

TITLE V: PUBLIC WORKS

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CHAPTER 50: 911 EMERGENCY TELEPHONE SERVICE

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§ 50.01 DEFINITIONS.

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

LOCAL AREA. The City of Lawrenceburg and Anderson County.

PHONE COMPANY. Bell South Telephone Company, a Georgia Corporation, provider of the local phone service.
(Prior Code, § 92.01) (Ord. passed 9-22-1989; Ord. 2000-10, passed 1-3-2001; Ord. 2001-01, passed 2-20-2001)

§ 50.02 SERVICE ESTABLISHED.

There is hereby established a safety answering service to provide a single telephone and cell phone number for emergency services within the local area, which service shall be known as “911.”
(Prior Code, § 92.02) (Ord. passed 9-22-1989; Ord. 2000-10, passed 1-3-2001; Ord. 2001-01, passed 2-20-2001)

§ 50.03 HOUSE NUMBER TO BE POSTED.

Every residence shall have the house number assigned conspicuously posted on the exterior to facilitate emergency response from the 911 service. Failure to do so after written notice by the county is punishable as set forth in § 50.99. The county or city at its option may post the house numbers at the expense of the property owner.

(Prior Code, § 92.03) (Ord. 2000-10, passed 1-3-2001; Ord. 2001-01, passed 2-20-2001) Penalty, see § 50.99

§ 50.04 AGREEMENT.

(A) The county, by and through the County Judge/Executive, is authorized to enter into an agreement with the phone company including cell phone providers to provide for the construction, implementation, and ongoing maintenance of 911 within the local area. Said agreement shall be for a period of one year commencing on the service date and shall be automatically renewable upon the same terms and conditions unless prior to 30 days of the close of the said 12-month period either party notifies the other of its intention to modify and/or terminate said agreement.

(B) Said agreement shall reflect the installation costs and the current tariffed recurring charges for enhanced 911 service charged during the contract period.

(C) It is agreed that any expenses that exceed the tax revenue collected on the installation of the 911 Program will be divided equally between the City of Lawrenceburg and the county.

(D) All 911 calls (telephone and cell phone) will be received by the Lawrenceburg City Police Dispatch, which will dispatch emergency services.

(Prior Code, § 92.04) (Ord. passed 9-22-1989; Ord. 2000-10, passed 1-3-2001; Ord. 2001-01, passed 2-20-2001)

§ 50.05 911 FEE.

(A) There is hereby established a 911 fee of \$1.89 per month for each exchange telephone subscriber which is levied as a special tax, license and/or fee to be paid by each exchange telephone subscriber in the local area on an individual exchange line basis limited to a maximum of 25 exchange lines per account, three months prior to service date and each month thereafter.

(B) Phone companies shall collect the 911 fee from the subscriber and remit to the county according to the terms of the agreement.

(Prior Code, § 92.05) (Ord. passed 9-22-1989; Ord. 2000-10, passed 1-3-2001; Ord. 2001-01, passed 2-20-2001; Ord. 2004-09, passed 6-30-2004)

§ 50.06 911 ADVISORY BOARD.

(A) (1) The County 911 Advisory Board shall be comprised of the following individuals:

- (a) County Sheriff;
- (b) Police Chief of the City of Lawrenceburg;
- (c) County Fire Chief;
- (d) Fire Chief of the City of Lawrenceburg;
- (e) County Public Safety Director;
- (f) 911 Coordinator;

(g) An “at-large” member to be jointly appointed by agreement of the County Judge/Executive and the Mayor of the City of Lawrenceburg; and

(h) The County Judge/Executive and the Mayor of the City of Lawrenceburg shall be ex-officio members of the Board.

(2) The “at large” member shall be a private citizen and shall not be an employee of either the county or the City of Lawrenceburg and shall not hold any elected or appointed office or position in either jurisdiction.

(B) Said 911 County Advisory Board shall meet as called into session by the County Judge/Executive.

(C) Said 911 County Advisory Board shall continuously monitor the procedures established for the operation of the 911 system and make recommendations to the Fiscal Court for effective implementation of the emergency telephone system.

(Prior Code, § 92.06) (Ord. passed 9-22-1989; Ord. 2000-10, passed 1-3-2001; Ord. 2001-01, passed 2-20-2001; Ord. 2004-09, passed 6-30-2004; Ord. 2010-6, passed 1-4-2011)

§ 50.99 PENALTY.

Failure to comply with the provisions of § 92.03 after written notice by the county is punishable by a fine of up to \$100. Each day the situation continues may be considered a separate offense.

(Prior Code, § 92.99) (Ord. 2000-10, passed 1-3-2001; Ord. 2001-01, passed 2-20-2001)

CHAPTER 51: SOLID WASTE MANAGEMENT

Section

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§ 51.01 DEFINITIONS.

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

AGRICULTURAL USE. Operations for the production of horticultural crops, including, but not limited to, livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on their tracts.

AGRICULTURAL WASTE. Any non-hazardous waste resulting from the production and processing of on-the-farm agricultural products, including manures, prunings, and crop residues.

APPROVED INCINERATOR. An incinerator which complies with all current regulations of the responsible local, state, and federal air pollution agencies.

BULKY WASTE. Non-putrescible solid wastes consisting of combustible and or noncombustible waste materials from dwelling units, commercial, industrial, institutional, or agricultural establishments

which are either too large or too heavy to be safely and conveniently loaded into solid waste transportation vehicles.

CABINET. The Natural Resources and Environmental Protection Cabinet.

COLLECTION. Removal of solid waste from the designated pick-up location to the transfer vehicle. Acceptable collection practices shall consist of the following:

- (1) Door-to-door household collection; and/or
- (2) Direct access to a staffed convenience center.

COLLECTION BOX. An unstaffed receptacle utilized to collect municipal solid waste.

COMMERCIAL SOLID WASTE. All types of solid waste generated by stores, offices/restaurants, warehouses, and other service and nonmanufacturing activities, excluding households and industrial solid waste.

COMPOST. Solid waste which has undergone biological decomposition or organic matter, been disinfected using composting or similar technologies, been stabilized to a degree which is potentially beneficial to plant growth and which is approved for use or sale as a soil amendment, artificial topsoil, growing medium amendment, or other similar uses.

COMPOSTING. The process by which biological decomposition of organic solid waste is carried out under controlled aerobic conditions and which stabilizes the organic fraction into a material which can easily and safely be stored, handled, and used in an environmentally acceptable manner.

(1) **COMPOSTING** may include a process which creates an anaerobic zone within the composting material.

(2) **COMPOSTING** does not include simple exposure of solid waste under controlled conditions resulting in natural decay.

CONVENIENCE CENTERS. A facility that is staffed during operating hours for the collection and subsequent transportation of municipal solid wastes.

COUNTY. The County of Anderson, Kentucky.

DEMOLITION AND CONSTRUCTION WASTE. Materials resulting from the construction or destruction of residential, industrial, or commercial structures.

DIRECTOR. The director of the solid waste management program of the county shall be the Solid Waste Director.

