

TITLE V: PUBLIC WORKS

Chapter

50. SOLID WASTE

51. SANITATION DISTRICT

CHAPTER 50: SOLID WASTE

Section

Solid Waste District

- 50.001 Creation; continuation
- 50.002 Board of Directors
- 50.003 Powers; official solid waste management area
- 50.004 Definitions

Solid Waste Facilities

- 50.015 Duty to notify District of application for modification of permit
- 50.016 Solid waste disposal facility applicant to file certain documents with Board

Solid Waste Management

Article I. General Provisions

- 50.020 Definitions

Article II. Storage of Solid Waste

- 50.025 Storage containers required
- 50.026 Solid waste to be stored in a manner prescribed by ordinance
- 50.027 Standards for residential storage containers
- 50.028 Standards for residential, commercial, institutional and industrial use storage containers
- 50.029 Air tight containers
- 50.030 Yard wastes
- 50.031 Storage containers not in compliance

Article III. Collection of Solid Waste

- 50.040 County responsibility defined
- 50.041 Universal collection
- 50.042 Collection points
- 50.043 Bulky waste
- 50.044 Authority for collectors to enter private property

Rowan County - Public Works

- 50.045 Collection frequency
- 50.046 Ownership of solid waste
- 50.047 Collector's responsibility defined
- 50.048 Acceptable collection practices
- 50.049 Prohibitions

Article IV. Transportation of Solid Waste

- 50.055 Collection vehicle standards

Article V. Disposal of Solid Waste

- 50.060 Open burning
- 50.061 Open dumping
- 50.062 Disposal sites
- 50.063 Hazardous waste
- 50.064 Solid waste coordinator

Article VI. Permits

- 50.070 Permit requirements
- 50.071 Insurance requirements
- 50.072 Permit application
- 50.073 Permit issuance
- 50.074 Effect of franchise; contract on permit
- 50.075 Application denial
- 50.076 Annual fee
- 50.077 Inspections
- 50.078 Permit suspension
- 50.079 Injunctive relief
- 50.080 Appeal
- 50.081 Permit display
- 50.082 Reporting requirements

Article VII. Franchising

- 50.090 Franchise requirement
- 50.091 Establishment of a franchise
- 50.092 Granting a franchise
- 50.093 Bonds

Article VIII. Public Nuisances

- 50.100 Notification
- 50.101 Non-compliance
- 50.102 Cost recovery

Article IX. Convenience Centers

- 50.110 Use of county-provided containers; compactors
 - 50.111 Placement of solid waste materials in containers
 - 50.112 Standards for use of container site
 - 50.113 Restrictions by source of solid waste
 - 50.114 Restrictions by composition of solid waste
-
- 50.999 Penalty

SOLID WASTE DISTRICT

§ 50. 001 CREATION; CONTINUATION.

(A) There is hereby created a Solid Waste District pursuant to KRS 109.041 (13), and KRS 67.083 (3) which shall include the total area within the borders of the county and shall be called "Rowan County Solid Waste District".

(B) Rowan County Solid Waste District shall be a continuing public entity and exist until such time as same is dissolved or terminated by duly enacted ordinance by the County Fiscal Court.
(Ord. passed 4-17-90)

§ 50.002 BOARD OF DIRECTORS.

Rowan County Solid Waste District shall be managed and operated by a Board of Directors to be appointed by the County Judge/Executive and confirmed by the Fiscal Court. Except for the initial appointment to the Board, each Director shall serve for a two-year term; the initial Board shall consist of three directors appointed for one year, and four directors for a full term, whereby approximately one-half of the directors are appointed to a full term every year. Should a duly appointed Director die, resign or refuse to act (fail to attend any two successive regular meetings of the Board) an appointment shall be only for the unexpired term. The Board shall elect a chairperson, secretary and treasurer and shall operate under a budget and uniform accounting system as required by law, including the filing and publishing of annual statements.

(Ord. passed 4-17-90)

§ 50.003 POWERS; OFFICIAL SOLID WASTE MANAGEMENT AREA.

