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ORDINANCE NO. 88-5

AN ORDINANCE REGULATING SOLID WASTE MANAGEMENT

(Storage, Collection, Transportation, Processing and Disposal)

AN ORDINANCE: PERTAINING TO PUBLIC HEALTH, SAFETY, AND WELFARE; REGULATING STORAGE, COLLECTION, TRANSPORTATION, PROCESSING AND DISPOSAL OF SOLID WASTE; PROVIDING FOR COLLECTION AND DISPOSAL OF SOLID WASTE; PROVIDING A PENALTY FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED by the Fiscal Court of the county of Madison, Kentucky, that this ordinance shall be known as the Solid Waste Management Ordinance. The Solid Waste Coordinator shall be responsible for the administrative management of this ordinance and the rules and regulations authorized in Section 7.

SECTION 1. DEFINITIONS

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

APPROVED INCINERATOR - an incinerator which complies with all current regulations of the responsible local, State and Federal air pollution control agencies.

BULKY RUBBISH - non-putrescible solid wastes consisting of combustible and/or non-combustible 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 in solid waste transportation vehicles by solid waste collectors, with the equipment available therefore.

COMPOSTING - collection, storage, and treatment of yard and other organic waste to convert it to soil.

COUNTY - the county of Madison, Kentucky.

DEMOLITION AND CONSTRUCTION WASTE - waste materials from the construction or destruction of residential, industrial or commercial structures.

DISPOSABLE SOLID WASTE CONTAINERS - disposable plastic or paper sacks with a capacity of 20 to 35 gallons specifically designed for storage of solid waste.

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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.

FRANCHISE ARRANGEMENT - authorization by Fiscal Court to collect, transport, and dispose of solid wastes in a described area for a determined fee.

HAZARDOUS WASTE - any waste or combination of wastes which is determined by the Kentucky Cabinet for Natural Resources and Environmental Protection because of its quantity, concentration, or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in serious irreversible, or incapacitating reversible illness, or pose a substantial present or potential threat to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed.

MAILBOX COLLECTION - location of collection service at the roadside where the property access drive meets the road.

MEDICAL WASTE - all infectious material generated by medical clinics, laboratories, hospitals, offices or any other source to be disposed of as prescribed by law.

MULTIPLE HOUSING FACILITY - a housing facility containing more than one dwelling under one roof.

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

OPEN DUMP - any facility or site for the disposal of solid waste which does not meet the criteria for a sanitary landfill and is not a facility for disposal of hazardous waste.

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.

PUTRESCIBLE - susceptible to rapid decomposition by bacteria, fungi, or oxidation sufficient to cause nuisances such as odors, gases, or other offensive conditions.

PROCESSING - incinerating, composting, baling, shredding,

salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

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RECYCLING - separating elements in solid waste for recovery of resources.

SOLID WASTE - any garbage, refuse, sludge and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining (excluding coal mining waste, coal mining by-products, refuse and overburden), 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.

SOLID WASTE CONTAINER - receptacle used by any person to store solid waste during the interval between solid waste collections.

SOLID WASTE COORDINATOR - the director of the Solid Waste Management Program of Madison County and implementor of the

County Solid Waste Plan including educational programs to explain the need for solid waste collection and proper disposal, composting and recycling as well as enforcement of ordinances enacted by the Fiscal Court.

SOLID WASTE DISPOSAL - the process of discarding or getting rid of unwanted material, in particular the final deposition of solid waste by people.

SOLID WASTE MANAGEMENT - the administration of solid waste activities: storage, collection, source separation, composting, transportation, processing, treatment and disposal.

SOURCE SEPARATION - materials separated for recycling or composting at their source.

STORAGE - keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

TRANSPORTATION - the transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.

YARD WASTES - grass clippings, leaves, tree trimmings.

SECTION 2. SOLID WASTE STORAGE

SECTION 2.1: Storage Containers Required.

The occupant or owner of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits of 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 such dwelling unit and/or establishment, and to maintain such solid waste containers at all times in good repair.

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

The occupant or owner of every dwelling unit and of every institutional, commercial, industrial, agricultural or business establishment shall place all solid waste to be collected in proper solid waste containers and keep the area surrounding them in a clean, neat and sanitary condition at all times. Solid waste shall be stored in a manner that will not provide harborage to rodents and vermin and will not create a fire hazard.

SECTION 2.3: Standards for Residential Storage Containers.

Containers shall be leakproof, waterproof, and fitted with a flytight lid and shall be properly covered at all times except when waste is deposited therein or contents removed 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. Galvanized metal containers, or rubber, fiberglass, or plastic containers which do not become brittle in cold weather may be used.

SECTION 2.4: Standards for Commercial Storage Containers.

