

ORDINANCE: 820.04A

AN ORDINANCE RELATING TO LICENSE FEES FOR
OFF-SITE WASTE MANAGEMENT FACILITIES
WITHIN PENDLETON COUNTY, KENTUCKY

WHEREAS, it is necessary and proper for Pendleton County, Kentucky, for the protection of its residents, to establish license fees for off-site waste management facilities located within Pendleton County; and

WHEREAS, the Fiscal Court of Pendleton County, Commonwealth of Kentucky, deems it necessary to enact this ordinance to preserve and protect the health, safety and convenience of the inhabitants of Pendleton County, pursuant to the Fiscal Court's authority under K.R.S. 67.083; and

WHEREAS, the introduction of solid-waste originating from areas outside the limits of Pendleton County, Kentucky, results in an unplanned for reduction in waste disposal capacity available to the citizens of Pendleton County and a need to provide for future disposal capacity; and

WHEREAS, the introduction of solid-waste originating from areas outside the limits of Pendleton County, Kentucky, results in increased expenses for the maintenance and repair of roads and increased need and expenses for emergency services to the citizens of Pendleton County; and

WHEREAS, the Fiscal Court of Pendleton County, Commonwealth of Kentucky, deems it necessary, for the foregoing reasons, to impose increased fees for solid-waste originating outside of Pendleton County, Kentucky, pursuant to the Fiscal Court's authority under K.R.S. 68.178;

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF PENDLETON COUNTY, KENTUCKY:

SECTION 1. DEFINITIONS:

For the purposes of this Ordinance, the following terms, in addition to their ordinary meanings, shall be deemed to have the meaning indicated below:

COUNTY - Pendleton County, Kentucky.

COURT - Pendleton County Fiscal Court.

OFF-SITE WASTE MANAGEMENT FACILITY - Any facility whose principal purpose is treatment, storage, or disposal, of solid waste, or a combination of these activities but shall not include those treatment, storage or disposal activities which occur incidental to or which are not otherwise distinguishable from a broader manufacturing operation at the site of said operation.

SOLID WASTE - Any garbage, refuse, sludge, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges.

(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.

PERSON - Any individual, partnership, corporation, association, joint stock company, trust, estate, political subdivision, or organization of any kind, or their legal representative, agent or assigns.

SECTION 2. LICENSES.

SECTION 2.1 : LICENSE REQUIREMENTS.

No person shall operate an off-site waste management facility for the disposal of commercial or residential solid waste within the boundary limits of Pendleton County, Kentucky without paying a license fee as set out herein below.

SECTION 2.2 : LICENSE FEES.

The Court may establish license fees for each person operating an off-site waste management facility within Pendleton County, Kentucky. All such fees, including subsequent revisions thereof, shall be paid to the Court or its designee at times set by the Court. The Court shall assess fees in accordance with the provisions of this Ordinance and the amount of said fees may be amended by the Court from time to time. The initial fees assessed are as follows:

(a) The fee for solid waste generated within Pendleton County, Kentucky, and deposited within Pendleton County, Kentucky, shall be fifty (50¢) cents per ton.

(b) The fee for solid waste generated outside the limits of Pendleton County, Kentucky, and deposited within Pendleton County, Kentucky, shall be sixty-two and one-half (62.5¢) cents per ton.

SECTION 2.3 : PAYMENT OF FEES.

License fees shall be payable to the County in quarterly installments. The first quarter shall consist of the months January, February and March. The second quarter shall consist of the months April, May and June. The third quarter shall consist of the months July, August and September. The fourth quarter shall consist of the months October, November and December. Fees for each quarter, or any part thereof, shall be due and payable to the County on or before the 30th day of the next calendar month following the quarter in which the fees were incurred.

SECTION 2.4 : DELINQUENCY.

All unpaid fees shall become delinquent if payment is not received when due. Delinquent fees shall bear interest at the rate of twelve percent (12%) per annum until paid. The County may enforce collection of delinquent fees by bringing proper legal action against the person operating the off-site waste management facility to recover any sums due, plus court costs and any other costs involved in such collection action.

SECTION 2.5 : DISTRIBUTION OF FUNDS.

The proceeds from the license fee shall be used to defray the government services provided to the landfill, necessary clean-up operations or emergency responses related to operation of the landfill or the transporting of waste to the landfill, necessary maintenance, improvement or construction of roads, and for the general revenue requirements of the County. In addition, a portion of the proceeds shall be distributed as required by K.R.S. 68.178 (2) (d) or any successor statute.

SECTION 3. SEVERABILITY CLAUSE.

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

SECTION 4. CONFLICT OF ORDINANCES.


Any Ordinance, or portion thereof, in conflict with this Ordinance is repealed to the extent of said conflict.


SECTION 5. EFFECTIVE DATE.

This ordinance shall be in full force and effect immediately upon adoption by a first and second reading by the Pendleton County Fiscal Court and after publication of same pursuant to law.

Introduced, seconded and given first reading on the 11th day of October, 1990.

Adopted by the Fiscal Court of Pendleton County after second reading at a regular meeting on the 8 day of November, 1990, and on same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested by the Pendleton County Court Clerk and declared to be in full force and effect.


DAVID H. PRIBBLE
PENDLETON COUNTY
JUDGE/EXECUTIVE

ATTESTED: 
CAROL W. OCKERMAN
PENDLETON COUNTY COURT CLERK

DATE PUBLISHED: _____