin County provides a franchise curbside collection system for approximately 9,400 homes in the unincorporated area of Franklin County. This system awards a contract to a private hauler, currently Central Kentucky Hauling, for the exclusive right to collect residential garbage and recycling. The county's system provides one 95-gallon trash cart and one 95-gallon recycling cart to each residence. Also included in this system is a set rate for residents needing to dispose of bulk waste items, currently set at \$14.25 per load. Franklin County residents do not pay an additional fee for the garbage system and funding comes from the general fund of Franklin County Fiscal Court's budget, which is based on tax dollars.

2b. Attach a signed and dated copy of the current solid waste management ordinance(s) including all related amendments. Place at the end of the report with a cover sheet labeled "Chapter 2 Attachments."

3. Describe your annual waste hauler registration process including the annual requirement to file reports:

Franklin County has an open market system for nonresidential customers, meaning there are multiple waste haulers who operate in the city and county serving businesses and apartments, in addition to the franchise hauler for residential homes. The annual registration process requires all haulers, residential franchise included, to complete Form DEP 5033 to be submitted to the Franklin County Solid Waste Administrator and approved through the Fiscal Court with the annual Solid Waste Management report. Information collected includes contact information, client numbers, tonnage of waste collected, and tonnage of recyclables collected by commodity. All haulers in the county are expected to register with Occupational Tax office and maintain proper insurance requirements annually.

B. Collection System Strengths

Describe the strengths of your collection system:

- The county's franchise contract provides a competitive, flat rate service fee and recycling revenues to the county.
- Solid waste collection is a no-fee service to residents of Franklin County.
- The city and county collection systems are fully automated with rolling carts for easy resident accessibility.
- Community outreach and education in the form of mailings, advertisements and school education is included in the county's hauling contract.
- The city and county collection systems include weekly recycling collection.
- The city and county collection systems include options for bulk waste.
- The city provides a variety of cart sizes to encourage more recycling and less landfilling.
- The Solid Waste Administrator position provides adequate oversight, management and reporting on waste hauling operations for the county.

C. Collection System Weaknesses

Describe the weaknesses of your collection system:

- Nonresidential collection is not offered for housing units over four or businesses within the county's hauling contract.
- The open market system for business collection is difficult to track and report on.
- The no-fee residential system for county residents does not offer recycling or reduction incentives.
- The county's solid waste ordinance is outdated and does not reflect current practices.
- Collection services within the county are not advertised adequately.

D. Collection System Implementation Schedule

List a detailed account of specific actions or projects the governing body will complete to maintain or improve the collection system, the frequency at which such actions will take place, a date for commencement of the activities and a date at which the activities will cease. **Include educational efforts.**

| Specific Actions | Frequency | Month/ Year to Begin | Month/ Year to End |
|--|-----------|----------------------------|-----------------------|
| 1.) Monitor residential hauling agreement for compliance. | Ongoing | 1/2018 | 12/2022 |
| 2.) Increase business recycling collection options, with potential for city/county collaboration. | Once | 1/2018 | 12/2020 |
| 3.) Investigate waste hauling incentives that encourage recycling rather than landfilling, with both waste hauler and residents. | Once | 1/2018 | 12/2020 |
| 4.) Update solid waste ordinance to reflect current waste practices. | Once | 1/2018 | 12/2019 |
| 5.) Participate in community events to educate about collection system. | Ongoing | 1/2018 | 12/2022 |
| 6.) Investigate potential for expanding hauling service to apartments with more than four units. | Once | 1/2019 | 12/2021 |

| | | | |
|--|------|--------|---------|
| 7.) Update solid waste website and collaborate on shared resources with the city. | Once | 1/2019 | 12/2020 |
| 8.) Create collaborative PR in partnership with city to advertise/explain collection services within both areas. | Once | 1/2019 | 12/2020 |

3. DISPOSAL SYSTEM

A. Disposal System

1. Provide SWMA population and municipal solid waste disposal projections for five (5), ten (10), and twenty (20) years in the future.

| | | |
|--|--|--|
| Population 2020: 50,777 | Population 2025: 51,185 | Population 2033: 51,261 |
| Waste Generation Projection 2018 – 2022: 204,185 Tons | Waste Generation Projection 2023 – 2027: 205,825 Tons | Waste Generation Projection 2028 – 2037: 412,258 Tons |

2. List all contained landfills, including out-of-state landfills that will be used by your governing body during the 5-year update period. Provide capacity assurance letters demonstrating a minimum of 10 years of capacity from the landfill(s) and copies of any contractual agreements with those disposal facilities. Place at the end of the report with a cover sheet labeled "Chapter 3 Attachments."

| | |
|--|---------------------|
| 1.) Landfill Name: Benson Valley Landfill | Permit #: 037-0009 |
| Address: 2157 Highway 151 | |
| City: Frankfort | State: Kentucky |
| Zip Code: 40601 | |
| 2.) Landfill Name: Central Kentucky Landfill | Permit #: 105-00016 |
| Address: 493 Double Culvert Road | |
| City: Georgetown | State: Kentucky |
| Zip Code: 40324 | |

3. Provide a complete inventory of all disposal facilities currently operating in your SWMA. Facilities to include are: contained landfills, construction/demolition debris landfills greater than one acre, incinerators or other technologies that accept municipal solid waste and medical waste incinerators that accept medical waste from other sources.

| | |
|--|---|
| 1.) Facility Name: Benson Valley Landfill | Ownership: Republic Services of Kentucky, LLC |
| Address: 2157 Highway 151 | |
| City: Frankfort | State: Kentucky |
| Zip Code: 40601 | |
| Cost to users: \$38.00 + fees minimum; \$63.50 + fees MSW (\$/Ton) | Life expectancy: 40 years |
| Level of compliance with state and federal laws: 100% | |

4. SWMA's hosting a landfill must complete question 4. All other SWMA's may proceed to question 5.

4a. Identify the following for each contained solid waste disposal facility hosted in your SWMA:

| | |
|--|--------------------|
| Landfill: Benson Valley Landfill | Permit #: 037-0009 |
| Total capacity authorized to date: 23,350,000 Tons | |
| Amount disposed in landfill to date: 3,846,993 Tons (estimate; 1971-1998: 44,472/year, 1999-2016: 2,601,777) | |
| Remaining authorized capacity: 21,503,007 Tons | |

5. Describe any proposal(s) for new disposal facilities or expansions of existing disposal facilities (landfill, incinerators, or other approved technologies, etc.) planned during the 5-year update period:

Franklin County constructed a livestock compost operation in 2016. During this five year period, it is anticipated that the county will continue to grow the operations of this facility by accepting more residential yard waste and food waste through a compost pilot program. It is not anticipated that there will be a physical expansion of this facility.

6. Describe the county's emergency disaster plan to address solid waste concerns in the event of natural disasters (flooding, snow/ice storms, tornadoes, earthquakes, etc.):

In 2016, Franklin County Fiscal Court approved a Disaster Debris Management Plan. This plan outlines procedures for removing all types of solid waste in the event of any natural disaster within the county. The plan details approved methods for disposal of each type of potential debris, storage sites within the county, and protocols for county departments and outside contractors who will assist with debris management. Franklin County's plan is currently under review by FEMA for approval.

7. Describe plans to research alternative approaches to solid waste management:

Franklin County is dedicated to finding alternatives to landfilling through various outlets. The county plans to continue with a compost pilot program that is working toward regular residential yard waste collection and food waste composting through community events. Franklin County has maintained a history of investigating waste-to-energy technology potential for the county and will continue to actively do so. The county also supports any landfill gas to energy initiatives with the landfill located in the county and any landfills the county utilizes through contract agreements.

B. Disposal Practices Strengths.

Describe the strengths of your existing disposal practices:

- *The county maintains a livestock compost facility that provides opportunities for yard waste and food waste diversion.*
- *The county maintains a landfill license fee ordinance.*
- *An approved Disaster Debris Management Plan is in place.*
- *The landfill currently utilized by the county residential waste hauling contract has a progressive landfill gas-to-energy system in place.*
- *The city and county have a comprehensive disposal system in place, taking advantage of the county's hosted landfill and curbside waste hauling services.*
- *The city and county provide integrated methods for disposing of bulky waste, appliances, compostable waste, HHW, e-waste, and general MSW.*
- *The county has proximity and access to multiple landfills, including one with CDD capabilities.*

C. Disposal Practices Weaknesses.

Describe the weaknesses of your existing disposal practices:

- *Frequency of HHW and waste tire collections could be increased.*
- *Separation of city and county collection and disposal services creates confusion among residents.*
- *Outdated solid waste management ordinance does not provide provisions for all utilized waste streams.*
- *There is a lack of public space disposal opportunities within the city and county.*

D. Disposal Implementation Schedule

List a detailed account of specific actions or projects the governing body will complete to maintain or improve its disposal system, the frequency at which such actions will take place, a date for commencement of the activities, and a date at which the activities will cease. Include educational efforts.

| Specific Actions | Frequency | Month/ Year to Begin | Month/ Year to End |
|---|-----------|----------------------------|--------------------------|
| 1.) Identify collaborative opportunities with City of Frankfort for joint disposal programs. | Ongoing | 1/ 2018 | 12/ 2022 |
| 2.) Investigate options for more frequent HHW and tire disposals, and apply for grant funding where needed. | Once | 1/ 2019 | 12/ 2021 |

| | | | |
|--|------|---------|----------|
| 3.) Create new waste disposal guide for resident use. | Once | 1/ 2019 | 12/ 2020 |
| 4.) Initiate an online landfill voucher program to improve resident accessibility for landfill disposal. | Once | 1/ 2019 | 12/ 2021 |
| 5.) Improve resident education on various disposal options through advertisements, printed and online materials. | Once | 1/ 2019 | 12/ 2021 |
| 6.) Install public space garbage and recycling containers in high traffic areas of the city and county. | Once | 1/ 2019 | 12/ 2021 |
| 7.) Explore waste-to-energy technology and feasibility. Conduct resident education where applicable. | Once | 1/ 2021 | 12/ 2022 |

4. RECYCLING AND REDUCTION

A. Recycling/Reduction Program

1. Is recycling offered in your SWMA? ☒ Yes ☐ No

2. Describe your SWMA's annual recycler registration process including the annual requirements to file reports:

Annually, all waste haulers and recyclers operating in Franklin County complete Form DEP 5033, which is submitted to the Franklin County Solid Waste Administrator and approved through the Fiscal Court with the annual Solid Waste Management report. Information reported includes number of entities serviced and recycling commodities collected by volume or weight.

3. Do you have a plan to reduce the need for land disposal of yard waste? ☒ Yes ☐ No

If yes, describe:

Franklin County collects tree limbs from residents on county-maintained roads once a week on a call in basis, to be chipped and used as compost. In 2016, Franklin County initiated a compost pilot program where residential yard waste is collected weekly from April-October, as a drop off service at the County Road Department. All waste collected is taken to the county's livestock compost facility and composted. Additionally, the county operates a seasonal leaf curbside collection and Christmas tree pickup.

The City of Frankfort operates a yard waste truck that collects compostable yard waste weekly during curbside garbage collection. The city also operates a leaf vacuum operation seasonally. All compostable waste collected in the city is mulched and occasionally used for resident giveaways.

4. Does your SWMA collect or manage yard waste for the purpose of diverting it from a landfill? ☒ Yes ☐ No

5. List the counties and cities within your SWMA that collect or manage yard waste for the purpose of diverting it from the landfill?

Frankfort

Franklin County

6. List all permitted composting operations currently operating in your SWMA. If no composting operation exists, detail any actions your SWMA plans to take to encourage composting:

Franklin County Road Department and Solid Waste Department operate a livestock compost facility located at 4001 US 127 N.

7. Describe your plan to reduce the need for land disposal through recycling, reuse and waste reduction (include drop off centers, curbside collection, interlocal agreements for regional alliances, etc.)

Franklin County and the City of Frankfort both operate weekly, curbside recycling collection. Both services offer the use of rolling carts up to 95-gallons for resident ease and accessibility. The City of Frankfort also hosts a recycling drop-off location accessible to residents at any time. Franklin County promotes reuse and waste reduction practices through educational outreach, including classroom education in local schools and through community education classes offered to adult audiences, including the Master Recycler Program in partnership with Kentucky State University. Franklin County's current Disposal Guide publication also offers information on reducing, reusing and recycling opportunities for materials not included in curbside collection.