(A) Rowan County Solid Waste District shall have all powers set forth in KRS 109.041, saving and excepting the power to enact and collect license under KRS 68.178 and employing inspectors under KRS 109.042 and all law making powers except through regulations duly passed by the Board of the District, and approved by the County Fiscal Court.

(B) Rowan County Solid Waste District shall be the official solid waste management area for the area within the boundaries of the county if and when it has submitted a solid waste management plan that has been accepted and approved by the Natural Resources and Environmental Protection Cabinet of the Commonwealth of Kentucky, and until such has occurred the County Fiscal Court shall continue to be the official solid waste management agency and its present solid waste management plan shall continue in full force and effect.

(Ord. passed 4-17-90)

§ 50.004 DEFINITIONS.

Definitions as used here shall be the same as those set forth in KRS 109.012 except section 13 thereof shall mean "Waste Management District" meaning any county electing to form under the provisions of KRS 109.041(13) and KRS 67.083(3) and operating in conformance with this subchapter and with Section 4006 of the *Resource Conservation and Recovery Act of 1976* as amended (Pub.L. 94-580).

(Ord. passed 4-17-90)

SOLID WASTE FACILITIES**§ 50.015 DUTY TO NOTIFY DISTRICT OF APPLICATION FOR MODIFICATION OF PERMIT.**

Any applicant for a waste disposal permit of any type and the owner/operator of existing waste disposal facilities shall be required to notify the District (by notice to the County Solid Waste Management District Board) at the time application is made for any modification of the existing permit. Further notice shall be given if the facility seeks to change its service area or to accept any special or industrial wastes. Special or industrial waste shall be defined as set forth in the regulations of the Cabinet for Natural Resources.

(Ord. 90-001, passed 8-21-90)

§ 50.016 SOLID WASTE DISPOSAL FACILITY APPLICANT TO FILE CERTAIN DOCUMENTS WITH BOARD.

Any applicant for a permit to construct or operate a solid waste disposal facility within the boundary of the district shall file a copy of all documents relating to the application with the secretary of the County Solid Waste District Management Board. The documents required to be filed shall be copies of any application and attachments (including any pre-application forms); any maps, surveys or other documents provided to the Commonwealth of Kentucky; any correspondence relating to the application; and any professional or scientific studies done in connection with the application. This section shall be applicable to any steps of the application process taken by any applicant after the adoption of the ordinance.

(Ord. 90-002, passed 8-21-90)

SOLID WASTE MANAGEMENT***Article I. General Provisions*****§ 50.020 DEFINITIONS.**

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

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 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 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.

CERTIFICATE OF NEED. A document issued by the Solid Waste Management Board which demonstrates the need for new or expanded disposal facilities.

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 eliminate future possible leaching and/or contamination problems and 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 designated receptacle, staffed convenience center or transfer facility or disposal site.

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

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

COMPOST. Solid waste which has undergone biological decomposition 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. Rowan County, 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 Judge/Executive of Rowan County or his duly appointed designee.

DISPOSAL. The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water, including ground waters, or the incineration of solid waste.

DISPOSABLE SOLID WASTE CONTAINER. Disposable plastic or paper sacks with a capacity of 10 to 35 gallons.

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 wastes.

GOVERNING BODY. The Rowan Fiscal Court.

HAZARDOUS WASTE. Any waste or combination of wastes which are determined by the Cabinet or county 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.

KEY PERSONNEL. An officer, partner, director, manager or shareholder of 5% or more of stock or financial interest in a corporation, partnership or association or parent, subsidiary or affiliate corporation and its officers, directors, shareholders of 5% or more of 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 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 permitted under this subchapter, in compliance with the county's solid waste plan, and approved by the governing body and Director, 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 solid waste, and contained, residential and other types of landfills.

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 man-made matter, excluding wood-based products, in such manner that the combustion resulting from burning are emitted directly into the outdoor atmosphere without passing through a stack or chimney.

OPEN DUMP. Any facility or site for the disposal of solid waste which does not have a valid permit 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.