DISPOSABLE SOLID WASTE CONTAINER. Disposable plastic or paper sacks with a capacity of ten to 35 gallons specifically designed for storage of solid waste.

DISPOSAL. The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment, be emitted into the air or be discharged into any water, including groundwaters.

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

GENERATOR. Any person, by site, whose act or process produces waste.

GOVERNING BODY. The Anderson County Fiscal Court.

HAZARDOUS WASTE. Any waste or combination of wastes which are determined by the Cabinet 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 hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

HOUSEHOLD SOLID WASTE. Solid waste, including garbage and trash generated by single- and multiple-family residences, hotels, motels, bunkhouses, ranger stations, crew quarters, and recreational areas such as picnic areas, parks, and campgrounds.

INDUSTRIAL SOLID WASTE. Solid waste generated by manufacturing and industrial processes that is not a hazardous waste or a special waste as designated by KRS 224.50-760, including, but not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer or agricultural chemicals; food and related products or byproducts; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass and concrete products; textile manufacturing; transportation equipment; and water treatment.

KEY PERSONNEL. An officer, partner, director, manager, or shareholder of 5% or more of stock or financial interest in a corporation, partnership or association or parent, subsidiary or affiliate corporation and its officers, directors, or shareholders of 5% or more of stock or financial interest.

LANDFILL. Any facility for the purpose of final disposal of solid waste materials including residential, commercial, industrial, and construction/debris materials in which any type of registration or permit is required by the commonwealth for the operation to be legal.

MATERIALS RECOVERY FACILITY. A solid waste management facility that provides for the extraction from solid waste of recyclable materials, materials suitable for use as a fuel or soil amendment, or any combination of those materials.

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

OPEN BURNING. Burning of any matter in such manner that the combustion resulting from burning are emitted directly into the outdoor atmosphere without passing through a stack or chimney.

OPEN DUMP. Any facility or site for the disposal of solid waste which does not have a valid permit by the Cabinet or does not meet the environmental performance standards established under regulations promulgated by the Cabinet.

PERSON. An individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, federal agency, state agency, city, commission, political subdivision of the state, or any interstate body.

PROCESSING. Incinerating, composting, baling, shredding, salvaging, compacting, and other processes whereby solid waste quantity is reduced.

PUBLIC NUISANCE. Solid waste disposal practices which include, but are not limited to, open burning of any materials which produce an offensive odor, steam, or smoke that create health problems or limit surrounding residents' ability to enjoy reasonable living conditions, or open dumping or littering which are deemed to be a nuisance under applicable law.

RECOVERED MATERIAL. Those materials, including, but not limited to, compost, which have known current use, reuse, or recycling potential, which can be feasibly used, reused, or recycled, and which have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing, but does not include materials diverted or removed for purposes of energy recovery or combustion except refuse-derived fuel (RDF), which shall be credited as a recovered material in an amount equal to that percentage of that received on a daily basis at the processing facility and processed into RDF; but not to exceed 15% of the total amount of the municipal solid waste received at the processing facility on a daily basis.

RECOVERED MATERIAL PROCESSING FACILITY. A facility engaged solely in the storage, processing, and resale or reuse of recovered materials, but does not mean a solid waste management facility if solid waste generated by a recovered material processing facility is managed pursuant to KRS Chapter 224 and administrative regulations adopted by the Cabinet.

RECYCLING. Any process by which materials which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products,

including refuse-derived fuel when processed in accordance with administrative regulations established by the Cabinet, but does not include the incineration or combustion of materials for the recovery of energy.

REFUSE-DERIVED FUEL. A sized, processed fuel product derived from the extensive separation of municipal solid waste, which includes the extraction of recoverable materials for recycling and the removal of non-processables such as dirt and gravel prior to processing the balance of the municipal solid waste into the refuse-derived fuel product.

RESIDENTIAL DWELLING UNIT. A building or portion thereof, providing complete housekeeping facilities for one person or one family.

RESIDENTIAL SOLID WASTE. Solid waste resulting from the maintenance of dwelling units.

SANITARY LANDFILL. A registered or formally permitted facility for the disposal of solid waste which complies with the environmental performance standards specified in 401 KAR 47:030.

SLUDGE. Any solid, semi-solid, or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant or any other such waste having similar characteristics and effects.

SOLID WASTE. Any garbage, refuse, sludge, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, agricultural operations, and from community activities, but does not include those materials including, but not limited to, sand, soil, rock, gravel, concrete, or bridge debris extracted as part of a public road construction project funded wholly or in part with state funds, recovered material, special wastes as designated by KRS 224.50-760, solid or dissolved material in domestic sewage, manure, crops, crop residue, or a combination thereof which are placed on the soil for return to the soil as fertilizers or soil conditioners, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under § 402 of the Federal Water Pollution Control Act being 33 U.S.C. § 1342, as amended, or source, special nuclear or by-product material, as defined by the Atomic Energy Act of 1954 being 42 U.S.C. §§ 2011 et seq., as amended.

SOLID WASTE MANAGEMENT. The administration of solid waste activities; collection, storage, transportation, transfer, processing, treatment, and disposal, which shall be in accordance with a Cabinet approved solid waste management plan.

SOLID WASTE MANAGEMENT AREA. Any geographical area established or designated by the Cabinet with the provisions of Senate Bill 2.

SOLID WASTE MANAGEMENT FACILITY. Any facility for collection, storage, transportation, transfer, processing, treatment, or disposal of solid waste, whether such facility is associated with facilities generating such waste or otherwise, but does not include a container located on property where solid waste is generated and which is used solely for the purpose of collection and temporary storage of that solid waste prior to off-site disposal, or a recovered material processing facility which is subject to regulation pursuant to Senate Bill 2 for control of environmental impacts and to prevent any public nuisance.

SOLID WASTE MANAGEMENT PLAN. The Anderson County Solid Waste Management Plan submitted to the Cabinet as required under KRS 224.43-340 and approved by the Cabinet.

SOLID WASTE SITE OR FACILITY. Any place at which solid waste is managed, stored, treated, processed, or disposed.

SOLID WASTE STORAGE CONTAINER. Receptacle used by any person to store solid waste during the interval between solid waste generation and collection. A ***SOLID WASTE CONTAINER*** is made out of plastic, vinyl, or metal, ranging in size from about ten gallons to 42 cubic yards in size.

STORAGE. The containment of wastes, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such wastes.

TRANSFER. The placement of solid waste from smaller collection vehicles into larger vehicles for transportation to intermediate or final disposal facilities.

TRANSFER FACILITY. Any transportation related facility including loading docks, parking areas, and other similar areas where shipments of solid waste are held or transferred during the normal course of transportation.

TRANSPORTATION. Any off-site movement of waste by any mode, and any loading, unloading, or storage incidental thereto.

TREATMENT. Any method, technique, or process including neutralization, designed to change the physical, chemical, or biological character or composition of any waste so as to neutralize such waste or so as to render such waste nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous.