8. If recycling is deemed not feasible, provide specific details supporting that decision:

N/A

9. Describe how used motor oil, batteries, and antifreeze are handled in your SWMA:

Motor oil is collected on a monthly basis at the Franklin County Road Department throughout the year. Additionally, various auto parts stores in Frankfort accept motor oil on an ongoing basis. All automotive fluids, including antifreeze, and batteries are collected twice annually through the county and city's HHW drop-off events, in the fall and spring.

10. Describe how household hazardous waste is handled in your SWMA:

Franklin County applies for HHW grant funding annually, with the goal of providing two disposal events. With this funding, the county and city work together to contract with a licensed HHW disposal company to host a drop off event open for all city and county residents. The events are held on Saturdays at the city's recycling center, and all HHW is collected. A primary event is held in the fall and if grant funds remain, a secondary event is held in the spring as part of Franklin County's annual Spring Clean event. Currently, these two drop off events are the only avenues for disposing of HHW in the county and a more permanent solution will be investigated.

11. Are electronics/computers recycled in your SWMA? ☒ Yes ☐ No

11a. If yes, describe your electronics/computer (e-scrap) recycling program:

The City of Frankfort contracts with a licensed e-waste recycler to provide electronic recycling to both city and county residents. Residents may drop off any electronic waste at the city's recycling center Monday-Friday during normal business hours. The e-waste program operates as a drop-off service only, and no curbside e-waste is collected for recycling.

11b. If no, discuss any plans your governing body has to start an electronics/computer (e-scrap) recycling program:

N/A

12. Is office paper recycled in your SWMA? ☒ Yes ☐ No

12a. If yes, what businesses or agencies recycle office paper?

The City of Frankfort curbside recycling program and Franklin County's waste hauling contract service both provide collection of office paper. The city offers office recycling specifically for businesses located in the downtown district, and county businesses may choose to contract service with the county's waste hauler. The City of Frankfort's drop off center also accepts office paper from any entity in Frankfort/Franklin County. Kentucky state government also offers a paper shredding and recycling program.

12b. If no, explain why office paper is not recycled in your SWMA:

N/A

13. What efforts has your governing body made to assist the local school boards in recycling white paper and cardboard to meet the statutory requirements in KRS 160.294? If there have been none what will the county do to assist in this endeavor? Include dates in the implementation schedule:

The City of Frankfort provides recycling collection to all public schools and some private schools in the city boundaries, and the county collects from the two in the unincorporated area. This service is provided at no cost to the school system. Franklin County plans to utilize education efforts through the waste hauling contract and the Youth Sustainability Council to improve internal systems contributing to recycling within the schools.

B. Recycling Program Strengths

Describe the strengths of your existing recycling program:

- The city and county offer weekly, automated recycling collection with larger carts.
- Household hazardous waste collection programs are offered twice annually.
- Metal recycling is offered twice annually through the Franklin County Conservation District.
- The residential recycling program generates revenue for Franklin County.
- Electronic waste recycling is offered on a regular basis through the City of Frankfort.
- A comprehensive education plan is in place to educate about recycling opportunities through media advertisements, education in K-12 schools, and community education courses.
- Yard waste composting services are offered for all city and county residents.
- The county and KSU offer the Master Recycler community education program on an annual basis.

C. Recycling Program Weaknesses

Describe the weaknesses of your existing recycling program:

- The current solid waste ordinance is weak in defining recycling obligations.
- All waste haulers do not offer recycling services for businesses and recycling collection may be costly for businesses.
- The relationship with Lexington's Recycling Center is costly for Franklin County.
- Internal school recycling programs could be strengthened.
- There is a lack of public outreach specifically on reducing, reusing and recovering.
- Internal county and city facilities do not have strong recycling programs.

D. Recycling/Reduction Implementation Schedule

List a detailed account of specific actions or projects the governing body will complete to maintain or improve its recycling/reduction system, the frequency at which such actions will take place, a date for commencement of the activities and a date at which the activities will cease. Include educational efforts.

| Specific Actions | Frequency | Month/ Year to Begin | Month/ Year to End |
|---|-----------|----------------------------|--------------------------|
| 1.) Establish collaborative opportunities with local entities (Kentucky State University, extension services, neighboring communities, community groups, etc.) for education and program expansion. | Ongoing | 1/2018 | 12/2022 |
| 2.) Conduct zero waste community events utilizing recycling and composting systems. | Ongoing | 1/2018 | 12/2022 |
| 3.) Investigate potential for curbside compost collection. | Once | 1/2018 | 12/2020 |
| 4.) Increase education and outreach for internal school recycling programs. | Once | 1/2018 | 12/2020 |
| 5.) Install public space recycling containers. | Once | 1/2019 | 12/2021 |
| 6.) Collaborate with City of Frankfort on compost grant funding. | Once | 1/2019 | 12/2022 |
| 7.) Expand the Master Recycler community education program and creation of a volunteer database. | Once | 1/2019 | 12/2022 |
| 8.) Create zero-waste internal county facilities. | Once | 1/2019 | 12/2021 |
| 9.) Investigate potential for food waste curbside compost pilot program. | Once | 1/2019 | 12/2021 |
| 10.) Conduct waste audits, lunch-n-learns, and other educational programs with businesses to increase recycling. | Once | 1/2021 | 12/2022 |

| | | | |
|--|------|---------|----------|
| 11.) Examine the potential of creating a specific recycling ordinance. | Once | 1/ 2021 | 12/ 2022 |
|--|------|---------|----------|

5. OPEN DUMPS AND LITTER

A. Open Dumps and Litter

1. Describe the contents of your ordinance with respect to open dumping. Provide a copy of the section of the ordinance(s) pertaining to open dumping and place at the end of the report with a cover sheet labeled “Chapter 5 Attachments.”

The county’s solid waste ordinance prohibits dumping any waste on any property within the county limits except where permitted by county and state. The ordinance also prohibits any disposal of waste not in an approved waste container within the county.

2 What is your process for identifying and recording open dumps?

Open dumpsites are identified by address location or GIS coordinates. The location is documented by written memo in the solid waste department. The Solid Waste Coordinator completes a site assessment for the dump location to identify cost and necessary labor and equipment for cleanup.

3. How does the SWMA prioritize the cleanup of open dumps?

Size, location and cost are analyzed to prioritize cleanup.

4. Describe the procedures to prevent the recurrence of open dumping at sites that have been cleaned (include surveillance efforts, pull-off barricades, etc.):

Sites that are frequently used for dumping within the county are monitored by surveillance camera and in-person visits by the Solid Waste Coordinator. Signage is placed on dump sites once cleaned, and if necessary, barriers such as fencing are utilized. When cleaning a dump, identifying information that may be found in waste is used to contact and cite residents.

5. Describe any assistance your SWMA offers to private property owners to clean open dumps:

Residents are offered the option to rent dumpsters at a competitive rate through the county’s hauling contract and have access to the landfill voucher program to clean dumpsites. Additionally, the county offers equipment and labor through the Solid Waste and Road Departments to clean dumpsites at a rate that may be billed to the resident.

6. Describe your plan to control and clean up litter:

Currently, Franklin County has an integrated litter cleanup and mitigation program. The county offers 10 nonprofit groups a monetary incentive to complete a roadside cleanup annually, up to 15 miles each. The Solid Waste Coordinator also answers to calls about roadside litter on an as-needed basis. The Franklin County Jailor collaborates with the solid waste department to offer inmate assistance in cleaning public roadsides. Franklin County previously utilized a litter hotline where residents can call and report littered properties and residents who are littering, and plans to reinstitute this hotline within the next 5 year period. The City of Frankfort and Franklin County also operate a collaborative program, called The Clean Team, which utilizes community volunteers to conduct litter cleanups in the downtown area on a regular basis. The city and county anticipate extending this program to other areas in the future.

Education efforts are also conducted in order to improve litter mitigation. Litter abatement grant funding is used to provide classroom education in the majority of schools in the county and city. Students learn about the effects of litter on water quality and the surrounding environment, and participate in litter cleanups on school grounds. Additionally, education funding allows the Solid Waste Department to create litter display materials and fliers, which are distributed to citizens through tabling at community events. A litter commercial with facts about mitigation has been created and runs through the local cable entity in the city and county.

7. Describe the coordination efforts that exist within your SWMA with local, county and state law enforcement. If your county has a litter ordinance, provide a copy of the ordinance(s) or the portion of the solid waste ordinance(s) pertaining to litter and place at the end of the report with a cover sheet labeled “Chapter 5 Attachments.”

The Franklin County Sheriff’s office has been actively involved with the litter hotline, by providing resident information based on license plate numbers to issue warnings about littering. The county attorney is also dedicated to prosecuting litter and dumping violations that are reported by the Solid Waste Coordinator.

B. Open Dump Prevention Strengths

Describe the strengths of your program to clean and prevent open dumps:

- *Franklin County has no open illegal dumps.*
- *A mandatory residential waste collection system mitigates illegal dumping.*
- *No fee structure for county waste collection contributes to lack of illegal dumps.*
- *A nuisance ordinance is in place and actively enforced by the Solid Waste Coordinator.*
- *Solid Waste Coordinator and Road Department clean littered areas before they become open dumps.*

C. Open Dump Prevention Weaknesses

Describe the weaknesses of your program to clean and prevent open dumps:

- *Nuisance ordinance is weak in follow-up time and consequences.*
- *Court action from nuisance ordinance is not publicized.*
- *Citizens are not educated about procedures for reporting illegal dumpsites.*

D. Open Dump Prevention Implementation Schedule

List specific actions or projects your SWMA will complete to maintain or improve its open dump abatement program. Include educational efforts.

| Specific Actions | Frequency | Month/ Year to Begin | Month/ Year to End |
|---|-----------|----------------------------|-----------------------|
| 1.) Complete a survey of county roads to determine illegal dump sites and frequently littered areas | Once | 1/ 2018 | 12/ 2019 |
| 2.) Implement new citizen reporting programs utilizing smart phone technology and social media. | Once | 1/ 2018 | 12/ 2019 |
| 3.) Review and update nuisance ordinance and fines. | Once | 1/ 2018 | 12/ 2019 |

E. Litter Prevention Strengths

Describe the strengths of your program to control and clean up litter:

- *The county and city offer varied litter programming, including community clean up opportunities and educational efforts.*
- *Citizens are actively involved in litter cleanups through The Clean Team and nonprofit cleanups.*
- *Local media is heavily utilized to educate about litter abatement in the city and county.*
- *Litter abatement grant funds allow for community clean up programs, such as the Spring Clean, throughout the year.*

F. Litter Prevention Weaknesses

Describe the weaknesses of your program to control and clean up litter:

- *Local law enforcement is reluctant to issue citations for littering.*
- *Litter reporting hotline is not currently utilized.*
- *Current cleanup program utilizing nonprofit groups does not encompass all areas of the county equally.*
- *Citizens are not educated about procedures for reporting litter.*

D. Litter Prevention Implementation Schedule

List specific actions or projects your SWMA will complete to maintain or improve its litter abatement program. Include educational efforts.

| Specific Actions | Frequency | Month/ Year to Begin | Month/ Year to End |
|---|-----------|-------------------------|-----------------------|
| 1.) Evaluate and increase youth education programs. | Ongoing | 1/ 2018 | 12/ 2022 |
| 2.) Reinstate litter hotline reporting process. | Once | 1/ 2019 | 12/ 2020 |
| 3.) Implement county cleanup and beautification program by district. | Once | 1/ 2019 | 12/ 2020 |
| 4.) Expand Clean Team program to new areas of the county. | Once | 1/ 2019 | 12/ 2021 |
| 5.) Explore potential of becoming a Keep America Beautiful Affiliate. | Once | 1/ 2021 | 12/ 2022 |

6. FACILITY SITING

As per KRS 224.01-010, the definition for a "solid waste management facility" is any facility for the collection, storage, transportation, transfer, processing, treatment, and disposal of solid waste..." Solid waste facilities include, but are not limited to contained landfills, CD/D landfills, transfer stations, recycling centers and composting facilities.

A. Facility Siting

1. Describe your SWMA's current siting ordinance(s). Include any local planning and zoning requirements. Attach a signed and dated copy of the current siting ordinance(s) and place at the end of the report with a cover sheet labeled "Chapter 6 Attachments."

Franklin County maintains an Exclusive Use Zone for Landfills (E-ZL) designation under section 4.60 of the county's Planning and Zoning ordinance. This comprehensive designation protects public and environmental health, and establishes specific standards for siting landfills within the county. The ordinance includes requirements for physical locations, planning procedures, and monitoring of a completed landfill. The ordinance also requires landfill applicants undergo the county's process for a zone change for the E-ZL designation.

