

**MADISON COUNTY FISCAL COURT
MADISON COUNTY, KY
ORDINANCE 20-10**

**AN ORDINANCE REPEALING ORDINANCES 88-5 AND 91-01 AND ADOPTING NEW
SOLID WASTE REGULATIONS 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.**

WHEREAS; Pursuant to Kentucky Revised Statutes 224 and 109 and related administrative regulations, Madison County, including its cities, has been designated as a solid waste management area, based upon a Solid Waste Management Plan approved by the Energy and Environment Cabinet, hereinafter referred to as “the Cabinet,” of the State of Kentucky; and

WHEREAS; Madison County is acting under powers outline in KRS 67.083(3)(o), which provides the authority for the exclusive management of solid waste by ordinance or contract, KRS 67.083(3), subsections (c) and (r), which provide authority to regulate and manage public sanitation and garbage disposal service, KRS 67.083(3)(h), which gives authority to fiscal courts for conservation, preservation and enhancement of natural resources, and KRS 68.178, which grants counties authority to license off-site waste management facilities.

NOW, THEREFORE, be it ordained by the Madison County Fiscal Court, Kentucky, that this ordinance shall be known as the Solid Waste Management Ordinance. The Madison County Road Department, or any department under Madison County Government designated by the Madison County Fiscal Court, shall be responsible for the administrative management of this ordinance and the promulgation of rules and regulations authorized in Section 8.

SECTION 1: 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 on their tract.

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 control agencies.

Bulky Waste: 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 into solid waste transportation vehicles.

Cabinet: The Energy and Environment 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 other uses.

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 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 non-manufacturing activities, excluding households and industrial solid waste.

Compost: 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 simply 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 Madison, Kentucky.

Demolition and Construction Waste: Materials resulting from the construction or destruction of residential, industrial or commercial structures.

Coordinator~~coordinator~~**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 groundwater.

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 Units: 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 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, 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 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 generations; fertilizer or agricultural chemicals; food and related products or by-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 five 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 five percent (5%) or more of stock of financial interest.

Mandatory Collection: A municipal solid waste collection system which is established by ordinance and approved by the Cabinet and requires participation by each household or solid waste generator in a county.

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 Feral 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 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, who 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 is 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, or 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 have known current use, reuse or recycling potential which can be feasibly used, reused or recycle 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 the received on a daily basis at the processing facility and processed into RDF; but not to exceed 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 of 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 that 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 plan 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 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, 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 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 conditioners 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 by-product 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 multi-county 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 others 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 224.43-340 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, made out of plastic, vinyl or metal, ranging in size from about ten (10) gallons to forty-two (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 by any loading, unloading or storage incidental thereof.

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; also includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it non-hazardous.

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 or Facility: Any place where waste is managed, processed or disposed of by incineration, land filling 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 Wastes: Grass clippings, leaves and tree trimmings.

SECTION 2: STORAGE OF SOLID WASTE

Section 2.1: Storage Containers Required

The occupancy 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. Storage containers for residential solid waste are required if bags of garbage are subject to be torn or damaged by animals or otherwise would create spillage and litter. Storage of waste shall be maintained in a clean, neat and sanitary condition at all times. The Containers and their contents must not weigh more than fifty (50) pounds and be configured with handles for ease of handling by one person. The solid waste hauler will have authority to approve or disapprove of a questionable container or storage frames. Oil drums will be acceptable for storage of bags only and must have drain holes.

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

The occupancy 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 leak proof, water proof, 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 Coordinator.

Section 2.4: 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 400 pounds or 1/2 ton or 400 gallons) of solid waste per week shall be required to provide bulk containers for storage as approved by the Coordinator. The containers shall be water proof, leak proof, and shall be covered at all times except when depositing waste therein or removing contents thereof; and shall meet all requirements as referenced in Section 8.

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 2.7: Storage Containers Not in Compliance

Solid waste containers that do not meet the specifications as outlined in this action may be considered waste and may 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 all solid waste generated in the County, provided, however, the County may provide the collection service by allowing individuals to self-haul their household waste to a staffed Convenience Center or 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.

Section 3.2: Universal Collection

Each household and/or solid waste generator in Madison County shall have access to the solid waste collection/disposal system by subscribing directly through private arrangements, direct haul to a disposal

facility approved under this ordinance or by utilizing publicly-supported collection services operating in the county. The Solid Waste Coordinator shall ensure that such access is available to all solid waste generators in the county.