UNIVERSAL COLLECTION. A municipal solid waste collection system which is established by ordinance and approved by the Cabinet and requires access for each household or solid waste generator in the county.

YARD WASTES. Grass clippings, leaves, and tree trimmings.
(Prior Code, § 50.01) (Ord. 91-15, passed 5-24-1991; Ord. 98-14, passed 11-3-1998)

§ 51.02 AUTHORITY AND RESPONSIBILITIES.

(A) The Fiscal Court of the county, and its duly elected County Judge/Executive or his or her designated representatives, shall exercise full authority over all matters related to solid waste management within the borders of the county.

(B) The County Judge/Executive and his or her designated representatives shall cause all provisions of this chapter to be fulfilled.

(C) (1) The Solid Waste Director shall be responsible for the administration of the provisions of this chapter under the supervision of the County Judge/Executive and the Fiscal Court.

(2) The Solid Waste Director shall serve as the administrative officer for the County Solid Waste Commission.

(D) The Solid Waste Commission, appointed by the County Judge/Executive and approved by the Fiscal Court, shall serve as the official advisory agency for the Fiscal Court on all matters relating to solid waste management. All matters relating to solid waste management in the county shall first be studied by the Solid Waste Commission and all recommendations regarding solid waste management shall be sent from this Commission to the Fiscal Court who shall have the final authority in regards to solid waste management.

(E) The Fiscal Court shall require that “universal collection” as defined in § 51.01 of this chapter be made available to all citizens of the county through the use of franchise contracts, permit systems, staffed convenience centers, or any combination of the aforementioned methods, by all solid waste facilities operating in the county. The Fiscal Court shall have full authority to limit the number of solid waste facilities operating in the county in order to protect the public health and safety; to grant exclusive franchise contracts; to permit more than one solid waste facility to operate in the county; and to permit the county by geographical sections to various solid waste facilities.

(F) The method by which “universal collection” shall be provided to the residents of the county, who desire such service shall be chosen by the Fiscal Court by March 31 of each year. The approved method of collection shall begin on July 1 of each calendar year and terminate, unless renewed by formal action of the Fiscal Court, on June 30 of each calendar year.

(G) The Solid Waste Commission shall forward, in writing, to all members of the Fiscal Court, a full report on all aspects of solid waste management occurring in the county by February 15 of each calendar

year. This report shall contain a detailed account of what progress or problems the county is experiencing in regard to meeting the criteria established for the county relating to the solid waste management plan. (Prior Code, § 50.02) (Ord. 91-15, passed 5-24-1991)

§ 51.03 STORAGE OF SOLID WASTE.

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

(B) (1) All solid waste shall be collected in proper solid waste containers and such solid waste containers and the area surrounding them shall be maintained in a clean, neat, and sanitary condition at all times.

(2) Solid waste shall be stored in a manner that will not provide harborage to rodents and vermin and will not create a fire hazard. Solid waste containers shall be leakproof and waterproof, and garbage cans shall be fitted with a secure lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof.

(C) Plastic garbage bags may be used as containers for solid waste only if they are made of a strong material able to withstand compaction of garbage, are absent of holes or flaws that will produce leakage of leachate or other materials, and are securely fastened. Plastic garbage bags may be left at the point of collection no earlier than the morning collection services are performed.

(D) No owner, occupant, tenant, or lessee of any building or dwelling may leave outside the dwelling or building, in a place accessible particularly to children, any abandoned or unattended white good (e.g., icebox, refrigerator, or other receptacle that has an airtight door) without first removing the door. (Prior Code, § 50.03) (Ord. 91-15, passed 5-24-1991) Penalty, see § 51.99

§ 51.04 COLLECTION OF SOLID WASTE.

(A) Any person or business engaging in the business of collection and transportation of solid waste shall first obtain a permit issued from the Fiscal Court. Applications for permit may be obtained from the Solid Waste Director's office.

(B) Any person or business engaging in the business of collection and transportation of solid waste shall provide "universal collection" as defined in § 51.01 of this chapter after obtaining a permit from the Fiscal Court.

(C) Permits will be issued for a period not to exceed one year subject to continued conformance with the regulations governing solid waste management in the county.

(D) All applications for a permit to engage in the business of waste collection and transport must be

made on the official form which may be obtained from the office of the Solid Waste Director. Failure to complete any portion of the application form, or the giving of false information in the application shall be grounds for denial of the requested permit.

(E) The application form appended to Ordinance 91-15, and embodied therein, shall be the official application form of the county. Exact reproduction by copier is permissible.

(F) The initial annual fee of \$1,500 must accompany the application. This fee will be refunded in the event that the permit is not granted.

(G) A permit holder shall provide semi-annual reports to the county which updates the information contained in the permit application and provides other such information as required by the Solid Waste Director. These reports are due on July 1 and January 1 of each year. If operational deficiencies are found via the report or by reports of complaints from citizens or public officials, said person or business will be notified and asked to respond in writing or by appearance before the Solid Waste Commission and or the Fiscal Court.

(H) The Fiscal Court has discretion based on performance of a person or business engaged in collection and transportation of solid waste in the county to suspend or revoke a permit.

(I) Collection and transportation of solid waste shall not continue after permit expiration until the permit has been renewed or an extension has been formally granted by the County Fiscal Court.

(J) Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste. Commercial solid waste may be removed from within the commercial establishments upon written agreement with the owner.

(K) All solid waste, other than bulky waste, shall be collected at least once weekly. Residential, agricultural, commercial, institutional, and industrial uses generating large quantities of solid waste may be required to provide collection at more frequent intervals (i.e., twice weekly or more) upon the determination of the Director, with the approval of the County Judge/Executive, as necessary for the protection of public health, safety and welfare. All collection shall be made between 7:00 a.m. and 8:00 p.m.

(L) All garbage and refuse placed at the point of collection shall remain the property of the generator until it is transferred to the permitted collection vehicle at which time said solid waste becomes the property of the permitted collector.

(M) Solid waste collectors operating within the county shall be responsible for the collection of solid waste from collection points to a transportation vehicle; provided, solid waste is stored in compliance with provisions set forth in this chapter. Spilling or blowing litter, caused as a result of the duties of the solid waste collector, shall be collected and placed in the transportation vehicle by the collector.

(N) The Fiscal Court, by order, may at any time require that certain items deemed to be a recyclable material be separated by the generator and/or the solid waste hauler in order to meet the requirements of state law for solid waste stream volume reduction to sanitary landfills. The Fiscal Court may, by order,

specify the market to which such recyclable materials be shipped and processed.

(O) The following wastes may not be deposited in solid waste containers or receptacles:

(1) Hazardous waste;

(2) Liquid wastes;

(3) Bulky wastes;

(4) Tires;

(5) Dead animals;

(6) Any burning or smoldering materials or any other material that would create a fire hazard;

or

(7) Batteries.

(Prior Code, § 50.04) (Ord. 91-15, passed 5-24-1991) Penalty, see § 51.99

§ 51.05 PERMITS.