2. A siting ordinance enforced at the local level helps ensure that the facility attains the standards set forth by the local solid waste governing body. Describe the process for enforcing your SWMA's siting ordinance(s):

The Franklin County Planning and Zoning Department enforces all siting procedures at the local level. All plans for landfill construction must be submitted to the Planning and Zoning office where the plans are reviewed for compliance with the siting ordinance. Additionally, an Application for Zone Map Amendment must be filed and go before the county's Planning Commission. The county office monitors and enforces all zoning ordinances by completing periodic inspections and site visits to ensure all operations are in compliance with the specific siting ordinance and submitted plans.

3. Describe in detail the site approval process for your SWMA. Attach a copy of the siting procedures and place at the end of the report with a cover sheet labeled "Chapter 6 Attachments."

Section 4.604 of the E-ZL designation outlines the site approval process, with the subsequent sections providing specific detail for each requirement of the planning process. Complete landfill plans must be submitted to the Planning and Zoning department with the appropriate zoning amendment application, along with information regarding the topography and geology of the site selected. The Zone Map Amendment Application must also be completed with all documentation, such as property plats, attached. The applicant must obtain and provide proof of all appropriate state and federal permits to be submitted with the application. Plans should include detailed information for all site construction, environmental mitigation, and operational plans and timelines. Following submission and staff approval, the proposed project will go before the county Planning Commission, which includes public input, and if recommended for approval, goes before Fiscal Court for two readings where it may be approved or denied.

4. Does the site approval process establish rules, regulations, and standards in the physical placement, expansion, or modification of a facility? If not, are there any planned modifications to address these concerns within the siting ordinance/procedures?

The E-ZL designation includes specific provisions for physical placement of a landfill, with special attention to environmental and public health. Any expansions or modifications of existing landfills must be in compliance with previously submitted plans and section 4.60 of the Zoning Ordinance. Additionally, any structures at an existing landfill are subject to building standards in the county Zoning Ordinance and must also be in compliance with those provisions. Any expansions or modifications must also obtain proper state and federal permits.

5. Does the site approval process outline the requirements for public notification in the decision-making process? If not, are there any planned modifications to address these concerns within the siting ordinance/procedures?

Included in section 4.604 of the E-ZL designation is the requirement for all zone change applications to go before the Planning Commission, which is a public hearing process. This process also necessitates public notice in the local newspaper and public notice disseminated to adjoining property owners. The Zone Map Amendment application requires documentation of this public notice. Following Planning Commission approval, there must be two readings of the proposed change at Fiscal Court meetings, which are open to the public.

6. Does the site approval process include a submittal of a permit application with site specific information, ownership and financial data, approval and notification processes, and allowances for permit conditions, inspections, reporting, fees, enforcement, and penalties?

Section 4.605 gives a detailed list of all information that must be included with a landfill siting application. This information includes topographic and geographic specific site information, proof all permit conditions, and plans detailing the operation and completion of the landfill including monitoring.

The Zone Map Amendment application includes applicant information and ownership, as well as county inspections, reporting requirements, fees and penalties.

B. Facility Siting Strengths

Describe the strengths of your existing siting ordinance:

- The county maintains a designated landfill zone, which ensures compliance with Planning and Zoning procedures at the local level.*
- The landfill siting process includes public notice and comment periods.*
- The county has resources such as two positions in the Solid Waste Department and a resident-based Solid Waste Task Force to review siting practices and issues that may need to be changed with Planning and Zoning.*
- The county maintains a positive relationship with the private landfill located within the county.*

C. Facility Siting Weaknesses

Describe the weaknesses of your existing siting ordinance:

- New residents living in close proximity to the landfill are not well educated on siting procedures and reporting requirements.*
- The general public is not well informed on the regulations governing the landfill, where Franklin County's waste is disposed of, and the environmental and economic impacts of a landfill operating in the county.*
- Other waste disposal facilities do not have designated use zones under the siting ordinance.*

D. Facility Siting Implementation Schedule

List specific actions or projects the SWMA will complete to maintain or improve its facility siting system, the frequency at which such actions will take place, a date for commencement of the activities and a date at which the activities will cease. Include educational efforts.

| Specific Actions | Frequency | Month/ Year to Begin | Month/ Year to End |
|--|-----------|----------------------------|--------------------------|
| 1.) Create a new waste disposal guide including information pertaining to landfill regulations for resident use. | Once | 1/ 2019 | 12/ 2020 |

| | | | |
|---|------|--------|---------|
| 2.) Develop outreach tools for residents living near landfill for reporting procedures. | Once | 1/2019 | 12/2020 |
| 3.) Educate residents about benefits and impacts of landfill disposal through the landfill voucher program | Once | 1/2019 | 12/2020 |
| 4.) Review siting ordinance to include provisions for future gas to energy and waste gasification projects. | Once | 1/2021 | 12/2022 |

7. ENFORCEMENT

A. Enforcement Program

1. Describe your enforcement procedures and penalties for non-participation in your approved solid waste collection system. Attach a copy of the section of the ordinance(s) or procedures pertaining to non-participation and place at the end of the report with a cover sheet labeled "Chapter 7 Attachments."

Franklin County has mandatory curbside waste collection. All residents are issued garbage and recycling containers through the contracted waste hauler and are required to utilize the hauler's service. Franklin County's solid waste ordinance requires that all residential and nonresidential establishments dispose of waste in proper solid waste containers, and any resident or business found in violation of this will be subject to fines and court action defined in the county's nuisance ordinance

2. Describe all surveillance/enforcement activities used by your SWMA to prevent litter and illegal dumping; for example, neighborhood watches, hidden cameras, etc. Attach copies of citation forms and letters to violators and place at the end of the report with a cover sheet labeled "Chapter 7 Attachments."

Franklin County has previously utilized a citizen litter reporting hotline and plans to initiate this program again to allow for surveillance. Franklin County also has many active neighborhood groups who report and clean litter and dumpsites, and the Solid Waste Coordinator maintains surveillance cameras that are rotated to problematic areas within the county. Persons found in violation of the county's nuisance and illegal dumping ordinances are subject to fines and court action.

3a. Do you use an administrative court for solid waste issues? ☐ Yes ☒ No

3b. If "yes" to question 3a, above, provide the date the court became effective:

N/A

4. Describe the operative procedures of the administrative court for solid waste issues. Attach a copy of the relevant documents or codes that relate to the administrative court and place at the end of the report with a cover sheet labeled "Chapter 7 Attachments."

N/A

5. If your SWMA does not have an administrative court for solid waste issues, do you plan to initiate an administrative court during this plan period? ☐ Yes ☒ No **If yes, provide dates in the implementation schedule:**

6. Describe any proposed modifications to your open dumping and littering procedures/ordinances. Provide dates in the implementation schedule:

Franklin County's nuisance ordinance will be reviewed and updated to reflect current fines and strengthen the court action process if found necessary. Any changes to the ordinance will be reviewed and approved by the Fiscal Court.

7. Describe enforcement actions or procedures taken by the SWMA if identifying information (i.e. names, addresses, etc.) is found in litter or an illegal dump:

Identifying information is documented through photographs, and used to file an appropriate notice of violation through either the Solid Waste Coordinator, Franklin County Sheriff or County Attorney. The identified individual becomes subject to action documented in the appropriate ordinances.

B. Enforcement Procedures Strengths

Describe the strengths of your existing enforcement procedures regarding litter and illegal dump prevention and non-participation in your approved collection system:

- *Partner collaboration across county offices is utilized in enforcing action against illegal dumping violators.*
- *The Solid Waste Coordinator position is dedicated to enforcement issues in the county.*
- *Signage and cameras are utilized in heavily littered areas.*
- *Local officials are supportive of enforcing illegal dumping and nuisance ordinances.*

C. Enforcement Procedures Weaknesses

Describe the weaknesses of your existing enforcement procedures regarding litter and illegal dump prevention and non-participation in your approved collection system:

- *Court action is not published to educate the public on enforcement.*
- *Penalties are not strong enough for violators.*
- *Timeline for enforcement is not strictly followed.*

D. Enforcement Implementation Schedule

List a detailed account of specific actions or projects the county will complete to maintain or improve its Enforcement System, the frequency at which such actions will take place, a date for commencement of the activities, and a date at which the activities will cease. Include educational efforts.

| Specific Actions | Frequency | Month/ Year to Begin | Month/ Year to End |
|--|-----------|----------------------------|--------------------------|
| 1.) <i>Develop new guidelines for enforcement procedures including appropriate fines and timeline.</i> | Once | 1/ 2019 | 12/ 2020 |
| 2.) <i>Review current enforcement ordinances and update as necessary.</i> | Once | 1/ 2019 | 12/ 2020 |
| 3.) <i>Identify enforcement partners from city and county departments, and enlist a representative of each to review enforcement procedures.</i> | Once | 1/ 2019 | 12/ 2020 |
| 4.) <i>Publish results of enforcement action in local news media.</i> | Ongoing | 1/ 2021 | 12/ 2022 |

8. FINANCIAL MECHANISMS**A. Financial Mechanisms**

1. Check all items that apply for the funding of your Solid Waste Program.

- ☒ Line Item in County Budget
☐ Collection franchise fees
☐ 109 Taxing Board
☒ General Fund
☐ Host agreement fees
☒ Other (list all): Landfill license fee set by ordinance, Grant funding

2. How is the Solid Waste Coordinator's position funded?

- ☒ Line Item in County Budget
☐ Collection franchise fees
☐ 109 Taxing Board
☒ General Fund
☐ Host agreement fees
☐ Other (list all):

3. List all fees/revenues collected by local government for solid waste management. Examples of fees/revenue are: fees charged for disposal facilities under KRS 68.178; fees charged by local government for garbage collection; 109 taxes, franchise and/or permit fees charged by local government; fees charged at transfer stations or convenience centers if owned by local government; and revenue received from the sale of recyclables.

| Type of Fees/Revenue: | Anticipated Amounts Collected | | | | |
|---|-------------------------------|----------------------|----------------------|----------------------|----------------------|
| | 1 st Year | 2 nd Year | 3 rd Year | 4 th Year | 5 th Year |
| License Fee (per KRS 68.178 for Off-Site Waste Management Facilities) | \$360,000.00 | \$360,000.00 | \$360,000.00 | \$360,000.00 | \$360,000.00 |
| Municipal Garbage Collection | \$ | \$ | \$ | \$ | \$ |
| Franchise fee | \$76,529.24 | \$76,818.24 | \$77,005.92 | \$77,193.60 | \$77,381.28 |
| Permit fee | \$ | \$ | \$ | \$ | \$ |
| Transfer station | \$ | \$ | \$ | \$ | \$ |
| Convenience center | \$ | \$ | \$ | \$ | \$ |
| 109 or other tax | \$ | \$ | \$ | \$ | \$ |
| Proceeds from sale of recyclables | \$15,000.00 | \$15,000.00 | \$15,000.00 | \$15,000.00 | \$15,000.00 |
| Landfill user fees | \$ | \$ | \$ | \$ | \$ |
| Host agreement | \$ | \$ | \$ | \$ | \$ |
| General revenue | \$ | \$ | \$ | \$ | \$ |
| Eastern Kentucky PRIDE | \$ | \$ | \$ | \$ | \$ |
| Grants, Conservation District | \$18,000.00 | \$18,000.00 | \$18,000.00 | \$18,000.00 | \$18,000.00 |
| Grants, State illegal dump | \$ | \$ | \$ | \$ | \$ |
| Grants, State litter abatement | \$35,000.00 | \$35,000.00 | \$35,000.00 | \$35,000.00 | \$35,000.00 |
| Grants, State Crumb Rubber | \$ | \$ | \$ | \$ | \$ |
| Grants, State HHW Collection Grant | \$21,000.00 | \$21,000.00 | \$21,000.00 | \$21,000.00 | \$21,000.00 |
| Grants, State Waste Tire | \$4,000.00 | \$4,000.00 | \$4,000.00 | \$4,000.00 | \$4,000.00 |
| Grants, State Recycling | \$ | \$ | \$ | \$ | \$ |
| Other (specify): Grants, State Composting | \$60,000.00 | \$60,000.00 | \$60,000.00 | \$60,000.00 | \$60,000.00 |