Section 3.3: Collection Points

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 and stored in disposable containers shall be placed along the roadside or curbside fronting the subject property not more than twelve (12) hours before collection. Residential, commercial, institutional and industrial uses required to provide bulk storage containers shall be located on private property in areas accessible to collection vehicles. In the event that there are residences inaccessible to collection vehicles, as determined by the Coordinator, alternative collection points may be arranged.

Section 3.4: Bulky Items and Heavy Items

Items too bulky or heavy to put in storage containers will be collected upon request and as feasible if arrangements are made with the solid waste hauler provided that the items are of a physical description compatible with conventional collection equipment. Bulky items may be subject to a separate charge because of the special handling and equipment required. Additionally, bulky items may be dropped off by the owner at an approved landfill or Convenience Centers only during those hours established for that purpose by the operator of the disposal facility to ensure disposal methods will be in compliance with appropriate federal, state and local laws and regulations.

Section 3.6: Collection Frequency

All solid waste, other than bulky waste, shall be collected at least once weekly. Residential, 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 Coordinator, as necessary for the protection of public health, safety and welfare. All collection shall be made between 6 a.m. and 6 p.m.

Section 3.7: Ownership of Solid Waste

All waste and refuse placed for collection shall remain the property of the waste generator, whether it be

residential or commercial, until such time as the waste is placed in the collection vehicles. No person shall be allowed to separate, carry off or dispose of waste and refuse placed for collection, and it will be a violation of this ordinance to do so.

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. Spillage not caused by the collector is the responsibility of the waste generator. The waste generator shall collect and locate spillage at a collection point for the next-scheduled pickup.

Section 3.9: 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 materials or any other materials that would create a fire hazard
8. Batteries
9. Any other items designated by the Cabinet not proper for solid waste landfills

No unauthorized 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 commercial 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. 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 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: Open Burning

Open burning of solid waste, hazardous waste, tires or bulky waste is prohibited as defined by KRS 224.005 (3) and KAR 63.005.

Section 5.2: Open Dumping

Open dumping of solid waste, including bulky waste and tires on all lands (i.e., roadsides, hollows, rivers, streams, lakes, etc.) by any person is prohibited by KRS 224.40-100 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 224.40-100, KRS 224.40-305, KRS 224.40-310 and this ordinance.

Section 5.4: Hazardous Waste

As defined within this ordinance, hazardous waste will required special handling and shall be disposed of only in a matter authorized by state and/or federal regulations. No hazardous waste defined as from a “small quantity generator” or radioactive waste defined as “below regulatory concern” shall enter the solid waste stream intended for disposal in the County unless such waste is identified to the Coordinator as to its specific source, composition and quantity.

SECTION 6: FEDERAL AND STATE LICENSE REQUIREMENTS

Section 6.1: Federal and State License Requirements

No one shall engage in business of collecting, disposing, transporting or processing of solid or special waste within the County without a license secured from the Governing Body **prior to applications for registrations or permits issued by the Kentucky Energy and Environment Cabinet.** In the event that any one person engages in the collecting, disposing, transporting or processing of solid waste, or any combination thereof as one operation, only one license shall be required.

Section 6.2: License Application

Each applicant for any such license shall provide the Governing Body with all information as required to provide to the Kentucky Energy and Environment Cabinet, the U.S. Environmental Protection Agency and/or any other state or federal agency to obtain necessary permits for said operation. The following also shall be provided to the Governing Body if not contained in the information provided above.

1. A plan for presenting the proposal to the public, answering public questions or concerns, working with the public or the Governing Body to address any concerns and make modifications in the proposal if necessary to address those concerns and for the providing public access to all pertinent and relevant information and records both prior to and during the operation of the facility.
2. Compliance with any local zoning or land-use ordinances or planning.
3. Details on the exact location of the facility or service, ingress and egress to the site, any site modification required and a transportation plan. The transportation plan shall include information on the volume of traffic to be generated by the facility or service and a statement of the impact of this traffic on the immediate neighborhood, the County's general traffic situation and the condition of the roads.
4. A willingness to abide by any and all orders issued by the Madison County Department of Health.
5. A re-utilization plan for the site after closure of the operation.

