

ORDINANCE NO. 2 - 2019

AN ORDINANCE AMENDING ORDINANCE #17-1990 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. ENACTMENT

This is an ordinance establishing regulations for the storage, collection, transportation and disposal of all solid waste generated within or delivered to Franklin County, and the enforcement thereof, as required by law.

SECTION 2. PURPOSE

The purpose of this ordinance is to regulate the storage, collection, transportation and disposal of solid waste in the unincorporated areas of Franklin County.

SECTION 3. SEVERABILITY

If any section of this ordinance is held to be invalid or unenforceable, all other sections shall nevertheless continue in full force and effect. In the event any provision of this ordinance conflicts with federal or state regulations, those regulations shall control.

SECTION 4. 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. Any large item, not an appliance, that does not fit in county provided waste containers.~~

~~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. The act of moving solid waste from point of generation to a processing or disposal facility.~~

COMPOST – Waste capable of being decomposed by microorganisms.

COUNTY – Refers to the unincorporated area of Franklin County, KY. 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 DEMOLITION DEBRIS – Waste building material resulting from construction, remodeling, repair or demolition operations, either residentially or commercially.

CONTAINERS — ~~(a) Reusable 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-reusable containers — Plastic sacks or bags designed for refuse with sufficient wall strength to maintain physical integrity when lifted by top or scavenged by animals; securely tied at top for collection, with a capacity not to exceed 35 gallons and a loaded weight not to exceed 50 lbs.~~ County provided wheeled containers especially designed for curbside pick-up and mechanical dumping into the appropriate compatible collection vehicle, to include landfill bound waste and recyclables. May also include non-reusable plastic sacks or bags designed for refuse with sufficient wall strength to maintain physical integrity when lifted by top or scavenged by animals.

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.~~ recycling facility, or compost site.

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 to be hazardous, because of its quantity, concentration, ~~or~~ physical, chemical, or infectious characteristics; that 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, or transported or disposed of, or otherwise managed.

HOUSEHOLD HAZARDOUS WASTE – Refers to household products that contain corrosive, toxic, ignitable, or reactive ingredients, including but not limited to paints, cleaners, oils, batteries, and pesticides, that contain potentially hazardous ingredients and require special care when disposed.

LANDFILL – Disposal facility where waste is buried in a sanitary manner.

LICENSED WASTE HAULER – An individual or company permitted and approved by the county to collect waste.

LIVESTOCK – Farm animals regarded as assets located on farms in the unincorporated areas of Franklin County.

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

RECYCLING – the process by which waste and other materials are reclaimed and returned to reuse.

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.~~

a. Municipal Solid Waste – Residential solid waste

b. Commercial Solid Waste – Waste generated by stores, offices, restaurants, educational, healthcare, correctional or any other non-manufacturing or institutional activity.

c. Industrial Solid Waste – Waste generated by industrial processing or manufacturing.

SOLID WASTE DISPOSAL – the process of discarding or getting rid of unwanted material, ~~in particular the final disposition 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.

WASTE TIRES – A tire that is no longer suitable for its original purpose or one deemed by its owner ready for disposal.

WHITE GOODS – Inoperative and discarded household or commercial appliances.

YARD WASTE – Waste consisting of vegetative matter resulting from landscaping, yard maintenance, or land clearing debris.

SECTION 2.5. SOLID WASTE MANAGEMENT-~~DIRECTOR-COORDINATOR~~

Section 2.1: County Appointed Solid Waste Management Director

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

SECTION ~~3~~ 6. SOLID WASTE STORAGE

~~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.~~

~~3.2: Residential Storage Containers.~~

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

~~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.~~

~~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.~~

~~3.5: 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.~~

Storage Container Required - The occupant or owner of every (residential, municipal) 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. These containers may be provided by the county, in the sole discretion of the county.

SECTION ~~4~~ 7. COLLECTION OF SOLID WASTE

~~4.7.1: 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. Appropriate licensing and operations will be set forth in the waste hauling contract.

~~4.7.2: Collectors Responsibility Defined.~~

Solid waste collectors operating in the county shall be responsible for preventing and/or cleaning 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. Collectors are responsible for reporting annual activity in the county to the Solid Waste Management Coordinator and being licensed through the Franklin County Occupational Tax Office.

