

AN ORDINANCE REGULATING
SOLID WASTE MANAGEMENT
(Storage, Collection, Transportation
Processing and Disposal)

PENDLETON COUNTY FISCAL COURT
ORDINANCE NO. 820.4

AN ORDINANCE pertaining to public health, safety, and welfare; regulating storage, collection, processing, transportation, and disposal of solid waste; providing a penalty for the violation of the provisions of this ordinance and repealing all ordinances in conflict herewith.

Pursuant to Kentucky Revised Statutes 224 and 109 and related administrative regulations, Pendleton County, including its cities, has been designated as a solid waste management area, based upon a Solid Waste Management Plan approved by the Natural Resources and Environmental Protection Cabinet, hereinafter referred to as "the Cabinet," of the State of Kentucky. In addition, Pendleton County is acting under powers outlined in KRS 67.083(3)(o) which provides the authority to manage solid waste by ordinance.

NOW, THEREFORE, be it ordained by the Fiscal Court, Pendleton County, Kentucky, that this ordinance shall be known as the Solid Waste Management Ordinance. The Pendleton County 109 Board shall be responsible for the administrative management of this ordinance and the promulgation of rules and regulations authorizes in Section 8.

SECTION I: DEFINITIONS

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

Agricultural Use: Operations for the production of agricultural or 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 of their tract.

Agricultural Waste: Any non-hazardous waste resulting from the production and processing of on-the-farm agricultural products, including manure, pruning and crop residues.

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.

Closure: The time at which a waste treatment, storage or disposal facility permanently ceases to accept wastes and includes those actions taken by the

owner or operator of the facility to prepare the site for post-closure monitoring and maintenance or to make it suitable for others uses.

Collection: Removal of solid waste from the designate 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 or transfer facility.

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.

Composts: Solid waste which has undergone biological decomposition of 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:

- (a) Composting may include a process which creates an anaerobic zone within the composting material.
- (b) Composting does not include simple exposure of solid waste under uncontrolled 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 Pendleton, 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 Pendleton County 109 Board.

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.

Disposable Solid Waste Container: Disposable plastic or paper sacks with a capacity of 10 to 35 gallons specifically designed for storage of solid waste.

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: A county, a waste management district, an entity created pursuant to the Interlocal Cooperation Act, a taxing district created pursuant to the provisions of KRS 65.180 through 65.192, a special district created pursuant to the provisions of KRS 65.160 through 65.176, or counties acting under contract pursuant to KRS 109.082.

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 mortality or 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, 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 or industrial processes that is not a hazardous waste or a special waste as designated by KRS 224.868, including, but not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer or agricultural chemicals; food and related products or by-products; 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, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment.

Key Personnel: An officer, partner, director, manager or shareholder of 5 percent (5%) or more of stock or financial interest in a corporation, partnership or association or parent, subsidiary or affiliate corporation and its officers, directors, shareholders of 5 percent (5%) or more stock or financial interest.

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.

Multi-family Residential Unit: A housing facility containing more than one dwelling unit under one roof.

Municipal Solid Waste Disposal Facility: Any type of waste site or facility where the final deposition of any amount of municipal solid waste occurs, whether or not mixed with or including other waste allowed under Subtitle D of the Federal Resource Conservation and Recovery Act of 1976, as amended, and includes, but is not limited to, incinerators and waste-to-energy facilities that burn municipal solid waste, and contained and residential landfills, but does not include a waste site or facility which is operated exclusively by a solid waste generator on property owned by the solid waste generator which accepts only industrial solid waste from the solid waste generator or industrial solid waste generated at another facility owned and operated by the generator or wholly owned subsidiary, or a medical waste incinerator which is owned, operated, and located on the property of a hospital or university which is regulated by the cabinet and used for the purpose of treatment, prior to landfill, of medical waste received from the generator exclusively or in combination with medical waste generated by

professionals or facilities licensed or regulated or operated by the Commonwealth.