RECEPTACLE. A container or compactor where solid waste is allowed to be deposited.

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

RECOVERED MATERIAL PROCESSING FACILITY. A facility engaged solely in the storage, processing, and resale or reuse of recovered material, but does not mean a solid waste management facility if solid waste generated by a recovered material processing facility is less than 10% of the total volume received and the 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 all batteries, vinyls, plastics, rubber-based materials and non-processables such as dirt and gravel prior to processing the balance of the municipal solid waste into the refuse-derived fuel product.

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

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

SANITARY LANDFILL. A facility permitted by the Cabinet and under this subchapter, approved by the governing body and director and in compliance with the solid waste plan for the disposal of solid waste, and 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.

SOLID WASTE. Any garbage, refuse, sludge and other discarded material, including solid, liquid, semi-solid, or gaseous material resulting from residences or, industrial, commercial, mining, agricultural operations, and from community activities, excluding brush, tree limbs, yard waste and clean, separated recyclable materials.

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

SOLID WASTE MANAGEMENT AREA or AREA. The county.

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 otherwise.

SOLID WASTE MANAGEMENT PLAN or PLAN. The document submitted by the waste management district as required under KRS 224.887.

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.

STORAGE. The containment of wastes on a temporary basis in such a manner as not to constitute disposal of such wastes.

TRANSFER. The movement or 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 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. The municipal solid waste collection system established by this subchapter which stipulates and guarantees access for each household or solid waste generator in the county, through public collection services, where available; direct generator hauling to disposal facilities or receptacles, or through private subscription services with permitted commercial haulers.

WASTE MANAGEMENT DISTRICT. The county.

WASTE SITE OR FACILITY. Any place where waste is stored, managed, processed or disposed of by incineration, land filling, or any other method.

YARD WASTES. Grass clippings, leaves, tree trimmings.
(Ord. passed 9-19-00)

*Article II. Storage of Solid Waste***§ 50.025 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.

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.026 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.

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.027 STANDARDS FOR RESIDENTIAL STORAGE CONTAINERS.

Residential solid waste should be stored in storage containers of not less than 10 gallons nor more than 35 gallons in nominal capacity. Storage containers should be fitted with fly-tight lids and shall be properly covered at all times, except when depositing waste therein or removing the contents thereof. The containers should have handles, bails or other suitable lifting devices or features. The weight of any individual storage containers and contents shall not exceed 75 pounds. Galvanized metal containers, or rubber, fiberglass, plastic or vinyl containers may be used. Disposable bags or 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.

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.028 STANDARDS FOR RESIDENTIAL, COMMERCIAL, INSTITUTIONAL AND INDUSTRIAL USE STORAGE CONTAINERS.

All uses which generate more than 500 pounds or 400 gallons of 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 issued by the Director.

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.029 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.

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.030 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.

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.031 STORAGE CONTAINERS NOT IN COMPLIANCE.

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

(Ord. passed 9-19-00)

*Article III. Collection of Solid Waste***§ 50.040 COUNTY RESPONSIBILITY DEFINED.**

The county shall provide for the collection and/or disposal of all residential and commercial solid waste in the county either directly 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.

(Ord. passed 9-19-00)

§ 50.041 UNIVERSAL COLLECTION.

Each household and/or solid waste generator in the county shall have access to the municipal solid waste collection/disposal system by subscribing directly through private arrangements, direct haul to a disposal facility approved under this subchapter or by utilizing those publicly-supported collection services operating in the county. The Director shall ensure that such access is available to all solid waste generators in the county.

(Ord. passed 9-19-00)

§ 50.042 COLLECTION POINTS.

Tree limbs and yard wastes to be collected by a hauler 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 12 hours before collection. All reusable storage containers shall be removed from the roadside or curbside by the generator within 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.

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.043 BULKY WASTE.

The Director shall establish or approve the procedures for collecting bulky waste from residential units with the county. Bulky waste shall be collected periodically as deemed necessary by the Director.

(Ord. passed 9-19-00)

§ 50.044 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 subchapter. 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.