(A) No person shall engage in the business of collection, transporting, or processing of solid waste within the county without a permit secured from the Fiscal Court.

(B) No such permit shall be issued until and unless the applicant therefor, in addition to all other requirements set forth, shall file and maintain with the Solid Waste Director evidence of a satisfactory public liability policy, covering all vehicles to be operated in the conduct thereof, in accordance with KRS Ch. 304, Subtitle 39 (being KRS 304.39-010 through 304.39-350), the Motor Vehicle Repairs Act, as well as written assurance from such carrier that, should any such policy be cancelled, the Solid Waste Director shall be notified of such cancellation by the insurance carrier in writing not less than ten days prior to the effective date of such cancellation.

(C) Each applicant for any such permit shall state in his or her application the following:

(1) The nature of the permit desired, as to collect, process, or transport solid waste or any combination thereof;

(2) Name and address of the applicant and whether a sole proprietorship, corporation, or partnership with disclosure of the ownership interests;

(3) The number of employees and solid waste collection vehicles to be operated thereunder;

(4) Rates the applicant plans to charge customers;

- (5) Location or locations of solid waste processing or disposal facilities to be used;
- (6) Service routes and regular pickup schedule for each area of the county;
- (7) Number of households served; and
- (8) Other such information as required by the Solid Waste Commission and or the Fiscal Court.

(D) If the application shows that the applicant will collect, transport, and process waste without hazard to the public health or damage to the environment and in conformity with the laws of the state and this chapter, the Fiscal Court may issue the permit authorized by this chapter. The Fiscal Court shall have full authority to limit the number of permits issued to preserve the health, comfort, safety, and welfare of the residents, to promote energy conservation, and to provide for collection and disposal consistent with good solid waste management practices. The permit shall be issued for a period of one year and each applicant shall pay the fee set forth by the Fiscal Court in March of each year. If modifications can be made to the application regarding service, equipment or mode of operations so as to bring the application within the intent of this chapter, the Director shall notify the applicant in writing setting forth the modification to be made and the time in which it shall be done.

(E) (1) If the applicant does not make the modifications pursuant to division (D) above within the time limit specified therein or if the application does not clearly show that the collection, processing, or transportation of solid waste will not create a public health hazard or be without harmful effects on the environment, the application shall be denied and the applicant notified by the Director, in writing, stating the reason for such denial.

(2) Nothing in this section shall prejudice the right of the applicant to reapply after the rejection of his or her application provided that all aspects of the reapplication comply with the provisions of this chapter. Nothing in this section shall prohibit the denial of a permit for reason that the total number of annual permits have already been issued.

(F) The permit may be renewed upon payment of the fee as required herein if the business has not been modified, the collections vehicles meet the requirements as set forth in this chapter, and the renewal is recommended by the Solid Waste Commission and approved by the Fiscal Court. If modifications have been made, the applicant shall reapply for a permit as set forth in division (E) above. No permits authorized by this chapter shall be transferable from company to company or person to person.

(G) In order to ensure compliance with the laws of the state, this chapter, and the rules and regulations promulgated hereunder, the Director is authorized to inspect all phases of solid waste management within the county. No inspection shall be made in any residential unit unless authorized by the occupant or by due process of law. In all instances where such inspections reveal violation of this chapter, the Director shall issue notice for each violation or violations found, the corrective measure to be taken, together with the time in which such corrections shall be made.

(H) In all cases, when the corrective measures have not been taken within the time specified, the Director, with the approval of the Fiscal Court, shall suspend or revoke the permit or permits involved in the violations. However, in those cases where an extension of time will permit correction and there is no

public health hazard created by the delay, one extension of time not to exceed the original time period may be given.

(I) In the event a permit is revoked and the person continues to operate, the Director may request the action of a court of law to enjoin the acts and to enforce compliance with this chapter or any rule or regulation promulgated thereunder.

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

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

(L) Any permitted facility or person operating within the county, which plans to adjust in any manner the costs to consumers for their services during a permit period, shall notify the Director, in writing, of the adjustment 30 days prior to the adjustment. Such notice shall state the exact amount of the adjustment and the reasons for which the adjustment is being made. The Director shall forward this information, in writing, to the Solid Waste Commission and the Fiscal Court for their information and for use in providing the best possible solid waste management system to the citizens of the county.

(Prior Code, § 50.05) (Ord. 91-15, passed 5-24-1991) Penalty, see § 51.99

§ 51.06 COLLECTION VEHICLE STANDARDS.

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

(Prior Code, § 50.06) (Ord. 91-15, passed 5-24-1991) Penalty, see § 51.99

§ 51.07 COLLECTION OF BULKY RUBBISH.

(A) The Director, under the supervision of the County Judge/Executive and with the approval of the Fiscal Court, shall establish the procedures for collecting bulky rubbish from residential units within the county.

(B) Bulky rubbish shall be collected at least once yearly by the county or by contract agreement with a permitted hauler operating within the county at a cost agreeable to both the county and the hauler.

(Prior Code, § 50.07) (Ord. 91-15, passed 5-24-1991) Penalty, see § 51.99

§ 51.08 PROHIBITED PRACTICES.

(A) It shall be unlawful to burn solid waste or other materials unless approval is granted by the Fire Chief of appropriate local jurisdiction in advance and a “public nuisance,” as defined in § 51.01, will not be created by such burning.

(B) (1) Upon the filing of a signed complaint and after investigation, if the Director, or his or her authorized designee or fire chief of appropriate local jurisdiction, finds that there is reasonable cause to believe that a public nuisance, as defined in § 51.01, exists, he or she shall issue an immediate order for the person responsible for the creation of such a public nuisance to immediately eliminate the public nuisance and may, if necessary for the protection of the local public health and safety, order a fire department of appropriate jurisdiction to extinguish immediately any fire.

(2) The Director, or his or her authorized designee or fire chief of appropriate local jurisdiction, may issue a notice of violation outlining specific actions that must be taken by a person creating a public nuisance as defined in this chapter or may, if the situation warrants, seek judicial relief through the County District Court.

(C) If the public nuisance, as defined in § 51.01, creates a risk of imminent danger to human health or safety or substantial risk of damage to neighboring property, the Director, or his or her authorized designee or fire chief of appropriate local jurisdiction, may, under the supervision of the County Judge/Executive, remove from the subject premises the materials creating the public nuisance. Such removal shall be at the costs of the person served and the Director, or his or her authorized designee, the fire chief of appropriate local jurisdiction, the County Judge/Executive, the Court, or an agent thereof, shall not be liable for any trespass or conversion as to any real or personal property.

(Prior Code, § 50.08) (Ord. 91-15, passed 5-24-1991; Ord. 98-14, passed 11-3-1998) Penalty, see § 51.99

§ 51.09 PUBLIC NUISANCES.

(A) The Director may on his or her own initiative or upon the written request of any person make an investigation to determine whether or not the storage, collection, maintenance, or display of waste or solid waste is in violation of this chapter.