Municipal Solid Waste Reduction: Source reduction, waste minimization, reuse, recycling, composting, and materials recovery.

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 on site for the disposal of solid waste which does not have a valid permit issued 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 of Kentucky, and any interstate body.

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

Public Nuisance: Illegal waste disposal practices that include but are not limited to open burning, open dumps, or littering which are deemed to be a nuisance under applicable law.

Recovered Material: Those materials, including, but not limited to: compost, 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 received on a daily basis at the processing facility and processed into RDF; but not to exceed 15 percent (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 or recovered material, 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 (1) person or one (1) family.

Residential Solid Waste: Solid waste resulting from the maintenance of dwelling units.

Sanitary Landfill: A 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, mining (excluding overburden), agricultural operations, and from community activities, but does not include those materials including, but not limited to, sand, soil, rock, gravel, 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 224.868, 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 conditions, or solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (86 Stat.880), or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (68 Stat.923).

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 county or multicounty solid waste management plan.

Solid Waste Management Area or "Area": Any geographical area established or designated by the Cabinet in accordance 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 wastes or other wise, 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 document submitted by waste management districts, counties, or any combination thereof as required under KRS 224.887 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 generations and collection. A solid waste container is made out of plastic, vinyl or metal, ranging in size from about 10 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 a county.

Waste Management District: Any county or group of counties electing to form under the provisions of KRS Chapter 109 and operate in conformance with the provisions of KRS Chapter 109 and with Section 4006, Resource Conservation and Recovery Act of 1976, as amended (Public Law 94-580).

Waste Site of Facility: Any place where waste is managed, processed or disposed of by incineration, landfilling, or any other method, 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 or the combustion of processed waste in a utility boiler.

Yard Waste: Grass clippings, leaves, tree trimmings.

SECTION 2: STORAGE OF SOLID WASTE

Section 2.1: Storage Containers Required

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

Section 2.2: Solid Waste to be Stored in a Manner Prescribed by Ordinance

The occupant or owner of every residential dwelling unit, agricultural, commercial,

business, institutional and industrial establishment shall place all solid waste to be collected in proper solid waste containers, 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 be kept free from insect and rodent infestation and will not create a fire hazard.

Section 2.3: Standards for Residential Storage Containers

Residential solid waste shall be stored in storage containers of not less than 10 gallons nor more than 35 gallons in nominal capacity. Storage containers shall be leakproof, waterproof, and fitted with a fly-tight lid and shall be properly covered at all times, except when depositing waste therein or removing the contents thereof. The containers shall have handles, bails, or other suitable lifting devices or features. Containers shall be of a type originally manufactured for residential solid waste, with tapered sides for easy emptying. They shall be of light weight and sturdy construction. The weight of any individual storage containers and contents shall not exceed 75 pounds. Galvanized metal containers, or rubber, fiberglass, plastic or vinyl containers, which do not become brittle in cold weather may be used. Disposable solid waste containers within suitable frames, wire bag holders or other storage containers may also be used for storage of residential solid waste, subject to approval by the Director.

Section 2.4: Standards for Residential, Commercial, Institutional and Industrial Use Storage Containers

All uses which generate more than a volume of 2 cubic yards (i.e., approximately equivalent to 500 pounds of $\frac{1}{4}$ ton or 400 gallons) of solid waste per week shall be required to provide bulk containers for storage as approved by the Director. The containers shall be water proof, leak proof and shall be covered at all times, except when depositing waste therein or removing the contents thereof; and shall meet all requirements as referenced in Section 7.

Section 2.5: Air Tight Containers

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 goods (i.e., icebox, refrigerator, or other receptacle that has an airtight door) without first removing the door.

Section 2.6: Yard Wastes

Tree limbs less than 4" in diameter, lumber and brush shall be securely tied in bundles not larger than 48" long and 18" in diameter when not placed in storage containers. The weight of any individual bundle shall not exceed 75 pounds. Yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises or upon adjacent public rights of way. The weight of any individual container and contents shall not exceed 75 pounds.