(Ord. passed 9-19-00)

§ 50.045 COLLECTION FREQUENCY.

All solid waste, other than bulky waste, that is to be collected shall be collected at least twice monthly. 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., once weekly or more) upon determination by the Director, as necessary for the protection of public health, safety and welfare.

(Ord. passed 9-19-00)

§ 50.046 OWNERSHIP OF SOLID WASTE.

All garbage and refuse placed in authorized storage containers and placed at the point of collection defined in § 50.042, shall be the property of the county and the generator or the county's duly authorized agent and no person should be allowed to separate, carry off or dispose of the same without written permission of the Director.

(Ord. passed 9-19-00)

§ 50.047 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 subchapter. 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.

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.048 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.

(B) Direct access to a staffed convenience center, disposal facility or transfer facility
(Ord. passed 9-19-00)

§ 50.049 PROHIBITIONS.

The following wastes may not be deposited in solid waste containers or receptacles: hazardous waste; liquid wastes; bulky wastes, major appliances, furniture; tires; construction and demolition wastes; dead or dying animals; any burning or smoldering materials or any other materials that would create a fire hazard; or batteries.

(Ord. passed 9-19-00) Penalty, see § 50.999

*Article IV. Transportation of Solid Waste***§ 50.055 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 have 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.

(Ord. passed 9-19-00) Penalty, see § 50.999

*Article V. Disposal of Solid Waste***§ 50.060 OPEN BURNING.**

Open burning of solid waste (excluding wood-based products), hazardous waste or bulky waste is prohibited.

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.061 OPEN DUMPING.

Open dumping of solid waste, including bulky waste, on all public and private lands (i.e., roadsides, hollows, rivers, streams, lakes, etc.) by any person is prohibited by KRS 224.835 and this subchapter. It shall be unlawful to own or operate an open dump site.

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.062 DISPOSAL SITES.

(A) 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, 224.855, this county's solid waste plan, and this subchapter. The following disposal of certain demolition or construction debris may be deemed to have a one-time permit provided the operation is not in violation of the applicable environmental performance standards of 401 KAR 47:030, this county's solid waste subchapter, and does not present a threat of imminent hazard to human health or substantial environmental impact, and if the following conditions are met:

- (1) The debris is on the property of the person generating the same; and
- (2) A one-time disposal of construction waste material if:
 - (a) Disposal occurs at the point of generation;
 - (b) Disposal occurs only during the period of construction;
 - (c) The waste does not include any materials that contain leachable, hazardous constituents, asbestos, packaging or putrescible waste materials; and/or
- (3) Disposal of demolition waste on property where the demolition occurs during period of demolition except for materials containing asbestos, hazardous, or putrescible waste materials; and
- (4) A permit for same is to be first requested from and issued by the Director, with the prior approval of the governing body.

(B) All disposal sites shall be subject to rules and regulations made by the Director and/or governing body. The siting of disposal facilities shall comply with the solid waste plan and be approved by the governing body
(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.063 HAZARDOUS WASTE.

As defined in § 50.020, hazardous waste will require special handling and shall be disposed of only in a manner authorized by state and/or federal regulations, and disposal sites for same shall only be approved by the governing body after two public hearings.
(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.064 SOLID WASTE COORDINATOR.

The County Judge/Executive may, with the approval of the Fiscal Court, appoint a Solid Waste Coordinator who shall then be responsible for preliminary investigations of illegal dump sites. The Solid Waste Coordinator shall report the results of such investigations to the Fiscal Court, and, if appropriate, to the County Attorney's office.

(Ord. passed 9-19-00)

*Article VI. Permits***§ 50.070 PERMIT REQUIREMENTS.**

(A) No person shall engage in the business of collection, transportation, processing or disposal of solid waste, demolition waste, construction waste, and/or hazardous waste within the county without a secured permit from the Director. Permits shall apply only to the activities engaged in and levels of operation at the time of issuance, with such activities and operational levels cited on the permit. Changes in activity types, levels of activity or expansion of facilities shall require the issuance of a new permit reflecting the change(s).