6. A plan for keeping the site clean and free of debris and aesthetically acceptable to the citizens of Madison County, to minimize mud, dust and noise and to provide a buffer with neighboring residences or business if necessary.
7. The proposed days and hours of operation.
8. Proof of adequate insurance for general liability purposes.
9. Any and all other information that the Governing Body may deem necessary to determine the consistency of the proposed operation with the goals and objectives of the County Solid Waste Management Plan and to protect the general health and welfare of Madison County and its citizens.

Section 6.3: Incinerators and Landfills

In addition to the above information, all applicants to construct, expand or operate an incinerator or landfill for solid or special wastes shall provide the following.

1. Extensive and detailed information on all owners, investors, partners, operators, managers and other key personnel, including those of companies that will provide services to the license holder such as transportation, engineering or other services key to the operation of the facility, that includes the following: their interest or level of investment or role in the operation; past or current investment or involvement in similar or related businesses or operations; history of environmental violations, fines and citizen complaints related to each individual as well as their past investments or involvements; statement of qualification for key personnel; and financial statements showing the financial stability of the owners and operators and a detailed capital project budget.
2. A statement as to how the operation may affect property values within a one-mile radius of the proposed facility or operation, as well as along all transportation routes.
3. Statement of assurance that the physical and biological environment of Kentucky's blue line streams are not adversely affected.
4. A plan for monitoring surface and ground water quality within the area potentially affected by the facility or operation and for immediate corrective action or cessation of operation upon detection of adverse patterns or impacts upon these water resources
5. Plans to provide resources for and to involve the general public in ongoing and independent inspection and monitoring of the facility or operation.

6. Plans for making waste reduction and recycling an integral part of the operation.
7. Plans for providing resources for the long-term independent monitoring of the facility and site for a period of not less than thirty (30) years after its closure and for setting aside sufficient resources adequate to pay the costs of remedial or cleanup activities from a worst-case scenario.
8. A Community Impact Statement that shall consider all reasonable community and environmental impacts including but not limited to air and water, condition of soils, historical and archaeological, long-term land use of the site and adjacent properties, transportation, economic development and tourism and social impacts.
9. Any and all other information that the Governing Body may deem necessary to determine the consistency of the proposed operation with the goals and objectives of the County Solid Waste Management Plan and to protect the general health and welfare of Madison County and its citizens.

All information provided to the Governing Body under this section shall also be made available for public inspection at a place and during hours that are convenient to the public. All technical information shall be written in such a way that it can be easily understood by the general public.

Section 6.4: License Issuance

The applicant must provide at least three (3) copies of the above information to the Governing Body, along with a \$100 application fee. This fee may be waived for nonprofit organizations or those engaged in recycling activities. At the same time, the applicant must provide adequate public notice that it has submitted an application to the Governing Body, said notice to contain a reasonable summary of the proposed operation or facility and locations and times where the above information can be inspected.

Upon receipt of the application, the Governing Body shall begin a review process that emphasizes public participation. The Governing Body shall provide adequate public notice of the time, place and purpose of meeting(s) at which the application shall be reviewed and shall solicit and encourage public comment on the application. Once the application is received and deemed complete, the Governing Body shall adhere to the following timetable for issuing or denying a license: recycling facilities – 30 days; Convenience Centers for solid waste – 60 days; incinerators, landfills or Convenience Centers for special

wastes – 150 days.

If the Governing Body is able to determine that the applicant can and will construct and/or operate the proposed facility or service without creating a nuisance or hazard to the public health or damage to the environment, in conformity with this and all related ordinances and regulations, state and federal laws, then the Governing Body may issue the license authorized by this ordinance. The license shall be issued for a period of five (5) years providing the license holder submits at least annually an oral or written, if requested, report to the Governing Body on the condition of the operation and any changes or updates in the information required above as part of the license application process.

Section 6.5: License Suspension

If the Madison County Health Department, state or federal agencies or independent inspections determine that the operation poses or is causing significant threat to public health or the environment, the operation shall cease until such situation is corrected. If the operation fails to take corrective action, the Governing Body may revoke its license.

ALTERNATE SECTION 7: LOCAL PERMIT REQUIREMENTS

Section 7.1: Local 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 Solid Waste Coordinator. 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 an annual permit.

Section 7.2: 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 including uninsured and underinsured motorists, covering all operations of such applicant pertaining to such business and all vehicles to be operated in the conduct thereof, in the amount of not less than \$500,000 for each person injured or killed, and in the amount of not less than \$1,000,000 in the event of injury or death of two or more persons in any single accident,

and in the amount of not less than \$1,000,000 for damage to property. Such policy may be written to allow the first ~~\$500,000~~ \$500.00 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 \$500,000. 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 7.3: Permit Application

Each applicant for any such permit shall state in his 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;
- g. and other such information as required by the Coordinator.