(B) After investigation, if the Director finds that there is reasonable cause to believe that a public nuisance exists, he or she shall forward a written notice of violation to the responsible party and forward a copy of the notice of violation to the County Judge/Executive.

(C) If within 72 hours after the receipt of the written notice of violation by the alleged violator, the situation complained by the Director has not been remedied, the Director, with the approval of the Fiscal Court and under the supervision of the County Judge/Executive, may remove from the subject premises the wastes or solid waste found to be the cause of the danger. Such removal shall be at the costs of the person served, and the Director, the County Judge/Executive, the Court, or an agent thereof, shall not be

liable for any trespass or conversion as to any real or personal property.

(D) When such a violation is found within the city limits of the City of Lawrenceburg and a cleanup is required by the local government, the Director may use the services of the City of Lawrenceburg to abate the nuisance and the Director, the Mayor, the Council, or an agency thereof, shall not be liable for any trespass or conversion as to any real or personal property.

(E) When the county must clean up and remove an open dump to ensure protection of the public health and safety and when the responsible party can be identified, the Director shall require these persons to reimburse the county for the actual costs incurred. Recoverable costs include, but are not limited to, costs for site assessment and evaluation, labor, equipment, disposal, and legal fees. Should other means of collection prove ineffective, the county may seek such reimbursement 30 days following the completion of the cleanup. Such cost recovery should not apply to property owners who are the victim of illegal dumping of solid waste without their knowledge or beyond their reasonable control.

(Prior Code, § 50.09) (Ord. 91-15, passed 5-24-1991)

§ 51.10 FRANCHISING.

(A) *Franchise requirement.* No person may engage in the business of residential, commercial, or industrial solid waste collection unless he or she holds an exclusive franchise issued by the Fiscal Court authorizing him or her to collect, transport, and dispose of solid wastes. The following wastes are not covered under the franchise agreement and nothing herein shall prohibit the collection, transportation, and disposal of these wastes:

- (1) Special wastes as defined in KRS 224.50-760(1)(a);
- (2) Medical waste;
- (3) Sewer sludge;
- (4) Hazardous waste products; and
- (5) Hazardous waste/material cleanup sites.

(B) *Granting a franchise.* The Fiscal Court may grant a franchise by following the procedures outlined in those provisions of the Kentucky Model Procurement Code which have been adopted in the County Administrative Code.

(C) *Fee approval.* The Fiscal Court shall approve all fees charged by a solid waste collector and fees shall not be adjusted during the franchise term, except as provided in the bid contract.

(D) *Termination of franchise.* The Fiscal Court may terminate or suspend all or any portion of a franchise for failure to render prompt and effective service, or failure to comply with the terms of the bid contract.

(Prior Code, § 50.10) (Ord. 2003-10, passed 7-1-2003)

§ 51.99 PENALTY.

Any person violating any of the provisions of this chapter or any lawful rules or regulations promulgated thereto, upon conviction, shall be punished by a fine of not less than \$25 or not more than \$500, provided that each day's violation thereof may be considered a separate offense for the purpose hereof. Violators of this chapter may be issued a citation by the County Sheriff or any authorized police officer.

(Prior Code, § 50.99) (Ord. 91-15, passed 5-24-1991)

CHAPTER 52: ENVIRONMENTAL PROTECTION

Section

- 52.01 Short title; administration
- 52.02 Definitions
- 52.03 Authority
- 52.04 Collection of solid waste
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- 52.07 Prohibited practices
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§ 52.01 SHORT TITLE; ADMINISTRATION.

This chapter shall be known as the Anderson County Environmental Protection Ordinance. The County Department of Public Safety shall be responsible for the administrative management of this chapter and for the promulgation of rules and regulations pertaining to the provisions of this chapter. (Prior Code, § 97.01) (Ord. 2003-09, passed - -2003)

§ 52.02 DEFINITIONS.

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

AGREEMENT. The exclusive franchise agreement entered into by the Fiscal Court and the selected bidder for the purpose of collecting and legally disposing of residential, commercial, industrial, and construction/demolition wastes from the county for the specified period of time outlined in the signed document.

AGRICULTURAL USE. Operations for the production of horticultural crops, including, but not limited to, livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on their tracts.

AGRICULTURAL WASTE. Any nonhazardous waste resulting from the production and processing of on-the-farm agricultural products, including manures, prunings, and crop residues.

AIR CONTAMINANT. Includes smoke, dust, soot, grime, carbon, or any other particulate matter, radioactive material, noxious acids, fumes, gases, odor, vapor, or any combination thereof.

AIR POLLUTION. The presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is or threatens to be injurious to human, plant, or animal life, or to property, or which unreasonably interferes with the comfortable enjoyment of life or property.

APPROVED INCINERATOR. An incinerator which complies with all current statutes, ordinances, and administrative regulations of responsible local, state, and federal agencies.

BULKY WASTES. Bulky items and white goods, including, but not limited to, chairs, sofas, mattresses, bedsprings, carpet, gutters, metal or wood fencing, posts, playground boxes, nonhazardous shingles, brick, lumber, toys, bicycles, tricycles, plastic swimming pools, plumbing fixtures, siding, concrete, paneling, stones, and appliances such as stoves, refrigerators, freezers, and air conditioners.

CABINET. The Kentucky Department of Natural Resources and Environmental Protection.

COLLECTION BOX. An unstaffed receptacle utilized to collect residential, commercial, industrial, or construction/demolition solid waste.

COLLECTION. Removal of residential, commercial, industrial, or construction/demolition solid waste from a designated pick up location to the transfer vehicle.

COMMERCIAL SOLID WASTE. All types of solid waste generated by stores, offices, restaurants, warehouses, and other service and no manufacturing activities, excluding residential, industrial, and construction/demolition solid waste.

COMPOST. Solid waste which has undergone biological decomposition or organic matter, been disinfected using composting or similar technologies, been stabilized to a degree which is potentially beneficial to plant growth and which is approved for use or sale as a soil amendment, artificial topsoil, growing medium amendment, or other similar uses.

COMPOSTING. The process by which biological decomposition of organic solid waste is carried out under controlled aerobic conditions and which stabilizes the organic fraction into a material which can easily and safely be stored, handled, and used in an environmentally acceptable manner. **COMPOSTING** may include a process, which creates an anaerobic zone within the composting material. **COMPOSTING** does not include simple exposure of solid waste under controlled conditions resulting in natural decay.

CONSTRUCTION/DEMOLITION SOLID WASTE. Materials resulting from the construction or destruction of residential, commercial, or industrial structures.

CONVENIENCE CENTER. A facility that is staffed during operating hours for the collection and subsequent transportation of bulky items as defined in this section or for the receiving of materials that are to be recycled.

COUNTY. Anderson County Fiscal Court, its officials, officers, employees, agents, and representatives. For the purposes of a service area covered by the terms and conditions of the agreement as defined by this section, **COUNTY** shall mean the geographical boundaries of the county, which shall include the City of Lawrenceburg.