(B) All disposal sites and transportation practices shall be subject to the rules and regulations made by the Director and/or governing body. The siting of disposal facilities shall comply with the solid waste plan and be approved by the governing body. Such permit(s) shall not be required when the Fiscal Court has, by separate contract or franchise, engaged the services of that person (as defined herein) for the collection, transportation, processing or disposal of such waste.

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.071 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 applicant pertaining to such business and all vehicles to be operated in the conduct thereof, in the amount of not less than \$100,000 for each person injured or killed, and in the amount of not less than \$300,000 in the event of injury or death of two or more persons in any single accident, and in the amount of not less than \$50,000 for damage to property. Such policy may be written to allow the first \$100 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 \$100,000.

Should any such policy be canceled, the Director shall be notified of such cancellation by the insurance carrier in writing not less than ten days prior to the effective date of such cancellation, 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.

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.072 PERMIT APPLICATION.

(A) Each applicant for any such permit shall submit the following:

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

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

(3) Key personnel;

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

(5) Rates the applicant plans to charge customers;

(6) Location or locations of solid waste processing or disposal facilities to be used;

(7) Service routes and boundaries of collection area; and

(8) Other such information as required by the Director.

(B) A certificate of need, issued by the solid waste management board after one public meeting, demonstrating the area's need for a new or expanded disposal facility, shall accompany applications for new or expanded disposal facility permits.

(Ord. passed 9-19-00)

§ 50.073 PERMIT ISSUANCE.

If the application complies with the provisions of § 50.072 and shows that the applicant will collect, transport, dispose of and/or 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, the solid waste plan and this subchapter, the Director may issue the permit authorized by this subchapter after one public hearing. 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 to be determined by the Fiscal Court at time of issuance, and each applicant shall pay a fee to be determined by the Fiscal Court. 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 subchapter and the plan, the Director shall notify the applicant in writing setting forth the modification to be made and the time in which it shall be done.

(Ord. passed 9-19-00; Am. Ord. passed 9-18-01)

§ 50.074 EFFECT OF FRANCHISE; CONTRACT ON PERMIT.

Should the Fiscal Court elect to award a franchise (exclusive or otherwise) for the collection, transportation, disposal, and/or processing of solid waste in the county, said franchise shall, upon its effective date, supersede any existing permits contemplated by Article VI herein, and make such permits null and void insofar as they may conflict with the extent of the services provided for and awarded in the franchise.

(Ord. passed 9-19-00)

§ 50.075 APPLICATION DENIAL.

If the applicant does not make the modifications pursuant to the notice in § 50.073 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 subchapter. Nothing in this section shall prevent the denial of a permit should the total number of permits have already been issued, or a denial based upon an applicant's failure to fully comply with the plan.

(Ord. passed 9-19-00)

§ 50.076 ANNUAL FEE.

The permit may be renewed upon approval of the governing body and payment of the fee as required herein if the business has not been modified, the collection vehicles meet the requirements of § 50.055 of this subchapter, and the renewal is approved by the Director. If modifications have been made, the applicant shall reapply for a permit as set forth in §§ 50.072 and 50.073. No permits authorized by this subchapter shall be transferable from company to company or person to person, and changes in the ownership of a company holding a permit may, at the discretion of the governing board, cause revocation of a permit.

(Ord. passed 9-19-00)

§ 50.077 INSPECTIONS.

In order to ensure compliance with the laws of the State of Kentucky, this subchapter, and the rules and regulations authorized herein, the Director is authorized to inspect all phases of solid waste management within the county, including those located on any property used by a permit holder. 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 subchapter, the Director 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.

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.078 PERMIT SUSPENSION.

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

(Ord. passed 9-19-00)

§ 50.079 INJUNCTIVE RELIEF.

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

(Ord. passed 9-19-00)

§ 50.080 APPEAL.

Any person who feels aggrieved by any notice of violation or order issued pursuant thereto by the Director may within 15 days of the act for which redress is sought appeal directly to the Fiscal Court, in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal.