| Other (specify): | \$ | \$ | \$ | \$ | \$ |
|---|---------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Other (specify): | \$ | \$ | \$ | \$ | \$ |
| Other (specify): | \$ | \$ | \$ | \$ | \$ |
| TOTAL AMOUNT ANTICIPATED | \$585,529.24 | \$585,818.24 | \$586,005.92 | \$586,193.60 | \$586,381.28 |
| 4. Provide the following information on anticipated expenditures during the 5-year update period. | | | | | |
| Type of Expenditures: | Anticipated Expenditures/Budget | | | | |
| | 1 st Year | 2 nd Year | 3 rd Year | 4 th Year | 5 th Year |
| Capital Expenditures | \$ | \$ | \$ | \$ | \$ |
| Personnel | \$90,734.80 | \$92,549.45 | \$94,400.44 | \$96,288.45 | \$98,214.22 |
| Collection | \$1,454,055.56 | \$1,454,352.72 | \$1,454,649.88 | \$1,454,947.04 | \$1,455,244.20 |
| Disposal | \$10,000.00 | \$10,000.00 | \$10,000.00 | \$10,000.00 | \$10,000.00 |
| Enforcement | \$ | \$ | \$ | \$ | \$ |
| Open Dump Cleanups | \$ | \$ | \$ | \$ | \$ |
| Litter Cleanups | \$15,000.00 | \$15,000.00 | \$15,000.00 | \$15,000.00 | \$15,000.00 |
| Education Activities | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 |
| Recycling Costs/Expenses | \$ | \$ | \$ | \$ | \$ |
| Other (specify): | \$ | \$ | \$ | \$ | \$ |
| Other (specify): | \$ | \$ | \$ | \$ | \$ |
| Other (specify): | \$ | \$ | \$ | \$ | \$ |
| Other (specify): | \$ | \$ | \$ | \$ | \$ |
| Other (specify): | \$ | \$ | \$ | \$ | \$ |
| Other (specify): | \$ | \$ | \$ | \$ | \$ |
| TOTAL COSTS ANTICIPATED | \$1,574,790.36 | \$1,576,902.17 | \$1,579,050.32 | \$1,581,235.49 | \$1,583,458.42 |

Franchise fee and collection costs based on an average growth of 23 homes per year, based on average of three years past data

Personnel calculated with average of 2% for COL adjustment

Disposal based on spring clean spending, taken from litter abatement grant funding

Litter cleanups based on nonprofit group cleanups, taken from litter abatement grant funding

CHAPTER 1: BACKGROUND INFORMATION ATTACHMENTS

Signed and dated copy of resolution adopting the 5-year update

Dated copy of public notice from newspaper

CHAPTER 2: COLLECTION SYSTEM ATTACHMENTS

Franklin County Solid Waste Ordinance

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.

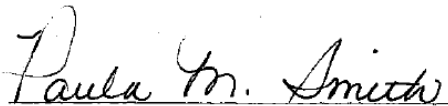
INTRODUCED AND GIVEN FIRST READING BY TITLE ONLY at a duly convened
meeting of the Fiscal Court of Franklin County, Kentucky held on the 9th day of
July, 1990.

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

City of Frankfort Solid Waste Ordinance

CHAPTER 50: GARBAGE; SOLID WASTE

Section

- 50.01 Definitions
- 50.02 Collection
- 50.03 Preparation, storage, placement for collection
- 50.04 Evictions
- 50.05 Loose material
- 50.06 Prohibited disposal
- 50.07 Dumping regulations
- 50.08 Dangerous or hazardous waste
- 50.09 Collection of construction/demolition debris
- 50.10 Recycling program
- 50.11 Authority to establish rules and regulations
- 50.12 Police power measure
- 50.13 Prosecution
- 50.14 Garbage collection fee

- 50.99 Penalty

§ 50.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ASHES. The residue of combustion of such fuels as wood, coal, coke, charcoal, and the like.

COMBUSTIBLE. All waste substances capable of burning, including garbage, paper, rags, wood, grass, leaves, brush, and the like.

COMMERCIAL. All wastes, combustible and noncombustible, arising out of or in connection with the operation of a business or industry, and all other wastes not resulting from the ordinary operations of private residences or households.

COMPOST. The substance produced through the decomposition of organic materials, including wood, paper, mulch, yard and food waste, and leaves, that is capable of being used as a soil amendment.

Frankfort - Public Works

CONSTRUCTION and DEMOLITION WASTE. Waste building materials and rubble resulting from construction, remodeling, repair, and demolition operation on houses, buildings, pavements, and other structures.

GARBAGE. All putrescible wastes, except sewage and body wastes and recognizable industrial by-products.

NONCOMBUSTIBLE WASTE. All waste substances incapable of burning, including tin cans, and other metallic substances, bottles, glassware, earthenware, ashes, and the like.

RECYCLABLE MATERIAL. Those commodities which are recyclable and can be sold for processing and use or reuse.

REFUSE. All non-putrescible wastes, except recyclable material.

RESIDENTIAL UNIT. Private residences or households, apartments, churches, schools and municipal buildings with eight dwelling units or less on one lot of record.

RESIDENTIAL WASTE. All solid wastes, combustible and noncombustible, arising out of the ordinary operations of residential units.

RESPONSIBLE TENANT. A tenant that has entered into a valid "Agreement to Comply with Chapter 50 of the City of Frankfort's Code of Ordinances" that has been filed with the City Public Works Department.

SOLID WASTE COLLECTION OFFICER. The Public Works Director or his designee.

WASTE. All trash, garbage, offal, and other refuse and discarded matter required to be removed from private and public places, except recyclable material.

WHITE GOODS. Refrigerators, washers, dryers, ranges, freezers, and other large appliances. ('70 Code, § 6.12.010) (Am. Ord. 16, 2001, passed 10-11-01; Am. Ord. 7, 2009, passed 6-22-09; Am. Ord. 22, 2011, passed 12-19-11; Am. Ord. 3, 2012, passed 4-23-12)

§ 50.02 COLLECTION.

(A) (1) The owner, tenant or lessee of each residential unit shall participate in the City's garbage disposal program. The city shall not collect commercial or industrial waste. The city shall collect residential waste when properly containerized and placed adjacent to a publicly maintained street in a manner and in a quantity that does not create a hazard to traffic. Due to traffic hazards, the city shall not collect waste from apartment or condominium buildings with more than eight (8) units per lot of record, and the owners of those units shall enter into a written garbage disposal contract with a properly licensed

Garbage; Solid Waste

5

private contractor. In the case of a private contractor, the garbage shall be placed in a container equivalent or better than the container used by the City and picked up by the private contractor on no less than a once per week basis.

(2) Exception for residences located on a private street: Notwithstanding the above provision, collection service shall continue for all residences served by the city prior to January 1, 2001, so long as the owner of any private property upon or over which city vehicles are operated in the course of the collection executes an agreement indemnifying the city, its officers, employees and agents against any liability or claim for property damage, personal injury or death sustained by any person or entity, including the property owner, occurring as a result of or during such operation of city vehicles on private property with the exception of any wanton conduct by the city which creates a substantial danger of death or serious physical injury. Provided further, that the property owner shall maintain general liability insurance in a minimum coverage amount of \$1,000,000, naming the city as additional insured. ('70 Code, § 6.12.020) (Am. Ord. 8, 2002, passed 2-21-02)

(B) Residential solid waste and recyclable material placed in approved City containers or bags shall be collected from each residential unit once per week following a schedule arranged by the Public Works Department. During "unlimited pickup days" scheduled by the Public Works Department, residential solid waste placed in any suitable container or garbage bag will be picked up at no additional monthly charge. The Director of Public Works, through the adoption and promulgation of rules, shall be authorized to fix and arrange the date and schedules for the collection of solid wastes and recyclable material in all parts of the city. ('70 Code, § 6.12.030)

(C) Tree brush and yard waste shall be collected once per week along with other household garbage and trash.

(1) Tree brush. The tree brush shall be placed adjacent to the pavement in the public street or alley right-of-way alongside regular waste containers. No tree limb shall exceed 50 pounds in weight or six feet in length. Limbs shall be stacked with cut ends facing the street, not criss-crossed, and placed in piles not exceeding three feet high and ten feet long. The city shall not collect tree residue or brush as a result of a private tree contractor's work and the property owner or occupant or the contractor shall be responsible for the removal and disposal of same in this case. ('70 Code, § 6.12.140)

(2) Yard waste. Yard waste consisting of plant material (leaves, grass clippings, branches, brush, flowers, roots, wood waste, etc.), but excluding loose soils, sod, food waste, plastics and synthetic fibers, human or animal excrement, noxious weeds and soil contaminated with hazardous substances, shall be placed in garbage containers with a capacity of thirty-two (32) gallons or less or paper yard waste bags with a filled weight not exceeding fifty (50) pounds.

(D) Bulky items such as white goods, old furniture, and the like, shall be placed alongside other regular garbage and trash once per week for collection. No person shall place a refrigerator for disposal unless and until he has either removed the door or secured it so that children cannot open it. Carpet shall

be cut and tied into four foot sections. Bundled carpet weight shall not exceed 50 pounds. Items such as tires, used propane tanks, metal poles, and swing sets will not be collected by city personnel. ('70 Code, § 6.12.150)

(Am. Ord. 16, 2001, passed 10-11-01; Am. Ord. 22, 2011, passed 12-19-11; Am. Ord. 4, 2013, passed 6-24-13; Am. Ord. 20, 2014, passed 10-27-14) Penalty, see § 50.99

§ 50.03 PREPARATION, STORAGE, PLACEMENT FOR COLLECTION.

(A) Garbage and household trash. No owner, tenant, or lessee of any public or private premises shall permit to accumulate upon his premises any garbage or refuse except in suitable containers. Wheeled containers with an approximate capacity of 35, 65 and 95 gallons shall be provided by the city to each dwelling unit qualifying for residential service at no initial cost. The containers shall remain the property of the city. Each eligible dwelling unit shall be assigned a serial numbered container(s) of the size requested by the owner of the unit, or, if no size request is received, of the 65 gallon size. The property owner may, in the months of January or July, exchange the trash container for a larger container(s) upon payment to the city of the \$20 fee for each trash container, and may exchange the container(s) for a smaller container(s) at no charge. The fee may be waived by the Director of Public Works on a city-wide basis. Damaged or stolen containers will be replaced upon request. Waste material which may be excepted from containerization is brush and bulky items such as old furniture, appliances, and the like. Recyclable materials shall be placed in special containers provided by the city. ('70 Code, § 6.12.040)

(B) All owners, tenants, or lessees of any public or private premises shall place garbage, waste, or recyclables to be collected in front of their premises near the street edge so that city sanitation workers may pick up and dispose of same without leaving the street or sidewalk unless, as determined by the Director of Public Works, the premises are occupied solely by one or more persons with physical limitations which prevent the persons from placing the container at the curbside or the topography of the premises prevents the placement of the container at the curbside or as provided in § 50.02(A). Otherwise, no waste shall be collected outside designated street or alley rights-of-way. Properties which do have rear yard access may be exempt from this provision upon approval by the Director of Public Works. ('70 Code, § 6.12.050)

(C) All garbage and household trash shall be drained free of liquids and placed in the city-issued container or prepaid garbage bag. The trash container shall not be filled so that the attached lid cannot be completely closed, nor shall the bags be filled such that they cannot be securely fastened shut or weigh more than 50 pounds. Garbage and household trash placed in containers other than in the city-issued container or prepaid garbage bag will not be collected except on "unlimited pickup days" scheduled pursuant to § 50.02(B). ('70 Code, § 6.12.060)

(D) Ashes shall be separated from all other types of waste, and the ashes shall be completely extinguished and placed in an airtight noncombustible container. Animal excrement must be bagged prior to placing into container. ('70 Code, § 6.12.080)

(E) The city will not collect waste from dumpsters. ('70 Code, § 6.12.090)

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(F) No waste or recycling containers shall be allowed to remain exposed within a public street or any place where the sight of them would be a public nuisance for a longer time than shall be reasonably necessary for collection. The containers shall be promptly removed from the sidewalk or public right-of-way after they have been emptied. Waste and recycling containers shall be placed at the curb no sooner than the evening prior to collection and no later than 7:00 a.m. on the day of collection and removed that evening. No container shall be allowed to remain at a curbside or roadside at times other than those permitted by this chapter. ('70 Code, § 6.12.110)

(G) All city-issued containers shall be used for garbage or recycling purposes only and shall be kept clean by the owner thereof. No dead animals, maggots or petroleum products shall be permissible in the waste containers. Paint shall be solidified with sand, dirt, or kitty litter. No garbage or refuse shall be permitted to ferment or putrefy. ('70 Code, § 6.12.120)
(Am. Ord. 16, 2001, passed 10-11-01; Am. Ord. 22, 2011, passed 12-19-11; Am. Ord. 4, 2013, passed 6-24-13) Penalty, see § 50.99

§ 50.04 EVICTIONS.