CURBSIDE. That portion of the publicly maintained right-of-way nearest to the residential unit.

DIRECTOR. The Anderson County Director of Public Safety.

DISPOSAL. The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment, be emitted into the air or be discharged into any waters, including ground waters.

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

ENFORCEMENT OFFICER. The individual, appointed by the County Judge/Executive with approval by the County Fiscal Court, who reports directly to the Director of Public Safety, and is charged with the responsibility of investigating all solid waste and environmental complaints and recommending remedial, corrective, and enforcement actions relative to those complaints and, who further assists with any aspect of the County Solid Waste Management Plan as directed by the County Judge/Executive or Director of Public Safety.

GENERATOR. Any person, by site, whose act or process produces waste.

GOVERNING BODY. The County Fiscal Court.

HAZARDOUS WASTE. Any waste or combination of wastes which are determined by the Cabinet 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 hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

INDUSTRIAL SOLID WASTE. Solid waste generated by manufacturing and industrial processes that is not a hazardous waste or a special waste as designated by KRS 224.50-760. For the purposes of this chapter, the following shall not be deemed as special wastes and the entity awarded the exclusive franchise to provide for the collection and legal disposal of residential, commercial, industrial, and, construction/demolition solid waste in the county shall have the exclusive right to collect and legally dispose of such materials: electric power generation, fertilizer, or agricultural chemicals, food, and related products and byproducts, inorganic chemicals, iron and steel manufacturing, leather and leather products, nonferrous metal manufacturing/foundries, organic chemicals, plastics and resins manufacturing, pulp and paper industry, rubber and miscellaneous plastic products, stone, glass, concrete products, textile manufacturing, transportation equipment, and water treatment.

LANDFILL. Any facility for the purpose of final disposal of solid waste materials including residential, commercial, industrial, and construction/demolition materials in which any type of registration or permit is required by the Cabinet for the operation to be legal.

LITTER. Rubbish, refuse, waste material, offal, paper, glass and cans, bottles, trash, debris, or any foreign substance of whatever kind or description and whether or not it is of value.

NOXIOUS SUBSTANCE. Any substance capable of generating offensive, noxious, or suffocating fumes, gases, or vapors.

OPEN BURNING. Burning of any matter in such manner that the combustion resulting from burning are emitted directly into the outdoor atmosphere without passing through a stack or chimney.

OPEN DUMP. Any facility or site for the disposal of solid waste which does not have a valid permit from the Cabinet or does not meet the environmental performance standards established under administrative regulations promulgated by the Cabinet.

PERSON. An individual, trust, firm, joint stock company, corporation, (including a government corporation), partnership, association, federal agency, state agency, city, county, commission, political subdivision of the state, or any interstate body.

POLLUTANT. Includes dredged spoil, solid waste, incinerator residue, sewage, sewage sludge, garbage, chemical, biological, or radioactive materials, heat, wrecked, or discarded equipment, rock, sand, soil, industrial, municipal, or agricultural waste, and any substance resulting from the development, processing, or recovery, or any natural resource which may be discharged into water.

PROCESSING. Incinerating, composting, baling, shredding, salvaging, compacting, and other processes whereby solid waste quantity is reduced.

PUBLIC NUISANCE. Illegal solid waste disposal practices that include, but are not limited to, open dumping, open dumps, open burning, abandoned junk vehicles, or littering, which are deemed to be a nuisance under applicable law.

RECYCLING. Any process by which materials which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of a raw material or product including refuse-driven fuel when processed in accordance with current administrative regulations promulgated by the cabinet, but does not include the incineration or combustion of materials for the recovery of energy.

RESIDENTIAL DWELLING. A building or portion thereof, providing complete housekeeping facilities for one person or one family.

RESIDENTIAL SOLID WASTE. Solid waste, including garbage and trash generated by single- and multiple-family residents, recreational areas, churches, and campgrounds.

SANITARY LANDFILL. A registered or formally permitted facility for the disposal of solid waste which complies with the environmental standards set forth in the most current administrative regulations promulgated by the Cabinet.

SOLID WASTE COMMISSION. A committee consisting of the County Judge/Executive of Anderson County, the Mayor of the City of Lawrenceburg, the Director of Public Safety, two members of the Anderson County Fiscal Court and, two members of the City Council of the City of Lawrenceburg and, two citizens from Anderson County appointed by the County Judge/Executive who advise the Anderson County Fiscal Court on matters pertaining to solid waste management in Anderson County.

SOLID WASTE INTERN. Individual appointed by the County Judge/Executive and supervised by the Director of Public Safety for temporary periods of employment to work to ensure the county's compliance with the goals and objectives of the County Solid Waste Management Plan.

SOLID WASTE MANAGEMENT PLAN. The County Solid Waste Management Plan submitted to the Cabinet as required under KRS 224.43-340 and approved by the Cabinet.

SOLID WASTE MANAGEMENT. The administration of solid waste activities; collection, storage, transportation, transfer, processing, treatment, and disposal, which shall be in accordance with a cabinet approved solid waste management plan.

SOLID WASTE SITE OR FACILITY. Any place at which solid waste is managed, stored, treated, processed, or disposed.

SOLID WASTE STORAGE/CONTAINER. Receptacle used by any person to store solid waste during the interval between solid waste generation and collection. A ***SOLID WASTE CONTAINER*** is made out of plastic, vinyl or metal, ranging in size from about ten gallons to 42 cubic yards in size.

SOLID WASTE. Any garbage, refuse, sludge, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining (excluding coal mining wastes, coal mining by-products, refuse and overburden), agricultural operations, and from community activities but, does not include those materials including, but not limited to, soil, sand, rock, gravel, or bridge debris extracted as part of a public road construction project funded wholly or in part with state funds, recovered materials, special wastes, as designated by KRS 224.50-760, solid or dissolved material in domestic sewage, manure, crops, crop residue, or a combination thereof which are placed on the soil for return to the soil as fertilizers or soil conditioners, or solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject to permits under § 402 of the Federal Water Pollution Act, being 33 U.S.C. § 1342 as amended or source, special nuclear or by-product material as defined by the Atomic Act of 1954, being 42 U.S.C. §§ 2001 et seq.

STORAGE. The containment of wastes, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such wastes.

TRANSFER FACILITY. Any transportation related facility including loading docks, parking areas and other similar areas where shipments of solid waste are held or transferred during the normal course of transportation.

TRANSFER. The placement of solid waste from smaller collection vehicles into larger vehicles for transportation to intermediate or final disposal facilities.

TRANSPORTATION. Any off-site movement of waste by any mode and any loading, unloading, or storage incidental thereto.

TREATMENT. Any method, technique, or process including neutralization, designed to change the physical, chemical, or biological character or composition of any waste so as to neutralize such waste or so as to render such waste non-hazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it non-hazardous.

UNIVERSAL COLLECTION. A municipal solid waste collection system which is established by ordinance and approved by the Cabinet and requires access for each household or solid waste generator in the county.