The containers shall be waterproof, leakproof and shall be covered at all times except when waste is deposited therein or contents are removed thereof; and shall meet all requirements as set forth by 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 to children, any abandoned or unattended icebox, refrigerator or other receptacle that has an airtight door without first removing the door.

SECTION 3. COLLECTION OF SOLID WASTE

SECTION 3.1: Collection Points.

Tree limbs and yard wastes shall be placed at the curb or mailbox for collection if not composted. Solid waste containers as required by this ordinance for the storage of other residential solid waste shall be placed at the curb or mailbox for collection and shall be so placed no earlier than the evening before the day of collection. All reusable containers shall be removed from the curb or mailbox area the day of collection.

SECTION 3.2: Bulky Rubbish.

The Solid Waste Coordinator shall establish the procedures for collecting bulky rubbish from residential units within the County. Bulky rubbish shall be collected at least once monthly.

SECTION 3.3 Authority for Collectors to Enter Private Property.

Solid waste collectors, (or a solid waste collection agency operating under contract with the County), permitted by 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 Solid Waste Coordinator.

SECTION 3.4 Collection Frequency.

The following collection frequencies shall apply to collections of solid waste within the County: all residential solid waste, other than bulky rubbish, shall be collected at least once weekly, or shall be collected at such lesser intervals as may be fixed by the Solid Waste Coordinator or requested by the commercial establishment upon determination that such lesser intervals are possible for the preservation of the health and/or safety of the public. All collections shall be made between 8:00 a.m. and 3:00 p.m.

SECTION 3.5 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 Madison County or its duly authorized agent and no person shall be allowed to separate, carry off or dispose of the same without the written permission of the Solid Waste Coordinator.

SECTION 3.6: Collector's Responsibility Defined.

Solid waste collectors, employed by the County or a solid waste collection agency operating under contract with or permitted by the County, shall be responsible for the collection of solid waste from the designated pickup location to the transportation vehicle provided the solid waste was stored in compliance with the provisions set forth in this ordinance. Any 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 solid waste collector.

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 load 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 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.

#### SECTION 5. DISPOSAL OF SOLID WASTE

##### SECTION 5.1: Disposal in Approved Sites.

Solid wastes shall be deposited at a processing facility or disposal area approved by the County and complying with all requirements of the Kentucky Revised Statutes 224.830, 224.835, 224.855 and the rules and regulations adopted thereunder. The County may designate the processing or disposal facility to be utilized by persons operating under Section 6 of this ordinance.

##### SECTION 5.2: Hazardous Waste Disposal.

Hazardous waste under provisions will require special handling and shall be disposed of only in a manner authorized by State regulations.

#### SECTION 6A. PERMITS

##### SECTION 6.1: Permit Requirements.

No person shall engage in the business of collecting, transporting or processing of solid waste within the corporate limits of the County, without first obtaining an annual permit

therefore from the County Health Department, provided that this provision shall not be deemed to apply to employees of the holder of any permit.

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 Solid Waste Coordinator evidence of a satisfactory public liability insurance policy, covering all vehicles to be operated in the conduct thereof, in accordance with KRS 304.39, the Motor Vehicle Reparations Act. Should any such policy be cancelled, the Solid Waste Coordinator 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 his application therefore, (a) the nature of the permit desired, as to collect, transport, or process of 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) schedule of fees the applicant plans to charge; (e) the precise location or locations of solid waste processing

or disposal facilities to be used; (f) boundaries of the collection area; and (g) number of households served.

SECTION 6.4: Permit Issuance.

If the application shows that the applicant will collect, transport and process solid wastes without hazard to the public health or damage to the environment and in conformity with the laws of the Commonwealth of Kentucky and this ordinance, the Health Department may issue the permit authorized by this ordinance. The Solid Waste Coordinator shall have the authority to limit the number of annual permits issued under this section in order 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 therefore a fee of \$50. 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 Solid Waste Coordinator 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 in 6.4 within the time limit specified therein, or if the application does not clearly show that the collection, transportation, or processing of solid wastes will create no public health hazard or be without harmful effects on the

environment, the application shall be denied and the applicant notified by the Solid Waste Coordinator, 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 annual permit may be renewed upon payment of the fee or fees as designed herein if 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 Solid Waste Coordinator. If modifications have been made, the applicant shall reapply for a permit as set forth in Sections 6.2 and 6.3. No permits authorized by this ordinance shall be transferable from person to person.

SECTION 6.7: Inspections.

In order to insure compliance with the laws of the Commonwealth, this ordinance and the rules and regulations authorized herein, the Solid Waste Coordinator is authorized to inspect all phases of solid waste management within Madison 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 ordinance, the Solid Waste Coordinator shall issue notice for