Notwithstanding the other provisions of Chapter 50 of the City of Frankfort Code of Ordinances, where a landlord, pursuant to a proper order of eviction issued by a court of competent jurisdiction, has evicted a tenant and has set out the tenant's property on the curb pursuant to court order, the City may pick up and dispose of the set out property after it has been on the curb for not less than twenty-four (24) hours after receiving a written request from the evicting landlord, a copy of the order of eviction and payment in the amount of \$50.00. The set out property is not required to be placed in a proper waste container.
(Ord. 20, 2014, passed 10-27-14)

§ 50.05 LOOSE MATERIAL.

(A) No person shall place within the street right-of-way for collection any small loose material which could be wind blown and result in littering. Items such as grass clippings, leaves, small branches, paper, and the like, shall be properly containerized or placed in paper yard waste bags.

(B) Exception: Leaves may be raked to the roadside during the city's leaf collection program.
(('70 Code, § 6.12.160) (Am. Ord. 16, 2001, passed 10-11-01; Am. Ord. 22, 2011, passed 12-19-11)
Penalty, see § 50.99

§ 50.06 PROHIBITED DISPOSAL.

(A) (1) No person shall throw, place or deposit waste on any street or other public property except in proper waste containers with the lid closed or tied.

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(2) No person shall turn over or upset the contents of any waste container on any street or other public property.

(3) When waste has been set out in containers on public property for collection no person shall remove the waste from the containers.

(4) It shall be unlawful for any person to place any garbage or trash upon the property of another.
(‘70 Code, § 6.12.170) (Am. Ord. 16, 2001, passed 10-11-01)

(B) The disposal of any garbage or refuse by any individual, householder or establishment in any place, public or private, within the city limits other than at a licensed and permitted private landfill or transfer station is prohibited. (‘70 Code, § 6.12.180)
(Am. Ord. 22, 2011, passed 12-19-11; Am. Ord. 4, 2013, passed 6-24-13) Penalty, see § 50.99

§ 50.07 DUMPING REGULATIONS.

No person shall dump combustible waste on any public or private property within the city. No person shall dump dirt or other noncombustible material of any kind on any public or private property within the city without the written permission of the City Engineer.
(‘70 Code, § 6.12.190) (Am. Ord. 16, 2001, passed 10-11-01; Am. Ord. 22, 2011, passed 12-19-11)
Penalty, see § 50.99

§ 50.08 DANGEROUS OR HAZARDOUS WASTE.

Needles and/or syringes will not be collected by city personnel unless they are disposed of in an approved sharps container (which can be purchased at drug stores). The sharps container can then be disposed of in waste containers and collected by the city. Other dangerous or hazardous waste shall not be placed for collection.
(Ord. 16, 2001, passed 10-11-01; Am. Ord. 22, 2011, passed 12-19-11) Penalty, see § 50.99

§ 50.09 COLLECTION OF CONSTRUCTION/DEMOLITION DEBRIS.

Construction debris not placed in a suitable container will require the use of a dumpster that is provided by and collected by a private collector. A permit issued by the Public Works Director will be required if the dumpster is to be located within public right-of-way.
(Ord. 16, 2001, passed 10-11-01; Am. Ord. 22, 2011, passed 12-19-11) Penalty, see § 50.99

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§ 50.10 RECYCLING PROGRAM.

(A) Participants.

(1) The city shall provide curbside recycling opportunity for all residential units, with collection once per week.

(2) The city may provide curbside recycling opportunity for all privately owned commercial units located within the City of Frankfort Renaissance District, which is bounded on the south side by Second Street between Bridge Street and Capital Avenue, on the east side by High Street between Mero Street and the Kentucky River, on the north side by Mero Street between High Street and the Kentucky River and on the west side by the Kentucky River, with collection once per week.

(B) Containers. The city shall provide each residential unit which participates in the recycling program with an approved container. The container shall remain property of the city. The container shall be used only for the purpose of recycling, and are not to be filled so that the attached lid cannot be completely closed. Plastic bags or other materials are not to be used for sorting recycling materials. Approved recycling containers shall be purchased from the city and used by the commercial building in order for a commercial building to participate in the recycling program. A maximum of two approved recycling containers shall be allowed for each commercial building, unless otherwise approved by the Director of Public Works based on the amount of recyclable material to be collected.

(C) Collection. Recyclable material shall be collected once per week on a schedule set up by the Director of Public Works.

(D) Pilfering. No person shall remove any material from recycling containers set out for collection by the city. All recyclable material becomes property of the city at the time it is set out to the street side for collection.

('70 Code, § 6.12.230) (Am. Ord. 16, 2001, passed 10-11-01; Am. Ord. 24, 2008, passed 9-22-08; Am. Ord. 22, 2011, passed 12-19-11; Am. Ord. 3, 2012, passed 4-23-12; Am. Ord. 4, 2013, passed 6-24-13) Penalty, see § 50.99

§ 50.11 AUTHORITY TO ESTABLISH RULES AND REGULATIONS.

The Director of Public Works, with the approval of the Board of Commissioners, shall be authorized to prepare and publish rules and regulations for the effective administration and enforcement of the provisions of this chapter. Any rules so published shall have the force of law and a violation thereof shall be punishable in the same manner as a violation of this chapter.

('70 Code, § 6.12.240) (Am. Ord. 16, 2001, passed 10-11-01; Am. Ord. 22, 2011, passed 12-19-11)

§ 50.12 POLICE POWER MEASURE.

This chapter is hereby declared to be an exercise of the city's police power for the preservation of the public peace, health, and safety. The city shall bear no liability for the improper usage or placement of the waste containers.

('70 Code, § 6.12.260) (Am. Ord. 16, 2001, passed 10-11-01; Am. Ord. 22, 2011, passed 12-19-11)

§ 50.13 PROSECUTION.

(A) Whenever a condition is identified that is in violation of this chapter, the Director of Public Works or his designee may issue a Notice of Violation giving the property owner or the property owner's agent five (5) days to remedy the situation. Notices shall be issued by posting the notice on the container for the residence or by sending the notice by first class mail to the owner. If, after five (5) days of the issuance of notice, the violation has not been brought into compliance, the city may send employees or other workers onto the property to effect compliance. The property owner shall be liable for the reasonable value of labor and materials in remedying the situation as determined by the Director of Public Works (\$25 per event). If payment is not received within forty-five (45) days after invoice is issued, a lien against the property for the invoice amount shall be filed in the Franklin County Clerk's office bearing interest at 18% per annum thereafter until paid, all pursuant to KRS 381.770.

(B) Responsible Tenant: In the case of a Responsible Tenant, whenever a condition is identified that is in violation of this chapter, excluding payment of the garbage collection fee set forth in § 50.14, the Director of Public Works or his designee may issue a Notice of Violation giving the Responsible Tenant five (5) days to remedy the situation. Notices shall be issued by posting the notice on the container for the residence or by sending the notice by first class mail to the Responsible Tenant. If, after five (5) days of the issuance of notice, the violation has not been brought into compliance, the city may send employees or other workers onto the property to effect compliance. The Responsible Tenant shall be liable for the reasonable value of labor and materials in remedying the situation as determined by the Director of Public Works (\$25 per event). If payment is not received within forty-five (45) days after invoice is issued, the City may take action as set forth in § 50.13(C). A Property Owner shall not be liable for violations caused by a Responsible Tenant.

(C) Citation to the Franklin District Court or the Frankfort Nuisance Code Board may be issued by a Solid Waste Collection Officer. In the event a citation issued for violation of this chapter is returnable before the Frankfort Nuisance Code Hearing Board, Sections 106 and 107 of the Frankfort Nuisance Code shall not apply.

(D) In addition to the other remedies set forth in this Chapter, where the owner, tenant or lessee of a residential unit fails to pay to the City the applicable garbage collection fee set forth in § 50.14 within thirty (30) days of the issuance of the invoice, the City may 1) stop collection of garbage and recyclable material at all of the owner's, tenant's or lessee's residential units located within the City, and may collect the City issued trash container and the recycling container issued to all of the owner's, tenant's

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or lessee's residential units, and 2) file a lien against all of the owner's, tenant's or lessee's residential units in the amount due the City for garbage collection and file suit to enforce the amount of the lien, and collect interest in the amount of eighteen percent (18%) per annum and reasonable attorneys fees. Thereafter, the City shall only issue a trash container and a recycling container to the owner's, tenant's or lessee's residential units upon payment in full of the amount due the City for garbage services or an Agreement to Pay Delinquent Garbage Fee has been signed by the owner, tenant or lessee of a residential unit, approved by the Finance Director and the payments on said agreement are current plus an administrative fee of \$50.00 for each residential unit.

(Ord. 16, 2001, passed 10-11-01; Am. Ord. 22, 2011, passed 12-19-11; Am. Ord. 3, 2012, passed 4-23-12; Am. Ord. 20, 2014, passed 10-27-14)

§ 50.14 GARBAGE COLLECTION FEE.

(A) That, beginning February 1, 2011, the owner of each residence or building from which residential waste is collected by the city pursuant to § 50.02 of the City of Frankfort Code of Ordinances shall pay a collection fee as set forth below:

(1) A fee of \$4 per month shall be paid for use of each wheeled container having an approximate capacity of 65 gallons;

(2) A fee of \$12 per month shall be paid for use of each wheeled container having an approximate capacity of 95 gallons;

(3) Garbage bags that will be picked up by the city, with the exception of garbage bags collected on "unlimited pickup days", may be purchased from the city or other approved vendor for \$6 for 6 bags; and,

(4) The owners of residences or buildings having more than one apartment or living unit shall pay the fee set forth above for each apartment or living unit.

(B) The garbage collection fee of \$5.00 per month set forth in this section shall not apply to the time period beginning January 1, 2011 and ending on June 30, 2011. This section is to be applied retroactively so that individuals or entities having prepaid the garbage fee for this time period may submit a written request for a refund or a written request that the prepaid amount be applied to garbage fees due and owing, now or in the future.

(Ord. 7, 2009, passed 6-22-09; Am. Ord. 7, 2011, passed 7-11-11; Am. Ord. 22, 2011, passed 12-19-11; Am. Ord. 4, 2013, passed 6-24-13)

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§ 50.99 PENALTY.

(A) Violation of § 50.08 of this chapter shall constitute a criminal offense for which a citation may issue returnable to Franklin District Court with a fine of not less than \$50 nor more than \$500, or imprisonment for a term not to exceed 30 days, or both the fine and imprisonment, at the discretion of the Court, assessed for each offense.

(B) Violation of any other provisions of this chapter may be considered a civil offense for which a citation may issue returnable to the Frankfort Nuisance Code Hearing Board with a civil penalty of not less than \$50 nor more than \$500 assessed for each violation; provided that each day the violation shall exist shall constitute a separate civil offense; and provided further that the citation shall not be issued without two prior written warnings having been received by the offender.

(C) The theft or intentional damage of the city-issued containers is prohibited.
(‘70 Code, § 6.12.250) (Am. Ord. 16, 2001, passed 10-11-01; Am. Ord. 22, 2011, passed 12-19-11;
Am. Ord. 20, 2014, passed 10-27-14)

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ORDINANCE NO. 23, 2016 SERIES

AN ORDINANCE AMENDING SECTIONS 50.03, 50.06, 50.13 AND 50.14 OF THE CITY OF FRANKFORT CODE OF ORDINANCES RELATING TO GARBAGE; SOLID WASTE

WHEREAS, the Board of Commissioners wishes to remove the fee for residential garbage collection and make other revisions to the ordinances governing the collection of garbage in the City, including providing for the exchange of trash containers, prohibiting the placement of trash in a container not assigned to the residence where the trash was generated, and amending the remedies available to the City in the event the garbage ordinance is not complied with.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF FRANKFORT, KENTUCKY, that Sections 50.03, 50.06, 50.13 and 50.14 of the City of Frankfort Code of Ordinances which relate to Garbage: Solid Waste, are amended as follows.