Section 7.4: 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 Solid Waste Coordinator may issue the permit authorized by the ordinance. The Solid Waste Coordinator 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 one year, and each applicant shall pay a fee of \$50.00 per vehicle transporting solid waste in Madison County. 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 7.5: Application Denial

If the applicant does not make the modifications pursuant to the notice in 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 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 7.6: Annual Fee

The permit may be renewed upon payment of the fee as required 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 Section 6.3 and 6.4. No permits authorized by this ordinance shall be transferable from company to company or person to person.

Section 7.7: Inspections

In order to insure compliance with the laws of the State of Kentucky, this ordinance, and the rules and regulations authorized herein, the Solid Waste Coordinator 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 occupancy 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 each such violation stating therein the violation or violations found, the corrective measure to be taken, together with the time in which such corrections shall be made.

Section 7.8: Permit Suspension

In all cases, when the corrective measures have not been taken within the time specified, the Solid Waste Coordinator 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.

Section 7.9: Injunctive Relief

In the event a permit is revoked and the person continues to operate, the Solid Waste Coordinator may request the action of a court of law to enjoin the acts and to enforce compliance with this ordinance or any rule or regulation promulgated thereunder.

Section 7.10: Appeal

Any person who feels aggrieved by any notice of violation or order issued pursuant thereto by the Solid Waste Coordinator may within 30 days of the act for which redress is sought appeal directly to the County in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal.

Section 7.11: Permit Display

All motor vehicles operating under any permit required by this ordinance shall display the number or numbers on each side in colors that contrast with that of the vehicle, such numbers to be clearly legible and not less than 4 in. 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.

Section 7.12: Reporting Requirements

A permit holder shall provide annual reports to the county which update the information contained in the permit application and provide other such information as required by the Solid Waste Coordinator

SECTION 8: FRANCHISING

Section 8.1: Franchise Requirement

The Fiscal Court may elect to franchise the collection/transportation of solid waste in the County. In that

case, no person may engage in the business of solid waste collection/transportation unless he holds a franchise issued by the Madison County Fiscal Court authorizing the activity and describing the area for which the franchise is issued.

Section 8.2: Establishment of a Franchise

The County shall determine the area for which a franchise is granted.

Section 8.3: Granting a Franchise

The County shall advertise and seek proposals to serve each franchise area. Application for franchises shall be filed with the Court on forms prescribed by the Solid Waste Coordinator. The board may grant a franchise only upon findings that the applicant will render prompt, efficient and continuing service to the area for which the franchise is granted and that the applicant has sufficient equipment and personnel to render service to all persons generating solid waste within the service area. A franchise shall be granted for a term of four (4) years and may be renewable. No franchise shall be assignable.

Section 8.4: Fee Approval

The Fiscal Court, and/or its designee, shall approve all fees charged by solid waste collectors. Fee schedules may be requested annually.

Section 8.5: Termination of Franchise

A solid waste collector granted a franchise under this ordinance shall give ninety (90) days' written notice to the County before abandoning the franchise. The County may terminate or suspend all or any portion of a franchise for failure to comply with any provision of this ordinance, failure to render prompt and effective service or failure to comply with authorized fee schedules.

SECTION 9: RULES AND REGULATIONS

The Fiscal Court, and/or its designee, shall make, amend, revoke and enforce reasonable rules and regulations governing but not limited to:

1. Preparation, wrapping and drainage of garbage deposited in solid waste containers;

2. Specifications for solid waste containers, including type, composition, equipment, size and shape thereof;
3. Identification of solid waste containers and of the cover there and of equipment thereto appertaining, if any;
4. Weight limitations of the combined weight of solid waste containers and the contents thereof and weight and size limitations on bundles of solid waste too large for solid waste containers;
5. Storage of solid waste in solid waste containers;
6. Sanitation, maintenance and replacement of solid waste containers;
7. Schedules of routes for collection and transportation of solid waste;
8. Collection point for solid waste;
9. Collection, transportation, processing and disposal of solid waste;
10. Processing facilities and fees for the use thereof;
11. Disposal facilities and fees for the use thereof;
12. Records of the quantity and type of wastes received at processing and/or disposal facilities;
13. Handling of special wastes such as sludges, ashes, agricultural waste, construction debris, bulky items, tires, automobiles, greases, oil, etc.