Section 2.7: Storage Containers Not in Compliance

Solid waste containers which do not meet the specifications as outlined in this action shall be considered waste and will be collected together with their contents and disposed of.

SECTION 3: COLLECTION OF SOLID WASTE

Section 3.1: County Responsibility Defined

The county shall provide for the collection of solid waste as follows:

- a. The County shall provide for the collection of all residential solid waste in the county, provided, however, the County may provide the collection service by contracting with a person, county, or other city or a combination thereof, for the entire county or portions thereof, as deemed to be in the best interest of the county.
- b. The County may, at its discretion, provide commercial solid waste services.
- c. Authorize private hauler system for Pendleton County

Section 3.2: 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 a county.

Section 3.3: Collection Points

Tree limbs and yard wastes, as described in Section 2.6, shall be placed at the curb, alley, or the rear of the building for collection. Points of collection of solid waste shall be from the roadside or curbside within public rights of way or other locations near buildings, parking lots, etc., on private property. In general, solid waste generated by residential or agricultural uses shall be placed along the roadside or curbside fronting the subject property not more than twelve (12) hours before collection. All reusable storage containers shall be removed from the roadside or curbside by the generator within twelve (12) hours after collection. Residential, agricultural, commercial, institutional and industrial uses required to provide bulk storage containers shall be located on private property in areas accessible to collection vehicles.

Section 3.4: Bulk Rubbish

The Director shall establish the procedures for collecting bulky rubbish from residential units within the county upon request.

Section 3.5: Authority for Collectors to Enter Private Property

Solid waste collectors, employed by the County or a solid waste collection agency operating under contract with the County, are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this ordinance. 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 commercial establishments upon written request of the owner and approval by the Director.

Section 3.6: Collection Frequency

All solid waste, other than bulky waste, shall be collected at least once weekly from 6:00 AM till 4:00 PM. 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 determination by the Director, as necessary for the protection of public health safety and welfare.

Section 3.7: Ownership of Solid Waste

All garbage and refuse placed in authorized storage containers and placed at the point of collection defined in Section 3.3, shall become the property of the County or its duly authorized agent and no person shall be allowed to separate, carry off or dispose of the same without written permission of the Director.

Section 3.8: Collector's Responsibility Defined

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 ordinance. Spillage 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.

Section 3.9: Acceptable Collection Practices

Collection practices which are deemed acceptable by the County are as follows:

- a. Door-to-door household collection. Collection service may be provided by the County or by contract, franchise or permit with the private sector.

Section 3.10: Prohibitions

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

1. Hazardous waste
2. Liquid waste
3. Bulky wastes, major appliances, furniture
4. Tires
5. Construction and demolition wastes
6. Dead animals
7. Any burning or smoldering material or any other material that would create a fire hazard.
8. Batteries

No person may remove any item from a solid waste receptacle, climb on or into a container or receptacle or damage any container.

SECTION 4: TRANSPORTATION OF SOLID WASTE

Section 4.1: 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 suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste, or, as an alternative, 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.

SECTION 5: DISPOSAL OF SOLID WASTE

Section 5.1: Open Burning

Open burning of solid waste, hazardous waste or bulky waste is prohibited.

Section 5.2: Open Dumping

Open dumping of solid waste, including bulky waste, on all lands (i.e., roadsides, hollows, rivers, streams, lakes, etc.) by any person is prohibited by KRS 224.835 and this ordinance.

Section 5.3: Disposal Sites

All solid waste, including bulky waste, shall be disposed of within a sanitary landfill having a valid permit issued by the Cabinet in compliance with KRS 224.830, 224.835, and 224.855 and this ordinance.

Section 5.4: Hazardous Waste

As defined within this ordinance, hazardous waste will require special handling and shall be disposed of only in a manner authorized by state and/or federal regulations.