Section 50.03 PREPARATION, STORAGE, PLACEMENT FOR COLLECTION.

1. Garbage and household trash:

(A) No owner, tenant, or lessee of any public or private premises shall permit to accumulate upon his premises any garbage or refuse except in suitable containers. Wheeled containers with an approximate capacity of thirty-five (35), sixty-five (65) and ninety-five (95) gallons shall be provided by the city to each dwelling unit qualifying for residential service at no initial cost. Each eligible dwelling unit shall be assigned a serial numbered trash container of the size requested by the owner of the unit. The property owner may exchange the trash container for a container of a different size upon payment to the city of the fifty (\$50) fee for the trash container in accordance with the procedure set by the Department of Public Works. The fee may be waived by the Director of Public Works on a city-wide basis. Damaged or stolen containers will be replaced upon request. Waste material which may be excepted from containerization is brush and bulky items such as old furniture, appliances, and the like. Recyclables material shall be placed in special containers provided by the city.

(B) All owners, tenants, or lessees of any public or private premises shall place garbage, waste, or recyclables to be collected in front of their premises near the street edge so that city sanitation workers may pick up and dispose of same without leaving the street or sidewalk unless, as determined by the Director of Public Works, the premises are occupied solely by one or more persons with physical limitations which prevent the persons from placing the container at the curbside or the topography of the premises prevents the placement of the container at the curbside or as provided in § 50.02(A). If the Director determines that physical or topographical limitations exist, an exemption is available through the Solid Waste Division and waste can be placed curbside in a provided City of Frankfort trash bag. Otherwise, no waste shall be collected outside designated street or alley rights-of-way. Properties which do have rear yard access may be exempt from this provision upon approval by the Director of Public Works.

(C) All garbage and household trash shall be drained free of liquids and placed in the city-issued container or prepaid garbage bag. City-issued containers shall be placed at least 3 feet from other objects (containers, mailboxes, parked cars, trees, lights, etc). The trash container shall not be filled so that the attached lid cannot be completely closed, nor shall the bags be filled such that they cannot be securely fastened shut or weigh more than 50 pounds. Garbage and household trash placed in containers other than in the city-issued container or prepaid garbage bag will not be collected except on "unlimited pickup days" scheduled pursuant to Section 50.02(B).

(D) Ashes shall be separated from all other types of waste, and the ashes shall be completely extinguished and placed in an airtight noncombustible container. Animal excrement must be bagged prior to placing into container.

(E) The city will not collect waste from dumpsters.

(F) No waste or recycling containers shall be allowed to remain exposed, within a public street or any place where the sight of them would be a public nuisance for a longer time than shall be reasonably necessary for collection. The containers shall be promptly removed from the sidewalk or public right-of-way after they have been emptied. Waste and recycling containers shall be placed at the curb no sooner than the evening prior to collection and no later than 7:00 a.m. on the day of collection and removed that evening. No container shall be allowed to remain at curbside or roadside at times other than those permitted by this chapter.

(G) All city-issued containers shall be used for garbage or recycling purposes only and shall be kept clean by the owner thereof. No dead animals, maggots or petroleum products shall be permissible in the waste containers. Paint shall be solidified with sand, dirt, or kitty litter. No garbage or refuse shall be permitted to ferment or putrefy. ('70 Code, § 6.12.120)

§ 50.06 PROHIBITED DISPOSAL.

(A) (1) No person shall throw, place or deposit waste on any street or other public property except in proper waste containers with the lid closed or tied.

(2) No person shall turn over or upset the contents of any waste container on any street or other public property.

(3) When waste has been set out in containers on public property for collection no person shall remove the waste from the containers.

(4) It shall be unlawful for any person to place any garbage or trash upon the property of another, or within a trash container assigned to another residence.
('70 Code, § 6.12.170) (Am. Ord. 16, 2001, passed 10-11-01)

(B) The disposal of any garbage or refuse by any individual, householder or establishment in any place, public or private, within the city limits other than at a licensed and permitted private landfill or transfer station is prohibited. ('70 Code, § 6.12.180)

§ 50.13 PROSECUTION.

(A) Whenever a condition is identified that is in violation of this chapter, the Director of Public Works or his designee may issue a Notice of Violation giving the property owner or the property owner's agent five (5) days to remedy the situation. Notices shall be issued by posting the notice on the container for the residence or by sending the notice by first class mail to the owner. If, after five (5) days of the issuance of notice, the violation has not been brought into compliance, the city may send employees or other workers onto the property to effect compliance. The property owner shall be liable for the reasonable value of labor and materials in remedying the situation as determined by the Director of Public Works (\$25 per event). If payment is not received within forty-five (45) days after invoice is issued, a lien against the property for the invoice amount shall be filed in the Franklin County Clerk's office bearing interest at 18% per annum thereafter until paid, all pursuant to KRS 381.770.

(B) Responsible Tenant: In the case of a Responsible Tenant, whenever a condition is identified that is in violation of this chapter the Director of Public Works or his designee may issue a Notice of Violation giving the Responsible Tenant five (5) days to remedy the situation. Notices shall be issued by posting the notice on the container for the residence or by sending the notice by first class mail to the Responsible Tenant. If, after five (5) days of the issuance of notice, the violation has not been brought into compliance, the city may send employees or other workers onto the property to effect compliance. The Responsible Tenant shall be liable for the reasonable value of labor and materials in remedying the situation as determined by the Director of Public Works (\$ 35 per event). If payment is not received within forty-five (45) days after invoice is issued, the City may take action as set forth in § 50.13(C). A Property Owner shall not be liable for violations caused by a Responsible Tenant.

(C) Citation to the Franklin District Court or the Frankfort Nuisance Code Board may be issued by a Solid Waste Collection Officer. In the event a citation issued for violation of this chapter is returnable before the Frankfort Nuisance Code Hearing Board, Sections 106 and 107 of the Frankfort Nuisance Code shall not apply.

(D) In addition to the other remedies set forth in this Chapter, where the owner, tenant or lessee of a residential unit fails to comply with the requirements of this Chapter after the issuance of a Notice of Violation, the City may 1) stop collection of garbage and recyclable material at all of the owner's, tenant's or lessee's residential units located within the City, and may collect the City issued trash container and the recycling container issued to all of the owner's, tenant's or lessee's residential units, and 2) where the owner, tenant or lessee has failed to pay amounts due under this Chapter, file a lien against all of the owner's, tenant's or lessee's residential units in the amount due the City for garbage collection and file suit to enforce the amount of the lien, and collect interest in the amount of eighteen percent (18%) per annum and reasonable attorneys fees. Thereafter, the City shall only issue a trash container and a recycling container to the owner's, tenant's or lessee's residential units upon payment in full of the amount due the City and compliance with the requirements of this Chapter, and payment of an administrative fee of \$50.00 for each residential unit.

§ 50.14 GARBAGE COLLECTION FEE.

(A) That, beginning January 1, 2017, the owner of each residence or building from which residential waste is collected by the city pursuant to § 50.02 of the City of Frankfort Code of Ordinances shall not be required to pay a collection fee.

(B) Garbage bags that will be picked up by the city, with the exception of garbage bags collected on "unlimited pickup days", may be purchased from the city or other approved vendor for \$6 for 6 bags.

This Ordinance shall take effect on January 1, 2017.

First Reading on the 24 day of October, 2016.

Final Adoption on the 28 day of November, 2016.

S/William I. May, Jr.
T/Mayor

Attest:

S/Chermie Maxwell
T/City Clerk

Summary: This ordinance amends Sections 50.03, 50.06, 50.13 and 50.14 of the City of Frankfort's Ordinances governing garbage and solid waste, and removes the fee for residential garbage collection, provides for the exchange of trash containers, prohibits the placement of trash in a container not assigned to the residence where the trash was generated, and amends the remedies available to the City in the event that an individual or entity fails to comply with the City's garbage ordinance. This ordinance is to take effect on January 1, 2017.

S/Robert C. Moore
T/City Solicitor

Published in full December 11, 2016.

CHAPTER 3: DISPOSAL SYSTEM ATTACHMENTS

Benson Valley Landfill Capacity Assurance Letter



Benson Valley Landfill
2157 Highway 151, Frankfort, KY 40601
(502) 209-3813 ph • (502) 875-7352 fax republicservices.com

July 14, 2017

Ms. Blair Hecker
Solid Waste Administrator
Franklin County Fiscal Court

**RE: Benson Valley Landfill
Capacity Assurance Letter**

Ms. Hecker:

Benson Valley Landfill, located in Frankfort, KY, is notifying the Franklin County Fiscal Court that the landfill has a minimum of 10 years remaining airspace (capacity). Based on the most recent aerial survey (December 4, 2016), as well as the current incoming tonnage and operational density, the remaining life of the landfill is over 40 years.

If you have any questions, please do not hesitate to contact me at 606-253-8014 or ddeborde@republicservices.com.

Sincerely,
Republic Services of KY, LLC

Daniel Deborde
Environmental Manager

Central Kentucky Landfill Capacity Assurance Letter

Central Kentucky Landfill

259 West Short Street, Suite 325
Lexington, KY 40507

Phone (859) 258-2301
Fax (859) 258-9073

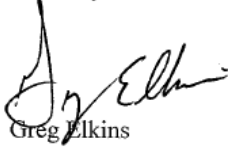
June 14, 2017

RE: Franklin County Fiscal Court
2017 Solid Waste Management Plan Update
Central Kentucky Landfill Capacity Assurance Letter

To Whom It May Concern:

As requested this letter is capacity assurance for the Franklin County Solid Waste Plan. Please be advised that, based upon our current permitted capacity and our current annual rate of disposal, at present we can provide five years of waste disposal capacity at the Central Kentucky Landfill facility. We do have a permit expansion that is pending approval by the Commonwealth of Kentucky. Once approved, the Central Kentucky Landfill will increase to nearly twenty years of waste disposal capacity. It is anticipated that the expansion would be complete by the end of 2017.

Sincerely,



Greg Elkins
Chief Operating Officer

CHAPTER 5: OPEN DUMPS AND LITTER ATTACHMENTS

Solid Waste Ordinance (section pertaining to illegal dumping)

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 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.

Nuisance Ordinance

ORDINANCE NO. 14

2005 SERIES

AN ORDINANCE AMENDING ORDINANCE NO. 15, 1990 SERIES, OF RECORD IN FISCAL COURT ORDER BOOK 15, PAGE 538 RELATING TO THE ABATEMENT OF NUISANCES IN THE UNINCORPORATED AREAS OF FRANKLIN COUNTY, KENTUCKY

WHEREAS, the Franklin County Fiscal Court has the authority pursuant to KRS 69.083 (3) (a), to enact ordinances to cause the abatement of nuisances; and,

WHEREAS, there exists in areas of the unincorporated areas of Franklin County, Kentucky, properties whose condition or use causes or tends to cause substantial diminishing of the value of residential or commercial properties or tends to render such properties as dangerous or detrimental or adverse to the health and welfare of the residents of Franklin County, Kentucky;

NOW, THEREFORE, be it ordained by the Fiscal Court of the County of Franklin, Commonwealth of Kentucky, as follows:

1. Definitions

a. "Nuisance" means any condition or the use of premises or of building exteriors in a residential or a commercial district which is or tends to render such properties as dangerous or detrimental or adverse to the health and welfare of others, or, which is detrimental to the property of others or which causes or tends to cause substantial diminishing of the value of other properties in the area in which such premises are located. This includes, but is not limited to, the keeping or the depositing on or the scattering over the premises of any of the following:

1. Lumber, junk, trash or debris;
2. Abandoned, discarded or unused objects or equipment such as mobile or manufactured homes, campers, automobiles, furniture, stoves, refrigerators, freezers, cans or containers;
3. Partially dismantled, wrecked, junked, discarded or otherwise non-operating motor vehicles.
- 3.4. Keeping unsanitary matter on premises. It shall be unlawful for any person to keep, or permit another to keep upon any residential or commercial property septic material, unless such material is retained in containers or vessels which deny access to humans, flies, insects, rodents or animals. This section shall not apply to overflowing septic tanks and lateral lines as those items are subject to existing health department regulations.

2. Duty of Maintenance of Private Property

No person owning, leasing, or occupying or having charge of any residential or commercial property ~~shall maintain such property in a manner causing~~

~~substantial diminishing of the value of other properties in the area in which such premises are located.~~ shall maintain, create or permit such property or condition thereon to be a nuisance.