(Ord. passed 9-19-00)

§ 50.081 PERMIT DISPLAY.

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

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.082 REPORTING REQUIREMENTS.

A permit holder shall provide semi-annual reports to the Director and governing body to update the information contained in the permit application and to provide any other such information required by the Director.

(Ord. passed 9-19-00) Penalty, see § 50.999

Article VII. Franchising**§ 50.090 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 Fiscal Court authorizing the activity and describing the area for which the franchise is issued.

(Ord. passed 9-19-00)

§ 50.091 ESTABLISHMENT OF A FRANCHISE.

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

(Ord. passed 9-19-00)

§ 50.092 GRANTING A FRANCHISE.

The Fiscal Court shall advertise and seek proposals to serve each franchise area. Applications for franchises shall be filed with the Fiscal Court on forms prescribed by the Director. The Fiscal Court may grant a franchise only upon finding 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 not to exceed 20 years. A franchise granted herein shall be assignable, but only to a person (as defined herein) possessing the qualifications set out in this subsection; formal notice of such assignment shall be given by both parties to the Director, by registered mail, within three business days of the transaction.

(Ord. passed 9-19-00)

§ 50.093 BONDS.

Performance and payment bonds shall be required of permit holders operating in the county. The amounts and types shall be determined by the Director with the advice of the governing body, with current schedules available upon request.

(Ord. passed 9-19-00) Penalty, see § 50.999

*Article VIII. Public Nuisances***§ 50.100 NOTIFICATION.**

It shall be the duty of the Director to serve or cause to be served a notification upon the owner or occupant of any premises on which there is kept or maintained any nuisance in violation of the provisions of this subchapter or the rules and regulations applying thereto and to demand the abatement of the nuisance within 1-90 days.

(Ord. passed 9-19-00)

§ 50.101 NON-COMPLIANCE.

If the person so served does not abate the nuisance within the time period specified by the notification, the Director 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 120 days after that has been rendered, the Director may file a statement of lien claim against the property.

(Ord. passed 9-19-00)

§ 50.102 COST RECOVERY.

When the County cleans up or otherwise removes an open dump to ensure protection of the public health and safety and when the responsible party can be identified, the Director may require these persons to reimburse the county for the actual costs incurred, or may require these persons to clean up an open dump site or public roadway to the satisfaction of the Director. 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 Director may seek such reimbursement of funds within 90 days following the completion of the cleanup. Such cost recovery should not apply to property owners who are the victims of illegal dumping of solid waste without their knowledge or beyond their reasonable control.

(Ord. passed 9-19-00)

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*Article IX. Convenience Centers***§ 50.110 USE OF COUNTY-PROVIDED CONTAINERS; COMPACTORS.**

Solid wastes may be deposited in the solid waste receptacles only in accordance with the provisions of this subchapter. All solid wastes shall be deposited inside the receptacle; no solid waste may be left at the disposal site outside the receptacle. The Director 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 Director. It shall be unlawful for any person to deposit solid waste into said containers unless said solid waste is generated on property located within the boundaries of the county.

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.111 PLACEMENT OF SOLID WASTE MATERIALS IN CONTAINERS.

Solid waste material shall be placed directly into a solid waste container. 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.

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.112 STANDARDS FOR USE OF CONTAINER SITE.

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

(A) 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.

(B) Loiter and/or congregate on any container site.

(C) Leave a vehicle unattended on any container site. Any vehicle left so unattended shall be towed away at the owner's expense.

(D) Set or cause to set any fire in solid waste container or at a container site.

(E) Remove any item from a solid waste container, excepting unacceptable materials as described in § 50.114 of this subchapter.

(F) Climb on, around, or inside of any solid waste container.

(G) Move a solid waste container from its assigned location.

(H) Open bags or other bindings which contain solid waste material either inside a container or at a container site.

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.113 RESTRICTIONS BY SOURCE OF SOLID WASTE.