WATER or ***WATERS OF THE COMMONWEALTH.*** Any and all rivers, streams, creeks, lakes, ponds, impounding reservoirs, springs, wells, marshes, and all other bodies of surface or underground

water, natural or artificial, situated wholly or partly within or bordering upon the commonwealth or within its jurisdiction.

WATER POLLUTION. The alteration of the physical, thermal, chemical, biological, or radioactive properties of the waters of the commonwealth in such a manner, condition or quantity that will be detrimental to the public health or welfare, to animal or aquatic life or marine life, to the use of such waters as present or future sources of public water supply or to the use of such waters for recreational, commercial, industrial, agricultural, or other legitimate purposes.

YARD WASTES. Leaves, brush, grass clippings, shrub, and tree pruning, and other vegetative matter resulting from residential landscape maintenance which is suitable for composting which has been diverted and/or separated from the solid waste stream by the resident and placed at the curb, street side, or county road side for collection.

(Prior Code, § 97.02) (Ord. 2003-09, passed - -2003)

§ 52.03 AUTHORITY.

(A) The Fiscal Court and its duly elected County Judge/Executive or his or her designated representatives, shall exercise full authority over all matters related to solid waste management within the borders of the county. The County Judge/Executive, and his or her designated representatives, shall cause all provisions of this chapter to be fulfilled.

(B) The Director of Public Safety shall be responsible for the administration of the provisions of this chapter under the supervision of the County Judge/Executive. The Director of Public Safety shall serve as the administrative officer for the County Solid Waste Commission.

(C) The County Solid Waste Commission shall serve as the official advisory committee for the County Fiscal Court on any matter relating to solid waste management in the county. The Commission shall have the authority to investigate any matter relative to the agreement signed by the County Fiscal Court and the franchisee for exclusive solid waste collection and disposal for the county and to advise the County Fiscal Court of their findings and make recommendations to the County Fiscal Court relative to any aspect of the agreement. However, all final decisions relating to solid waste management in the county rests solely with the County Fiscal Court.

(D) The County Solid Waste Commission shall consist of the County Judge/Executive who shall serve as Chair, the Mayor of the City of Lawrenceburg, the Director of Public Safety, two members of the County Fiscal Court, two members of the City Council of the City of Lawrenceburg and two citizens appointed by the County Judge/Executive. The Commission shall meet as necessary to fulfill the requirement of division (D) above.

(Prior Code, § 97.03) (Ord. 2003-09, passed - -2003)

§ 52.04 COLLECTION OF SOLID WASTE.

(A) Pursuant to Section 164 of the Kentucky Constitution, KRS Chapter 109 and KRS Chapter 224 and applicable administrative regulations promulgated by the Cabinet, the Fiscal Court hereby establishes the solid waste system of collection and disposal of all solid wastes in the county including the City of Lawrenceburg, which shall be by exclusive franchise.

(B) All solid waste within the county shall be collected and disposed of by the franchisee, with the following exceptions:

(1) Medical wastes generated by medical facilities;

(2) Sewer sludge;

(3) Hazardous waste and waste generated from hazardous waste clean up sites; and

(4) Special wastes as defined by KRS 224.50-760. KRS 224.50-760 is adopted and incorporated by reference.

(C) Universal collection, as defined in § 52.02, shall be maintained by the franchisee under the terms of the agreement for exclusive franchise service for the period of the agreement for the entire geographical area of the county.

(D) Collection standards shall be carried out as set forth in the signed agreement by the franchisee and any violation of the provisions of the signed agreement by the franchisee shall be a violation of this chapter. The most currently dated agreement to provide exclusive franchise services for the collection of residential, commercial, industrial, and construction/demolition solid waste in the county is hereby adopted by reference and attached as a part of this chapter.

(E) The Fiscal Court, by order, may at any time require that certain items deemed to be recyclable or that have been determined by the Cabinet to have a beneficial reuse, be separated by the generator and/or the franchisee in order to reduce the amount of solid waste being disposed of at permitted landfills receiving solid waste from the county. The Fiscal Court may, by order, specify the market or beneficial reuse location to which such recyclable or beneficial reuse materials be shipped and processed.
(Prior Code, § 97.04) (Ord. 2003-09, passed - -2003)

§ 52.05 STORAGE OF SOLID WASTE.

(A) The occupant or owner of every residential dwelling unit, commercial, or industrial establishment producing solid waste within the county shall provide sufficient and adequate containers for the storage

of all solid waste except bulky items and construction/demolition debris to serve each residential unit and commercial or industrial establishment and maintain such solid waste containers at all times in good repair.

(B) All solid waste shall be collected in proper solid waste containers and such solid waste containers and the area surrounding them shall be maintained 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 where it will not create a fire hazard. Solid waste containers shall be leak proof and waterproof, and garbage cans shall be fitted with a secure lid and shall be properly covered at all time except when depositing waste therein or removing the contents thereof.

(C) Plastic garbage bags may be used as containers for solid waste only if they are made of a strong material able to withstand compaction of garbage, are absent of holes or flaws that will produce leakage of leachate or other materials, and are securely fastened. Plastic garbage bags may be left at the point of collection no earlier than the morning collection services are performed.

(D) No owner, occupant, tenant, or lessee of any building or dwelling may leave outside the dwelling or building, in any place accessible to other persons, any abandoned or unattended icebox, refrigerator, dryer, washer, or any other white good that has a latched door without the latched door being first removed from the appliance or white good item.

(E) Residential solid waste may be placed at the curbside no earlier than 10:00 p.m. on the night prior to the scheduled day of pickup by the franchisee.

(F) Residential solid waste may not be stored on any property for periods of time that allow for the infestation of insects or rodents or where the deterioration of the trash will result in foul odors that migrate off the property to adjoining properties.

(G) Residential solid waste may not be stored in vehicles on private or public property for more than seven days prior to being collected and disposed of by the franchisee or taken to a legal sanitary landfill by the generator for proper disposal.

(H) All solid waste placed at the point of collection shall become the property of the county until it is transferred to the franchisee's vehicle or the container is removed by the franchisee's vehicle and at that time the solid waste shall become the property of the franchisee. If solid waste is being transported by a generator to a sanitary landfill in their private vehicle, the solid waste shall remain the property of the generator until it is accepted by the sanitary landfill.

(I) The following wastes may not be deposited in solid waste containers:

- (1) Hazardous wastes;

- (2) Liquid wastes;
- (3) Bulky items;
- (4) Tires;
- (5) Dead animals;
- (6) Any burning or smoldering materials;
- (7) Materials that would constitute a fire hazard; and
- (8) Lead acid batteries.

(Prior Code, § 97.05) (Ord. 2003-09, passed - -2003) Penalty, see § 52.99

§ 52.06 WASTE TIRE MANAGEMENT.

The provisions of KRS 224.50-856 and KRS 224.50-860 are adopted and incorporated by reference for the purpose of waste tire management in the county.

(Prior Code, § 97.06) (Ord. 2003-09, passed - -2003)

§ 52.07 PROHIBITED PRACTICES.