3. Exterior Storage of Non-Operating Vehicles Prohibited

No person in charge of or in control of any commercial or residential property, whether as owner, lessee, tenant, occupant or otherwise shall allow any partially dismantled, wrecked, junked, discarded or otherwise non-operating motor vehicle to remain on such property longer than ~~ten (40)~~ thirty (30) days; and no person shall leave any such vehicle on any property for a longer time than ~~ten (40)~~ thirty (30) days; except that this section shall not apply with regard to any vehicle in an enclosed building. This section shall further not apply with regard to any vehicle on the premises of a business enterprise operated in a lawful place and manner when the keeping or maintenance of such vehicle is necessary to the operation of such business enterprise; nor shall it apply with regard to a vehicle in the appropriate storage place or depository maintained in a lawful place and manner.

4. Abandoned Mobile/Manufactured Homes and Campers Prohibited

No person in charge of or in control of any commercial or residential property, whether as owner, lessee, tenant, occupant or otherwise shall allow any abandoned, junked, discarded or otherwise non-inhabitable mobile/manufactured home or camper to remain on such property longer than thirty (30) days; and no person shall leave any such mobile/manufactured home or camper on any property for a longer time than thirty (30) days; except that this section shall not apply with regard to any camper that is being stored on residential or commercial property when not being used for recreational use.

4- 5. Petition and Notice

This ordinance shall be enforced upon a complaint being filed with the Franklin County Judge/Executive or the Office of Planning and Zoning. The Franklin County Enforcement Officer shall visit the site of the alleged violation, upon investigation, determine if the owner, lessee, or occupant of any residential or commercial property is maintaining or keeping a nuisance thereon or maintaining his premises in a manner causing substantial diminishing of the value of other property in the area, or tends to render such properties as dangerous or detrimental or adverse to health and welfare of the residents of Franklin County, then the enforcement authority shall serve notice on the property owner, lessee, occupant or person having charge of the premises directing said person(s) to abate the nuisance within ten (10) days of receipt of the notice.

5- 6. Abatement

In the event that an owner, lessee, or occupant is notified by the Franklin County Enforcement Officer that an abandoned mobile home/manufactured home or camper must be removed from the property, Franklin County Fiscal

Court will provide for the costs of the demolition and compaction of the abandoned structure into a dumpster, along with associated cleaning of the site. The owner, lessee, or occupant shall be responsible for the rest and remainder of the disposal costs.

In the event an owner, lessee or occupant fails to pay for the costs of the dumpster and landfill disposal charges, Franklin County Fiscal Court shall advance those costs, secured by a lien against the property for those costs plus interest accruing at the rate of 1% per annum, to be filed in the office of the Franklin County Court Clerk.

7. Penalty

If the owner, lessee, occupant or person having charge of any residential or commercial property shall maintain or keep a nuisance thereon longer than ten (10) days after notice from the Franklin County Enforcement Officer, then each of them, upon conviction thereof, shall be fined not less than One Hundred (\$100.00) Dollars but no more than Five Hundred (\$500.00) Dollars for each conviction. Each day of violation shall constitute a separate offense.


THIS ORDINANCE NO. 14, 2005 SERIES SHALL BECOME EFFECTIVE ON THE DATE OF THE SECOND READING AND ADOPTION.

Introduced and given first reading at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky held on the 18 day of August, 2005.

Given second reading and adopted at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 2 day of September, 2005, and of record in Fiscal Court Order Book 20, Page 238.


Robert Roach
County Judge/Executive

Attested to:


Shirley Brown
Fiscal Court Clerk

CHAPTER 6: FACILITY SITING ATTACHMENTS

Planning and Zoning Ordinance (section 4.6 pertaining to Exclusive Use Landfill Zone)

ORDINANCE No. #3-2002

2002 SERIES

AN ORDINANCE AMENDING ORDINANCE #8, ADOPTED OCTOBER 23, 1987, FISCAL COURT ORDER BOOK 15, PAGE 31, RELATING TO THE ZONING ORDINANCE IN FRANKLIN COUNTY, KENTUCKY

WHEREAS, The Franklin County Fiscal Court, having heretofore enacted an Ordinance relating to zoning regulations and zoning district maps titled, "The Zoning Ordinance of Franklin County," in accordance with a Comprehensive Plan and KRS 100; and

WHEREAS, the aforesaid Ordinance provides for amendments to the zoning ordinance text and maps and requires the Frankfort/Franklin County Planning Commission to forward their recommendations for approval or denial of the text amendment to the Franklin County Fiscal Court for action; and

WHEREAS, The Frankfort/Franklin County Planning Commission held a public hearing on January 17, 2002 and adopted a summary of the evidence and recommended approval of the text amendment at their February 14, 2002 meeting, as required by K.R.S. 100; and

WHEREAS, The Franklin County Fiscal Court asked for and reviewed a transcript of the January 17, 2002 and February 14, 2002 Planning Commission Meetings;

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF FRANKLIN, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:

The Zoning Ordinance of Franklin County, which contains the Zoning District Maps, adopted October 23, 1987, Ordinance #8, 1987 Series, Fiscal Court Book 15, Page 31, be and is hereby amended to include Section 4.60, Exclusive Use Zone for Landfill (EZ-L) within the Zoning Ordinance of Franklin County, as shown on the attachment.

INTRODUCED AND GIVEN FIRST READING IN SUMMARY at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 19 day of April, 2002.

GIVEN SECOND READING AND APPROVED at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 3 day of May, 2002 and of record in Fiscal Court Order Book 19, Page 83. This Ordinance shall take effect and be in full force when passed, published and recorded according to law.



Teresa A. Barton
County Judge/Executive

ATTESTED TO:



Berry Hammermeister
Fiscal Court Clerk

4.60 EXCLUSIVE USE ZONE FOR LANDFILL (E-ZL)

4.601 Purpose.

The purpose of the Exclusive Use Zone for landfills is to reclassify landfill activities from particular industrial zones to an exclusive use zone intended to:

- a. Protect Public Health: by preventing water pollution, rodent infestation, air pollution, or other health hazards as would occur as a result of improper location, design, or operation of a landfill.
- b. Protect Public Safety: by requiring proper design of access streets to accommodate the heavy equipment necessary for collection, transportation and disposal of solid wastes.
- c. Improve Compatibility with adjacent uses by requiring adequate screening and setbacks, regular policing of access roads and heavily traveled routes to the site, and careful review of subsequent uses allowed on the landfill site.
- d. Promote Public Welfare by providing a suitable location for the disposal of the solid wastes generated by the community.

4.602 Definition

A landfill is a community facility, which is a necessary part of the community's waste disposal system. The high volume of heavy truck traffic and the associated noise, odor and other potential nuisance-like characteristics suggest industrial zoning would be appropriate. However, the landfill is a limited duration use, and the filled land may not be suitable for industrial uses, which require substantial weight bearing foundations. This limitation makes industrial zoning inappropriate for subsequent uses to be located on this land. Major factors in determining proper site location are the suitability of the soil and underground drainage systems, and they are not usually factors in the location of industrial zones. Therefore the site location criteria for a landfill must be defined separately.

4.603 Need for Specific Standards

If proper landfill standards are not adhered to, the operation may result in an open dump, and create a serious health hazard. A completed landfill will settle and will require periodic maintenance. Because of this settlement factor, special design and construction techniques must be utilized for building constructed on a completed landfill. As a result of the factors listed above, sanitary landfills must be placed in an exclusive use zone, which includes specific design standards and appropriate protection for subsequent use.

4.604 Planning for the Landfill

Due to the potentially adverse environmental impact of a landfill, Geologic and Soils Reports, a Topographic Map, and a preliminary operational plan shall be required with the application for appropriate zoning. The Planning Commission may recommend approval of and the Franklin County Fiscal Court may grant the change to the zoning for E-ZL zoning based on the information in the Geologic and Soils Reports and a preliminary operational plan showing how any site problems could be resolved, and provided that the site size requirements and the site design standards can be met.

Any application for an E-ZL zone district must also obtain the necessary permits from federal, state and local agencies having jurisdiction over any phase of operation. No landfill construction shall commence until a landfill construction permit has been issued by the Division of Waste Management of the Natural Resources and Environmental Protection Cabinet and no landfill

operation shall begin until the permit to operate has been issued by the Division of Waste Management of the Natural Resources and Environmental Protection Cabinet and submitted to the Frankfort/Franklin County Planning Commission, through the Franklin County Planning, Zoning & Building Code Enforcement office. The Planning Commission shall withhold any approval until the applicant has demonstrated compliance with the site development and operational standards contained herein.

4.605 Content of Reports and Site Development and Operational Plans

Detailed plans, specifications, maps and reports shall be submitted in triplicate to the Planning Commission for review. The data in the following reports should be prepared in a form, which facilitates its use in proper engineering design of the landfill. Problem areas must be delineated and recommendations for proper solution included in the report. The plans, specifications and maps for the operational plan may be submitted in the manner required by the permitting regulations of the Division of Waste Management of the Natural Resources and Environmental Protection Cabinet for solid waste landfills contained in 401 KAR 47:170.

4.6051 Operation Plan and Maps must be prepared including the following information:

- a. The proposed fill area;
- b. Any borrow area;
- c. Access roads;
- d. On-site drives;
- e. Grades for proper drainage of each lift required, and a typical cross-section of a lift;
- f. Special drainage devices, if necessary;
- g. Location and type of fencing;
- h. Structures existing or to be located on the site;
- i. Existing wooded areas, trees, ponds or other natural features to be preserved;
- j. Existing and proposed utilities;
- k. Phasing of landfill operations on the site;
- l. A plan and schedule for site restoration and completion;
- m. A plan for the ultimate land use of the site if possible;
- n. Method of operation including weighing of wastes, cross-sectioning the site at definite time intervals, thickness of cover material, depth of cells and lifts, compaction, wet weather procedures, cold weather procedures, amount, type and size of equipment and personnel;
- o. And all other pertinent information to indicate clearly the orderly development operation and completion of the landfill.

4.606 ENGINEER'S CERTIFICATION

Landfill facilities shall be designed in accordance with this ordinance by a registered civil engineer whose certification shall appear on all plans and specifications in the same manner as required by the Frankfort/Franklin County Subdivision Regulations.

4.607 OTHER PERMITS REQUIRED

Prior to the operation of the landfill, the Kentucky Natural Resources and Environmental Protection Cabinet must issue permits for disposal of all solid waste, except where a person is disposing of solid waste from his own household on his own property.

4.608 SITE LOCATION STANDARDS

The following site location standards must be met if at all possible, for they are designed to protect the public health, safety and welfare, and these standards must be balanced against the

community's need to dispose of its solid waste and the total environmental and economic costs of such disposal.

4.609 SOIL AND GEOLOGIC CRITERIA

Any landfill should be located on a site, which has suitable soil, hydrologic and geologic characteristics. Areas with karst topographic features may pose significant problems for proposed landfill sites. Any problems inherent in such a site must be demonstrated as capable of a satisfactory engineering solution. Therefore, there is a need for a Soil Report and a Geologic Report to determine if the soil, hydrologic and geologic characteristics meet required standards.

4.6091 Soil Characteristics: A field survey must be made to determine that the site has:

- a. Sufficient impermeable material to form a seal between the base of the landfill and bedrock, and if the site is located above the kind of subsurface stratification which could leachate from the landfill to water sources, then impervious material must separate the landfill from unacceptable bedrock in accordance with the requirements and regulations of the Commonwealth of Kentucky.
- b. Sufficient soil suitable for cover material with good workability and compaction characteristics;
- c. Slopes of less than twelve (12) percent;
- d. No flooding problems and is not within either a 100-year or 500-year base flood elevation, as determined by the National Flood Insurance Program, Flood Insurance Rate Maps for Franklin County, Kentucky.

4.610 Geologic Characteristics

To prevent potential ground and surface water pollution, the site must be located in an area where no pollutants can enter the water supply. The ground water table must be located and the site designed to prevent its pollution. The site must be free of potential flooding problems and karst topographic features, which would erode the cover material or interfere with operation of the landfill. To eliminate the possibility of either surface or ground water pollution, the site should:

- a. Be located a safe distance from sinkholes, streams, lakes, wells and other water sources;
- b. Avoid being located above the kind of subsurface stratification that will lead the leachate from the landfill to water sources, i.e., fractured limestone;
- c. Use an earth cover that is nearly impervious;
- d. Provide suitable drainage to carry surface water away from the site. Grading, diking, terracing, diversion details or tiling may be approved, where appropriate.