Said rules and regulations, or an accurate summary thereof, shall be published thirty (30) days prior to a hearing date for public comment. After the hearing date and public comment time has elapsed, the regulations so promulgated with any amendments thereto shall be published at least once prior to their enforcement. Copies shall be made available for public inspection in the offices of the County Judge/Executive and the County Court Clerk.

SECTION 10: 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. Own or operate an open dump; dump or permit the open dumping of garbage, refuse, rubbish or debris on any property within the County;

3. Deposit solid waste in any solid waste container other than his/her own without the consent of the owner of such container and/or with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal;
4. Fail to have solid waste collected as provided for 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 this duties as such, whether such equipment or collectors shall be those of the County of those of a solid waste collector operating under contract or franchise with the County;
6. Burn solid waste as defined by KRS 224.005 and KAR 63.005, including the burning of solid waste in any dumpster or container used for solid waste collection;
7. Dispose of dead animals in any container to be collected by the County of its authorized agent;
8. Engage in the feeding of food waste to animals for commercial purposes;
9. Dispose of solid waste at any facility or location which is not approved by the County and permitted by the Kentucky Natural Resources and Environmental Protection Cabinet;
10. 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
11. Violate any section of this ordinance or any other rule or regulation promulgated under the authority of Section 8 and 9.

SECTION 11: PUBLIC NUISANCES AND LITTER CONTROL

Section 11.1: Notification

It shall be the duty of the Solid Waste Coordinator to serve or cause to be served upon the owner or occupant of any premises on which there is kept or maintained any nuisance in violation of the provisions of this ordinance and to demand the abatement of the nuisance within seven (7) days.

Section 11.2: Non-Compliance

If the person so served does not abate the nuisance within seven (7) days, the County may proceed to

abate such nuisance, keeping an account of the expense of the abatement, and such abatement shall be charged and paid by such owner or occupant. Whenever a bill for such charges remains unpaid for thirty (30) days after that has been rendered, the County may file a statement of lien claim against the property.

Section 11.3: Cost Recovery

When the County must clean up and remove an open dump to insure protection of the public health and safety and when the responsible party can be identified, the Solid Waste Coordinator 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 of funds ninety (90) days following completion of the cleanup. Such cost recovery should not apply to property owners who are the victims of illegal dumping without their knowledge or beyond their reasonable control.

Section 11.4: Control of Litter

The County shall regulate litter control in public places, private residences and property and shall prohibit the following types of littering, including but not limited to: throwing of litter from vehicles, removal or sorting from litter receptacles, or throwing near litter receptacles.

Section 11.5: Littering

The removal of any litter or garbage from the collection boxes and thereby causing the same to be placed on the ground around the collection boxes or otherwise depositing litter or garbage on the ground around the collection boxes shall constitute knowingly placing or throwing litter on public or private property and thereby subject the offender to those penalties of Section 13.

SECTION 12: COLLECTION OF SOLID WASTE: CONVENIENCE CENTERS/TRANSFER STATIONS

Section 12.1: Use of Solid Waste Containers and Convenience Centers

A Solid Waste Convenience Center may be maintained for the convenience of County residents. Solid wastes may be deposited in the solid waste receptacles only in accordance with the provisions of this ordinance. All solid waste shall be deposited inside the receptacle. No solid waste may be left at the disposal site outside the receptacle. The County may use the name of persons found on letters, magazines, correspondence, etc., as evidence to determine the responsible party for waste left at the disposal site outside the receptacle. Commercial, industrial and institutional solid wastes may be deposited in solid waste receptacles only with the permission of the Solid Waste Coordinator.

Section 12.2: Bagging and Binding Solid Waste

To the maximum extent possible, solid waste material placed into a container should be bagged or otherwise bound in order to prevent blowing or scattering of such material.

Section 12.3: Standards for Use of Container Site

It shall be unlawful for any person to perform any of the following acts:

1. Intentionally defile, deface, destroy or otherwise vandalize or abuse solid waste containers, container sites or any other equipment or facilities located at the container site.
2. Loiter and/or congregate at any container site.
3. Leave a vehicle unattended on any container site. Any vehicle left so unattended may be towed away at the owner's expense.
4. Set or cause to set any fire in a solid waste container or at a container site.
5. Remove any item from a solid waste container, excepting recyclable materials and unacceptable materials as described in Section 12.8 of this ordinance.
6. Climb on, around or inside any solid waste container.
7. Move a solid waste container from its assigned location.
8. Open bags or other bindings which contain solid waste either inside a container or at a container site.