SHOULD THE COURT ACCEPT, THE FOLLOWING WOULD APPLY:

SECTION 6: PERMITS

Section 6.1: Permit Requirements

No person shall engage in the business of collection, transporting or processing of solid waste within the County without a permit secured from the Director. In the event any one person engages in the collection, transportation and processing of solid waste, or any combination thereof, there shall be required of said person only one permit hereunder.

Section 6.2: Insurance Requirements

No such permit shall be issued until and unless the applicant therefore, in addition to all other requirements set forth, shall file and maintain with the Director evidence of a satisfactory public liability insurance policy including uninsured and underinsured motorists, covering all operations of such applicants pertaining to such business and all vehicles to be operated in the conduct thereof, in the amount of not less than \$1,000,000.00 for each person injured or killed, and in the amount of not less than \$1,000,000.00 in the event of injury or death of two or more persons in any single accident, and in the amount of not less than \$3,000,000.00 for damage to property. Such policy may be written to allow the first \$10,000.00 of liability for damage to property to be deductible. Workmen's Compensation and employee's liability insurance to cover injury or death to any of the employees or workmen in an amount not less than \$1,000,000.00. Should any such policy be cancelled, the Director shall be notified of such cancellation by the insurance carrier in writing not less than ten (10) days prior to the effective date of such cancellation, and provisions to that effect shall be incorporated in such policy, which shall also place upon the company writing such policy the

duty to give such notice.

Section 6.3: Permit Application

Each applicant for any such permit shall state in this application the following:

- a. The nature of the permit desired, as to collect, process or transport solid waste or any combination thereof;
- b. Name and address of the applicant and whether a sole proprietorship, corporation, or partnership with disclosure of the ownership interests;
- c. The number of employees and solid waste collection vehicles to be operated thereunder;
- d. Rates the applicant plans to charge customers;
- e. Location or locations of solid waste processing or disposal facilities to be used;
- f. Service routes and boundaries of collection area; and
- g. Other such information as required by the Director.

Section 6.4: Permit Issuance

If the application shows that the applicant will collect, transport and process solid waste without hazard to the public health or damage to the environment and in conformity with the laws of the State of Kentucky and this ordinance, the Director may issue the permit authorized by the ordinance. The Director shall have the 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 two (2) years, and each applicant shall pay a fee of \$500.00. If modifications can be made to the application regarding service, equipment or mode of operation so as to bring the application within the intent of this ordinance, the Director shall notify the applicant in writing setting forth the modification to be made and the time in which it shall be done.

Section 6.5: Application Denial

If the applicant does not make the modifications pursuant to the notice of Section 6.4 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. Nothing in this section shall prejudice the right of the applicant to reapply after the rejection of his application provided that all aspects of the reapplication comply with the provisions of this ordinance. Nothing in this section shall prevent the denial of a permit should the total number of annual permits have already been issued.

Section 6.6: Annual Fee

The permit may be renewed upon payment of the fee as required herein if the

the business has not been modified, the collection vehicles meet the requirements of Section 4 of this ordinance, and the renewal is approved by the Director. If modifications have been made, the applicant shall reapply for a permit as set forth in Sections 6.3 and 6.4. No permits authorized by this ordinance shall be transferable from company to company or person to person.