4.611 Site Size Requirements

The volume of space required is primarily dependent upon the character and quantity of the solid wastes, the efficiency of compaction of the wastes, the depth of the fill and the desired life of the landfill. These factors must be weighed in determining the appropriate size of the landfill.

4.612 Yard Requirements

Minimum required depth of front, rear and side yards surrounding the waste boundary shall be two hundred fifty (250) feet. No waste boundary shall be permitted within seven hundred fifty (750) feet of any dwelling or mobile home.

4.613 Accessibility

The site should be easily reached by highways or arterial roads. All roads to the site should be of sufficient width and constructed to safely handle all sizes of trucks when fully loaded during all weather conditions. Problems such as narrow bridges, low underpasses, and steep grades on access routes must be avoided.

4.614 Site Design Standards

The following design features shall be incorporated into the site plans for a landfill:

- a. Access Design and On-Site Roads: Particular attention must be given to proper, safe design of entrances and exits, with provision for right turn deceleration lanes, protected left turn lanes, acceleration lanes and, if needed, signalization of the intersection.

Since the site should be accessible at all times, it is desirable to have several access routes so that if one route is temporarily unusable, the site can still be used.

Distance of driveway entrance or exit from any adjacent lot line should be at least one hundred and twenty-five (125) feet except for lots across the arterial road, off of which the access drive is located. Any portion of such access drive within one hundred and fifty (150) feet of the public street shall be paved or treated so as to be free of dust.

The on-site roads to within 200 feet of the unloading area should be of all-weather construction and wide enough to permit two-way truck travel. Road grades should be designed for the largest fully-loaded trucks to travel at a reasonable rate. It is particularly important at large sites that traffic in and out of the area flow smoothly.

- b. Fencing and Landscaping. The landfill area shall be enclosed with a substantial wall, fence or other adequate barrier at least five (5) feet in height, to control access to the landfill site. The entrance gate must be capable of being locked and posted. A landscape strip, at least fifty (50) feet in width shall be provided and maintained between the lot line and the waste boundary of the landfill. The Planning Commission may expand the size of the landscape strip to include a natural buffer such as an existing tree line. The required landscape strip shall consist of a triple row, staggered, planting of Evergreen Trees, at fifteen (15) feet on center, which are a minimum of six (6) feet in height at the time of planting. Existing tree stands may be considered by the Planning Commission as meeting this buffer requirement if, in the opinion of the County's engineer, the existing tree stands will provide the same amount or greater buffer than the required landscape planting strip.

- c. Signs and Directions: Only necessary identification and directional signs shall be permitted. If the site is open to the public, a sign shall be posted at the entrances to inform the public of the hours of operation, cost of disposal, and rules and regulations regarding disposal. At large landfill operations, signs should be used on the site to direct users to the appropriate unloading area.

- d. Site Operational Standards: Operating standards to prevent adverse health hazards and other nuisance like problems and by requirements and regulations of the Commonwealth of Kentucky.

4.615 Completed Landfill

- a. Inspection: An inspection of the entire site shall be made by the Kentucky Natural Resources and Environmental Protection Cabinet, Division of Waste Management to determine compliance with the approved plans and specifications before earthmoving equipment is removed from the site. Any necessary corrective work shall be performed before the landfill project is accepted as completed. The compliance notification from the Kentucky Natural Resources and Environmental Protection Cabinet shall be submitted to the Franklin County Planning and Zoning office.
- b. Subsequent Maintenance: Arrangements shall be made and appropriate bond or irrevocable letter of credit posted to assure the repair of all cracks, and eroded or uneven areas in the final cover following completion of the fill, the closure of the landfill, and the maintenance of the landfill after closure in accordance with the requirements and regulations of the Commonwealth of Kentucky. Care must be taken to maintain good drainage, and the surface contours as designed in the approved plans. Additional fill and cover material shall be used as necessary. The land shall be graded, backfilled, and finished to a surface which will:
1. Result in a level, sloping, or gently rolling topography in substantial conformity or desirable relationship to the original site, and land area immediately surrounding.
 2. Minimize erosion due to storm water runoff. Such graded or backfilled area shall be sodded or surfaced with soil of a quality at least equal to the topsoil of vegetation producing land areas immediately surrounding and to a depth of at least six (6) inches; and
 3. Trees, shrubs, legumes or grasses shall be planted as approved on the Site Development and Operational plans.
- c. Decomposition, Settlement and Underground Fires are problems, which can occur after completion of the landfill operation. Precautions must be taken to prevent gases produced during decomposition from concentrating in sewers or other structures. The designer of structures to be placed on the site must provide the means to allow the gas to dissipate to the atmosphere and not into the structure.
- Concentrated foundation loading must be avoided to prevent foundation cracking in structures placed on the completed fill area. However, special engineering design such as use of pilings, may be included in the plans for subsequent structures.
- Provisions for extinguishing underground fire must be made, and the possibility of such an occurrence considered in the design of structures placed on the site.
- d. Subsequent Land Use: The subsequent land use of the completed landfill site may be determined at the time of initial approval of the landfill. However, in cases where the location of the site, duration of its operation or transitory nature of surrounding uses make a decision concerning subsequent use premature, this decision may be made at the time of completion of the landfill operation.
- In all cases, the future uses determination shall be based on consideration of the following factors:
1. The relationship of the proposed use to the adopted Comprehensive Plan and other adopted community plans.
 2. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

3. The susceptibility of the proposed use to damage resulting from settlement and other hazards inherent in the area filled.
4. The community need for the proposed use.
5. The availability of alternative locations for uses proposed.

4.616 Definitions

- a. Solid Waste(s): All putrescible and non-putrescible refuse in solid form. Solid includes, but is not limited to, garbage, rubbish, ashes, incinerator residue, street refuse, dead animals, demolition wastes, construction wastes, solid commercial and industrial wastes and special wastes including explosives, pathological wastes and radioactive materials.
- b. Landfill: A method of disposing of refuse on land without creating nuisances or hazards to public health or safety by utilizing the principles of engineering to confine the refuse to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of suitable cover material at the conclusion of each day's operation or at more or less frequent intervals as necessary and in compliance with all requirements and regulations of this ordinance, and with all requirements and regulations of the Commonwealth of Kentucky. This includes sanitary "contained" landfills, "construction/demolition debris" landfills, "residual" landfills, and "incinerator" facilities, as defined by the regulations of the Commonwealth of Kentucky.
- c. Open Dump: A site where refuse is dumped which, due to lack of control, may create a breeding places for flies and rates, may cause air or water pollution or my catch fire.
- d. Qualified Geologist: A qualified geologist shall have a masters degree in geology from an accredited university or college and have experience in hydrogeology.
- e. Sanitary (Contained) Landfill: A type of landfill which may accept for disposal all non-hazardous solid wastes and limited quantities of household hazardous waste, industrial waste and generator hazardous waste. Sanitary landfills shall operate in compliance with all requirements and regulations of this ordinance and with all requirements and regulations of the Commonwealth of Kentucky.

Zone Map Amendment Application



**FRANKLIN COUNTY
PLANNING & BUILDING CODES
DEPARTMENT**
321 West Main Street
Frankfort, KY 40601
Phone: (502) 875-8701
Fax: (502) 875-8737
www.franklincounty.ky.gov

OFFICE USE ONLY

Received: ____/____/____
Payment Amt: \$_____
Receipt #: _____
Meeting: _____

APPLICATION FOR ZONE MAP AMENDMENT

MEETING DATE: _____ FILING DEADLINE: _____

The undersigned owner(s) of the following described property hereby request(s) the consideration of change in zone district classification as specified below:

GENERAL INFORMATION

1. Property Owner (The owner must be the applicant):

2. Mailing Address:

3. Phone Number:

Home: _____ Work: _____

SITE INFORMATION

4. General Location of Property: _____

5. Subdivision Name: (if applicable) _____

6. Street Address: _____

ZONING INFORMATION

7. Present Zoning of Property: _____

8. Proposed Zoning of Property: _____

9. Existing Use of Property: _____

11/09/00

10. Proposed Use of Property: _____

11. Size of Property: Acres: _____ Sq. Ft. _____

SUPPORTING INFORMATION:

The following items must be attached to the application as supporting information to this request:

- A. A vicinity map showing the location of the request.
- B. A list of all property owners and their mailing addresses within, contiguous to, and directly across the street from the proposed rezoning.
- C. Legal Description of the Property. If proposed change involves only a portion of a parcel the applicant must attach a survey conducted by a registered land surveyor.
- D. Statement of Fact that the proposed change meets the minimum requirements of KRS 100.213.
- E. Preliminary Development Plan or Preliminary Subdivision Plat, as required in Articles 5 & 7 of the Franklin County Zoning Ordinance or the Subdivision Regulations. Checklists for the Preliminary Development Plan or the Preliminary Subdivision Plat are attached.
- F. **Filing Fee \$300** (Checks should be made payable to the Frankfort/Franklin County Planning Commission.)

| | |
|------|-----------------------------|
| Date | Signature of Property Owner |
|------|-----------------------------|

Note: One (1) copy of this form and the Supporting Information, Items A through E, must be filed with the Frankfort/Franklin County Planning Commission at the Franklin County, Department of Planning and Building Codes by 1:00 p.m. on the deadline date.

11/09/00

100.213 FINDINGS NECESSARY FOR PROPOSED MAP AMENDMENT

- (1) Before any map amendment is granted, the planning commission or legislative body or fiscal court must find that the map amendment is in agreement with the adopted comprehensive plan, or, in the absence of such a finding, that one (1) or more of the following apply and such finding shall be recorded in the minutes and records of the planning commission or the legislative body or fiscal court:
 - (a) That the existing zoning classification given to the property is inappropriate and that the proposed zoning classification is appropriate;
 - (b) That there have been major changes of an economic, physical or social nature within the area involved which were not anticipated in the adopted comprehensive plan and which have substantially altered the basic character of such area.

11/09/00

CHAPTER 7: ENFORCEMENT ATTACHMENTS

Franklin County Solid Waste Ordinance (section pertaining to enforcement)

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 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.

Sample Violation Letters

Monday DD, YYYY

First Last
Address
City, ST, Zip-Code

Dear: Home Owner

Our office has received a complaint on the condition of your property located at address, city, state, zip-code. In an inspection of your property this week, I found that you are in violation of the Franklin County Nuisance Ordinance, Ordinance No. 14, 2005 Series due to the junk and debris at this property.

This ordinance defines "Nuisances" as "any condition or the use of premises or of building exteriors in a residential or a commercial district which is detrimental to the property of others or which causes or tends to cause substantial diminishing of the value of other properties in the area in which such premises are located. This includes, but is not limited to, allowing a structure to become or continue to stay in a dilapidated condition, the keeping or the depositing on or the scattering over the premises of and of the following:

1. Lumber, junk, trash, or debris;
2. Abandoned, discarded or unused objects or equipment such as automobiles, furniture, stove, refrigerators, freezers, cans, or containers, mobile or manufactured homes, and campers.

In accordance with the Franklin County Nuisance Ordinance, you are hereby notified that you have thirty (30) days from the receipt of this notice to remove the junk, and debris from your property. If, after that time, you have not cleaned this property up and brought it into compliance with the Nuisance Ordinance, this office will file criminal complaint with the district Attorney's office to ensure that you comply with this ordinance. Upon conviction, you can be fined not less than One Hundred Dollars (\$100), and no more than Five Hundred Dollars (\$500) for each conviction. Each day of violation shall constitute a separate offence.

Thank you,

Mark Barrett
Solid Waste Coordinator

Month DD, YYYY

First Last
Address
City, ST, Zip-Code

Dear: Home Owner

Our office has received a complaint on the condition of your property located at address, city, state, zip-code. In an inspection of your property this week, I found that you are in violation of the Franklin County Weed and Grass Control Ordinance, Ordinance No. 4, 1986 Series.

The weed and grass ordinance requires that all property owners keep their yards mowed and free from high grass and weeds.

It will be necessary for you to cut your grass within five (5) days of receipt of this notice. Failure to correct this violation within that time frame will result being deemed guilty of a misdemeanor and shall be fined in any sum not less than (\$25), nor more than (\$100) and each day that such property owner shall violate the provisions shall constitute a separate offense. In addition to the remedies hereinabove provided, the County may send employees upon the property to remedy the situation; the county shall have a lien against said property for the value of labor and materials used to remedying such situation.

Thank you,

Mark Barrett
Solid Waste Coordinator.