Section 12.4: Restrictions by Source of Solid Waste

The materials deposited into any Convenience Center shall be limited to customary items of household solid waste which otherwise comply with the provisions of this ordinance and any other applicable regulations. Such containers shall not be utilized by persons engaged in the collection of solid waste for compensation or by persons engaged in the collection of solid wastes from commercial campgrounds, hotels, motels and other forms of short-term living accommodations. In no event, however, shall this restriction be construed to deny the use of such containers to non-permanent residents of the County provided that such persons are otherwise in compliance with the provisions of this ordinance and any other applicable regulations.

Section 12.5: Restrictions by Composition of Solid Waste

The following materials are unacceptable, and it shall be unlawful for any person to place in a solid waste containers located at the Convenience Centers, unless such container is specifically provided for that purpose, any of the following materials:

- Animal waste
- Chemicals
- Concrete, cement, blocks, bricks, lumber or construction or demolition materials
- Dead animals
- Explosives or other volatile substances
- Fire, embers, ashes and other such fire-causing material
- Gasoline, oils or other liquid hydrocarbons
- Herbicides
- Industrial or commercial wastes, except as specifically provided for
- Liquid other than those contained in customary household waste
- Metal wire in large amounts
- Motor vehicles
- Nuclear or radioactive waste
- Pathological waste
- Pesticides
- Poisons

Road construction materials including but not limited to asphalt, gravel. Etc.
Sludge of semi-solid fluids
Tree stumps or logs
Toxic wastes

Section 12.6: Collection Frequency

Any person providing solid waste collection and transportation services shall provide said services at a minimum frequency of at least once per week, with the exception of holidays and natural calamities, to protect the public health.

SECTION 13: ENFORCEMENT AND PENALTIES

Any person violating any provisions of this ordinance, or any lawful rules or regulations promulgated pursuant thereto, shall upon conviction, be punished by a fine of not less than twenty-five dollars nor more than five-hundred dollars (\$500) for each conviction. Each day of violation shall constitute a separate offense. Enforcement by the county may be carried out by any peace officer of the county, the code inspectors, the Solid Waste Coordinator or Coordinator, law enforcement, or Solid Waste Management personnel.

Every County Resident shall be responsible for ensuring that the solid waste generated by their home or business is properly disposed of as set out in Section 5 above. If any garbage, refuse, rubbish, waste, litter, junk, white goods, appliances, furniture, equipment, cans, bottles, paper, lumber, building material, trees, tree limbs, brush or other forms of solid waste can be identified as having last belonged to, been in the possession of, sent to or received by, or has been the property of any person or organization disposed of such solid waste in violation of this ordinance.

SECTION 14: BONDS

Bonds are suggested to ensure the performance of the collectors or transporters of solid waste and the operators or processing or disposal facilities. The amount and types should be determined by the County. Types of bonds which should be considered are performance bonds and payment bonds.

SECTION 15: SAVINGS CLAUSE

Nothing in this ordinance shall be deemed to affect, modify, amend or repeal any provision of any ordinance administered by the Madison County Health Department or other department, board, commission or agency of Madison County.

SECTION 16: 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 and inapplicability shall not affect or impair the remaining provisions of this ordinance.

This ordinance shall become effective on the _____ day of _____, 20__.

DATE OF FIRST READING: 4-14-2020

MOTION BY: Larry Combs

SECONDED BY: John Tudor

VOTE:	YES	NO
Magistrate Larry Combs	<u>X</u>	_____
Magistrate Roger Barger	<u>X</u>	_____
Magistrate John Tudor	<u>X</u>	_____
Magistrate Tom Botkin	<u>X</u>	_____
Judge Reagan Taylor	<u>X</u>	_____

DATE OF SECOND READING: 4-28-2020

MOTION BY: Roger Barger

SECONDED BY:

John Tudor

VOTE:

YES

NO

Magistrate Larry Combs

X

Magistrate Roger Barger

X

Magistrate John Tudor

X

Magistrate Tom Botkin

X

Judge Reagan Taylor

X

R. J. Taylor

Reagan Taylor
Madison County Judge Executive

Attest:

Kenny Barger

Kenny Barger
Madison County Clerk