4-7.3: Person(s) Personal 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 in this ordinance, are met. There will be no exceptions to mandatory pickup.~~ It shall be unlawful for any person to dispose, throw, dump or cause to be disposed any garbage, paper, refuse, rubbish, waste, litter, junk, white goods, appliances, furniture, equipment, cans, bottles, lumber, building material, trees, tree limbs, brush, or other forms of solid waste anywhere and in any manner other as defined in this ordinance.

~~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 conditions.~~

~~SECTION 6.8. DISPOSAL OF SOLID WASTE~~ APPROVED DISPOSAL METHODS

~~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 regulation.~~

Bulk Waste – Disposed of through curbside collection or direct landfill disposal

Electronic Recycle (E-cycle) – disposed of through drop-off service with a licensed e-waste disposal company

Household Hazardous Waste – Disposed of through county hosted events with a licensed Household Hazardous Waste disposal contractor

Livestock – Collected by the county for disposal by landfill or compost pursuant to KRS 527.160

Recycling – Collected for processing at a materials recovery facility or recycling processor

Tires – Disposed of through tire retailers or state provided opportunities

Trash – Disposed of in landfill bound waste containers or dumpsters

White Goods – Collected by County or approved waste hauler to be handled separately from landfill-bound trash

Yard Waste – Disposed of through the county for chipping, mulching, and/or composting

SECTION 7 ~~9~~. PROHIBITED PRACTICES

Each citizen is responsible to ensure that the waste that they generate is disposed of in a manner consistent with Section 8 of this ordinance. The ordinance presumes that each person assumes personal responsibility for the waste they generate and makes every effort to divert waste from the landfill when appropriate.

~~It shall be unlawful for any person to:~~

- ~~1.~~ 1. Dispose of any garbage, ~~refuge~~ refuse, rubbish, or debris by dumping on any premise in the county with or without consent of the owner.
- ~~2.~~ 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 state.
- ~~3.~~ 3. Fail to have solid waste collected in a manner provided by 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.~~ 4. 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.~~ 5. Dispose of solid waste in any facility not approved by the County or the Kentucky Department of Environmental Protection.
- ~~8.~~ 6. Deposit solid waste in a container owned by someone else, unless written permission has been received by the owner to do so.
- ~~9.~~ 7. Violate any section of this ordinance or any lawful rules or regulations promulgated pursuant thereto.
- ~~10.~~ 8. The only exception is if their waste is proven to have been in the possession of another person prior to its being dumped. It then must be verified that they had no knowledge of the waste being illegally dumped.

SECTION 8 ~~10~~. 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 code inspectors, the ~~Director of~~ Solid Waste Management Coordinator, law enforcement, or Solid Waste Management personnel.

Every County Resident shall be responsible for ensuring that the solid waste generated by their home or business is properly disposed of as set out in Section 8 above. If any garbage,

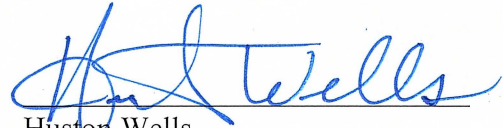
refuse, rubbish, waste, litter, junk, white goods, appliances, furniture, equipment, cans, bottles, paper, lumber, building material, trees, tree limbs, brush, or other forms of solid waste can be identified as having last belonged to, been in the possession of, sent to or received by, or has been the property of any person or organization prior to being disposed of, such identification shall be presumed to be prima facie evidence that such person or organization disposed of such solid waste in violation of this ordinance. Such persons may also be subject to the terms of Ordinance 14, 2005 Series, Relating to the Abatement of Nuisances in the Unincorporated Areas of Franklin County.

SECTION 9. SEVERABILITY CLAUSE

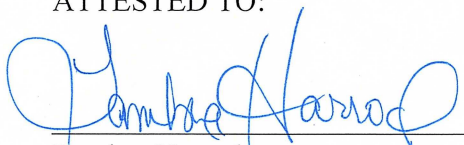
~~The provisions of this ordinance are severable and if any provisions or part thereof shall be held invalid, unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of this ordinance.~~

INTRODUCED AND GIVEN FIRST READING IN SUMMARY at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky held on the 21st day of February, 2019.

GIVEN SECOND READING AND ADOPTED at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on 12 day of March, 2019, and of record in Fiscal Court Order Book 29, Page 293.


Huston Wells
County Judge/Executive

ATTESTED TO:


Tandra Harrod
Fiscal Court Clerk