(A) It shall be unlawful for any person to:

(1) (a) Burn solid waste, unless an approved incinerator is provided and permission has been granted by the Fire Chief of appropriate jurisdiction. Air contaminants from the burning of any type of solid waste or yard waste shall not migrate onto adjoining properties and cause a risk of health problems or a nuisance to the occupants thereof. Such burning shall not create air pollution as defined in § 52.02. All open burning permitted under the terms of this chapter or any applicable statutes or administrative regulations shall be attended at all times by the generator of the solid waste or yard waste.

(b) Failure of the generator to be in attendance shall be cause for local authorities to extinguish the burning materials and shall be considered a violation of this chapter subject to enforcement action by the Department of Public Safety;

- (2) Dispose of dead animals in any container to be collected by the franchisee;
- (3) Own or operate an open dump;

(4) Drop or permit to drop on a highway any destructive or injurious material and fail to pick it up immediately and remove it from the highway;

(5) Knowingly places or throws litter on any public or private property or in any public or private water without permission;

(6) Negligently places or throws glass or other dangerous pointed or edged substances on or adjacent to water to which the public has access for swimming or wading or on or within ten feet of a public highway;

(7) Discharge sewage, minerals, oil products, or litter into any public waters or lakes within the county;

(8) Dispose of lead acid batteries by placing them in mixed solid waste;

(9) Dispose of solid waste at any facility or location which is not approved by the county and permitted by the Cabinet as a sanitary landfill;

(10) Engage in the business of collecting, disposing, transporting, or processing of solid waste within the geographic boundaries of the county without holding an exclusive franchise agreement for residential, commercial, industrial, or construction/demolition waste; or

(11) Violate any section of this chapter, the agreement for exclusive franchise attached hereto, or any other rule promulgated under the provisions of this chapter or the agreement attached hereto.

(B) The provisions of KRS 512.070 are hereby adopted and incorporated by reference;

(C) The provisions of KRS 224.50-410 are hereby adopted and incorporated by reference; and

(D) The provisions of KRS 224.70-110 are hereby adopted and incorporated by reference.
(Prior Code, § 97.07) (Ord. 2003-09, passed - -2003) Penalty, see § 52.99

§ 52.08 ENFORCEMENT.

(A) The Director of Public Safety or his or her authorized designee may, on his or her own initiative or, upon the complaint of any person, make an investigation to determine whether any action occurring in the county is in violation of the provisions of this chapter. Authorized officials shall have the authority to use any legal investigative procedure to determine if violations of the provisions of this chapter have occurred.

(B) The County Judge/Executive may appoint an enforcement officer who shall have the authority to investigate and enforce the provisions of this chapter. The Director of Public Safety shall supervise the enforcement officer. The enforcement officer shall maintain complete records of all complaints and investigations and shall cooperate with the office of County Attorney; local, state, and federal law enforcement agencies; state and federal environmental agencies; and other agencies that are charged with the responsibility of protecting the environment. The enforcement officer shall have the authority to issue local notice of violation citations and shall be authorized to seek legal remedies for any violation of the provisions of this chapter through the office of the County Attorney.

(C) After investigation, if the Director or his or her authorized designee finds that there is probable cause to believe that a violation of the provisions of this chapter has occurred, they may issue a local notice of violation citation to the responsible party. The local notice of violation citation shall outline the violation that has been found, set forth the remedial measures which must be done in order to correct the violation, set a reasonable time period for the remedial measures to be accomplished and, set forth the actions that may be taken by the county should the remedial measures not be accomplished as set forth in the written notice of violation citation.

(D) (1) If a violation of the provisions of this chapter presents an immediate threat to the public health and safety or to the local environment, the Director of Public Safety, or his or her authorized designee may order the immediate remediation of the violation by the responsible party.

(2) If the responsible party can not or will not take the immediate actions which are necessary to protect the public health and safety or the local environment, the Director of Public Safety, or his or her authorized designee shall be empowered to take whatever actions are necessary to correct the situation to a point where the local public health, safety, and welfare are reasonably ensured or the local environment is protected to reasonable limits until a responsible party may be found and ordered to remediate the situation fully.

(E) If, in the interest of the public health and safety or, in order to protect the local environment, the provisions of division (D) above are implemented by authorized local officials, the costs for such remedial actions shall be the responsibility of the person responsible for the conditions that created the need for the remedial actions to be invoked by local officials.

(F) If, after the time limit set forth in a local notice of violation, the responsible party has not corrected the violation set forth in the local notice of violation, authorized officials from the county may seek remedies, including criminal penalties, through the County District Court.

(G) Any penalty rendered to any person under the provisions of this chapter shall be set forth only by action of the County District Court. Administrative penalties shall not be applied in the county for any violation of environmental standards governed by the provisions of this chapter.
(Prior Code, § 97.08) (Ord. 2003-09, passed - -2003)

§ 52.99 PENALTY.

Any person violating any of the provisions of this chapter except as provided in KRS 512.070 shall, upon conviction, shall be guilty of a Class B misdemeanor for a first offense and a Class A misdemeanor for a second and any subsequent offense; provided, each day's violation thereof may be considered a separate offense for the purposes hereof.

(Prior Code, § 97.09) (Ord. 2003-09, passed - -2003)

CHAPTER 53: SEWERS

Section

53.01 Connection with public sewer in Stringtown District required

§ 53.01 CONNECTION WITH PUBLIC SEWER IN STRINGTOWN DISTRICT REQUIRED.

(A) All persons, firms, corporations, public utilities, municipalities, public agencies, and institutions shall maintain, upon any original lot, subdivision lot, or parcel of ground situated on any street, alley, or road in the Stringtown District in the county which consists of the property beginning at the Norfolk Southern Overpass on Harrodsburg Road to and including Sand Spring Baptist Church also on Harrodsburg Road, where there is a public sewer available for connection to such unit of ground, any system of disposal of human excreta except by means of water closets connected with public sewer.

(B) All water closets shall be furnished with a supply of running water under sufficient pressure to provide proper flushing and shall be maintained so as not to endanger the public health or otherwise create a nuisance.

(C) It shall be the duty of the owner or owners of every lot, subdivision, or parcel of ground required by division (A) above to be connected with the public sewer, to so connect such lot or parcel within 12 months of notification that such sewer is available for connection, or as otherwise ordered by the County Board of Health.

(D) No sewer, industrial waste, or other objectionable material shall be discharged into any public sewer, house connection sewer, industrial connection sewer, storm water sewer, or drain unless it conforms to the standards and requirements of all applicable state and local regulations.

(E) Upon petition by an applicant and where there is evidence that undue hardship will result from the enforcement of this chapter, the County Board of Health may grant a variance to the applicant provided that no such variance will result in a public health nuisance.

(F) Pursuant to the authority contained in KRS 212.230(1)(c), the County Board of Health may adopt administrative regulations to effectuate the purpose of this chapter.
(Prior Code, § 52.01) (Ord. 2005-05, passed 3-1-2005)