The materials deposited into county provided solid waste containers shall be limited to customary items of household solid waste which otherwise comply with the provisions of this subchapter and any other applicable regulations.

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.114 RESTRICTIONS BY COMPOSITION OF SOLID WASTE.

The following materials are unacceptable and it shall be unlawful for any person to place into a solid waste container or receptacle any of the following items: animal waste, chemicals, concrete, cement, lumber, bricks, blocks or other construction/demolition materials; dead or dying animals, explosive or other volatile substances; fire, embers, ashes and other such fire-causing materials; gasoline, oils or other liquid hydrocarbons; herbicides, industrial or commercial wastes of any type; liquids, other than those contained in customary household solid waste; metal wire in large amounts; motor vehicles; nuclear or radioactive waste; pathological wastes; pesticides, poisons, road construction material (including but not limited to asphalt, gravel, etc.); sludges of semi-solid fluids; stumps, logs, or tree limbs; toxic wastes, all other hazardous wastes. Bulky items such as the following materials shall be deposited only in the open-topped containers; bicycles or tricycles; chairs, sofas, tables, mattresses or other large items of furniture; household appliances, including but not limited to refrigerators, stoves, washers, dryers, water heaters, etc.; motor vehicle parts; tires cut into quarters or smaller, or other bulky materials composed of rubber; all other materials occupying a volume of one cubic yard or greater.

(Ord. passed 9-19-00) Penalty, see § 50.999

§ 50.999 PENALTY.

Any person violating any of the provisions of Articles II through IX of this subchapter or any lawful rules or regulations promulgated pursuant thereto, upon conviction, shall be punished by a fine of not less than \$25 nor more than \$500, provided that each day's violation thereof shall be a separate offense for the purpose hereof. Violators of these sections may be issued a citation by the County Sheriff, other authorized police officer, or other person designated by the Fiscal Court.

(Ord. passed 9-19-00)

CHAPTER 51: SANITATION DISTRICT

Section

- 51.01 Establishment of Sanitation District No. One
- 51.02 Purpose, jurisdiction
- 51.03 Powers

§ 51.01 ESTABLISHMENT OF SANITATION DISTRICT NO. ONE.

In accordance with KRS 67.715(2) and KRS 67.083(3)(c), (h) and (r) the County Fiscal Court grants its approval for the County Judge/Executive to establish a special district and said special district shall be known as Rowan County Sanitation District No. One. The Rowan County Sanitation District No. One, shall be created and formed so that it shall have all powers and duties to reasonably, necessarily and effectively implement the provisions of and carry out the duties prescribed by KRS Chapter 220. The District shall be structured consistent with the provisions of KRS Chapter 220.

(Ord. 860.1, passed 6-19-90)

§ 51.02 PURPOSE, JURISDICTION.

(A) The proposed work of the District is necessary and conducive to the public health, safety, comfort, convenience and welfare. The District is established for the purposes enumerated in KRS 220.030 which includes providing for the collection and disposal of sewage and other liquid wastes produced within the district; and incident to such purposes and to enable their accomplishment, to construct, with all appurtenances thereto, laterals, trunk sewers, intercepting sewers, siphons, pumping stations, treatment and disposal works, to maintain, operate and repair same, and do all other things necessary for the fulfillment of the purposes of KRS 220.010 to 220.520.

(B) The District shall include the county, not to include the City of Morehead or the City of Lakeview Heights, so long as either city continues to operate a sanitation system.

(Ord. 860.1, passed 6-19-90)

§ 51.03 POWERS.

(A) The District shall have the powers stated in KRS Chapter 220, including the power to sue and be sued, contract and be contracted with, incur liabilities and obligations, exercise the right of eminent domain, assess, tax, contract for rentals, issue bonds, and do and perform all acts necessary and proper for the carrying out of the purposes for which the District is created, and for executing the powers with which it is vested as provided in KRS 220.510.

(B) The District shall have the power of condemnation, as provided and described in KRS 220.310; and may provide for a sewer service charge to be imposed and collected, as provided in KRS 220.510. (Ord. 860.1, passed 6-19-90)