SHOULD THE COURT DECIDE TO ADOPT FRANCHISE SYSTEM, THE FOLLOWING WOULD APPLY:

SECTION 7: RULES AND REGULATIONS

The Director shall make, amend, revoke, and enforce reasonable rules and regulations governing, but not limited to:

- a. Preparations, drainage and wrapping of garbage deposited in solid waste containers.
- b. Specifications for solid waste containers, including the type, composition, equipment, size and shape thereof.
- c. Identifications of solid waste containers and of the covers thereof, and of equipment thereto appertaining, if any.
- d. Weight limitations on the combined weight of solid waste containers and the content thereof and weight and size limitation on bundles of solid waste too large for solid waste containers.
- e. Storage of solid waste in solid waste containers.
- f. Sanitation, maintenance and replacement of solid waste containers.
- g. Schedules of and routes for collection and transportation of solid waste.
- h. Collection points of solid waste containers.
- i. Collection, transportation, processing and disposal of solid waste.
- j. Processing facilities and fees for the use thereof.
- k. Disposal facilities and fees for the use thereof.
- l. Records of quantity and type of wastes received at processing and/or disposal facilities.
- m. Handling of special wastes such as sludges, ashes, agriculture, constructions, bulky items, tires, automobiles, oils, greases, etc.
- n. Reporting requirements to permittees.

SECTION 8: PROHIBITED PRACTICES

It shall be unlawful for any person to:

1. Dispose of garbage, refuse, rubbish or debris by dumping same on any premises in the County with or without the consent of the owner of the premises;

2. Dump or permit the dumping of garbage, refuse, rubbish and debris on any property within the County;
3. Deposit solid waste in any solid waste container other than his own, without the written consent of the owner of such container and/or with the intent of avoiding payments of the service charge hereinafter provided for solid waste collections and disposal;
4. Fail to have solid waste collected as provided in this ordinance;
5. Interfere in any manner with solid waste collection and transportation equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the County or those of a solid waste collection agency operating under contract with the County.
6. Burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency;
7. Dispose of dead animals in any container to be collected by the County;
8. Own or operate an open dump;
9. To engage in the feeding of food waste to animals for commercial purposes;
10. Dispose of solid waste at any facility or location which is not approved by the County and permitted by the Kentucky Department for Environmental Protection;
11. Engage in the business of collecting, transporting, processing or disposing of solid waste within the geographic boundaries of the County without a permit, contract or franchise agreement from the County, operate under an expired permit, or operate after a permit has been suspended or revoked or contract or franchise agreement cancelled; and,
12. Violate any section of this ordinance or any other rule or regulation promulgated under the authority of Section 7.

SECTION 9: SERVICE CHARGES

Section 9.1: Fees

The Director may establish service charges or fees for each dwelling unit and each commercial establishment for solid waste collection and disposal as are necessary to meet all costs of operation and maintaining the solid waste management system. All such fees, including subsequent revisions thereof, shall be paid by the resident or owner or record of the property served and shall be paid to the County or its designee at times set by the Fiscal Court.

Section 9.2: Delinquency

All unpaid fees shall become delinquent if payment is not received within 30 days of the notice due and shall result in the termination of all utility services provided by the County until payment is received. Delinquent bills shall bear interest at twelve percent (12%) per annum until paid. The County or its designee

may enforce collection of delinquent bills by bringing proper legal action against the owner or occupant of any dwelling unit or owner of any commercial establishment to recover any sums due plus a reasonable attorney's fee, court costs and any other costs involved such collection action.

Section 9.3: Uncollected Fees

All uncollected fees, after judgment, shall be placed on record in the locality where the property is located, as any other judgment lien, and shall be released when paid.

Section 9.4: Unoccupied Residence and Buildings

The service and service charge shall be terminated upon presentation of satisfactory proof to the Director that any such dwelling unit or establishment is unoccupied and shall be commenced upon renewed occupancy thereof.

SECTION 10: 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 affect or impair the remaining provisions of this ordinance.

This ordinance shall become effective upon July 1, 1994.

PASSED AND APPROVED THIS 23rd day of June, 1994.

Donald R. Mays
Donald R. Mays
Pendleton County Judge/Executive

ATTEST:

Carol W. Ockerman
Carol W. Ockerman
Pendleton County Fiscal Court Clerk

APPROVED AS TO FORM AND LEGALITY:

Jeffery B. Dean
Jeffery B. Dean
Pendleton County Attorney