

AN ORDINANCE REGULATING SOLID WASTE MANAGEMENT

Crittenden County Fiscal Court Ordinance No. 0-22-007

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

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

NOW, THEREFORE, be it ordained by the Fiscal Court, Crittenden County, Kentucky, that this ordinance shall be known as the Solid Waste Management Ordinance. The Solid Waste Committee shall be responsible for the administrative management of this ordinance and the promulgation of rules and regulations.

SECTION 1: DEFINITIONS

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

1.1: Bulk Waste: Any large item, not an appliance, that does not fit in County provided waste containers.

1.2: Collection: The act of moving solid waste from point of generation to a processing or disposal facility.

1.3: Compost: Waste capable of being decomposed by microorganisms.

1.4: Construction Demolition Debris: Waste building material resulting from construction, remodeling, repair or demolition operations, either residentially or commercially.

1.5: Containers: County-provided wheeled containers especially designed for curbside pickup and mechanical dumping into the appropriate compatible collection vehicle, to include landfill bound waste and recyclables.

1.6: Convenience Center: A facility that is manned during operating hours for the collection and subsequent transportation of municipal solid wastes. (46)

1.7: County: Crittenden County, Kentucky, including the City of Marion. COUNTY will also refer to the appropriate office or employee of the County authorized to act as its agent in handling the pertinent matter of this subchapter.

1.8: Disposal Site: A depository of the processing or final disposal of solid waste, refuse or bulky waste including, but not limited to, landfills, recycling facility or compost site.

1.9: Dwelling Unit: Any room or group of rooms located within a structure, and forming a single habitable unit intended to be used for living, sleeping, cooking and eating. Dwelling units also include rented buildings containing two contiguous single-family dwelling units.

1.10: Hazardous Waste: Any discarded material or material intended to be discarded or substance or combination of such substances intended to be discarded, in any form which 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.

1.11 : Household Hazardous Waste: Household products that contain corrosive, toxic, ignitable or reactive ingredients, including, but not limited to, paints, cleaners, oils, batteries and pesticides, that contain potentially hazardous ingredients and require special care when disposed.

1.12 : Landfill: Disposal facility where waste is buried in a sanitary manner.

1.13 : Franchised Waste Hauler: An individual or company permitted (or franchised) and approved by the County to collect waste.

1.14 : 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.

1.15 : Open Burning: The burning of any matter without a burn chamber approved by the Kentucky Division for Air Quality, or without a stack or chimney with control devices approved by the Kentucky Division for Air Quality.

1.16 : 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.

1.17 : 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.

1.18 : Processing: Recycling, compositing, baling, shredding, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

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

1.20 : 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.

1.21 : Solid Waste: Any garbage, refuse, sludge and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial mining excluding and agriculture 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, post-use polymers or recovered feedstocks, tire derived fuel, special waste as designed by KRS 224.5-0760, 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 as soil conditions, or solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject to permits under the Federal Water Pollution Control Act, or source, or special nuclear, or byproduct material as defined by the Atomic Energy Act as amended. does not include solid or dissolved material in domestic sewage, or solid materials in irrigation return flows or industrial discharge.

(1) 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, but it does not include tire derived fuel.

(2) Commercial Solid Waste: All types of solid waste generated by stores, offices, restaurants, warehouses, and other service and non-manufacturing activities, excluding tire-derived fuel and household and industrial solid waste.

(3) Industrial Solid Waste: Waste generated by industrial processing or manufacturing and specially defined in KRS 224.1-010 (30).

1.22 : Solid Waste Disposal: The processing of discarding or getting rid of unwanted material.

1.23 : 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.

1.24 : Solid Waste Management Area: Any geographical area established or designated by the Cabinet.

1.25 : Transportation: The transportation of solid waste from the place of collection or processing to a solid waste processing facility or a solid waste disposal area.

1.26 : Waste Tires: A tire that is no longer suitable for its original purpose or one deemed by its owner ready for disposal.

1.27 : Yard Waste: Waste consisting of vegetative matter resulting from landscaping, yard maintenance or land clearing debris.

SECTION 2: SOLID WASTE MANAGEMENT COORDINATOR AND SOLID WASTE MANAGEMENT COMMITTEE

The County Judge/Executive may appoint a Solid Waste Management Coordinator, responsible for enforcing and managing the County's solid waste program. The County Judge/Executive shall also head the Solid Waste Management Committee which shall be

comprised of the Solid Waste Coordinator, County Sheriff, County Attorney and at least one County Magistrate.

SECTION 3: SOLID WASTE STORAGE

3.1: The occupant or owner of every (residential, municipal) dwelling unit and of every institutional, commercial, industrial, agricultural or business establishment shall place all solid waste to be collected in proper solid waste containers, except as otherwise provided herein, and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times.

3.2: Solid waste shall be stored in a manner that will not provide harborage to rodents and vermin and will not create a fire hazard.

3.3: These containers shall be provided by a franchised waste hauler in the sole discretion of the County.

SECTION 4: COLLECTION OF SOLID WASTE

4.1: County responsibility defined.

(1) The County will ensure that solid waste collection is available in all areas of the County including within the limits of the City of Marion.

(2) The County may award a collector an exclusive franchise to collect and dispose of household and/or commercial solid waste.

4.2: Personal responsibility defined. It shall be unlawful for any person to dispose, throw, dump or cause to be disposed any garbage, paper, refuse, rubbish, waste, litter, junk, white goods, appliances, furniture, equipment, cans, bottles, lumber, building material, trees, tree limbs, brush or other forms of solid waste anywhere and in any manner as prohibited by law and this ordinance.

SECTION 5: APPROVED DISPOSAL METHODS

The following are the approved methods of disposal of the defined types of waste:

Bulk waste: Disposal at designated County Convenience Center

Commercial solid waste and household solid waste: Disposed of by County franchised waste hauler or by the occupant's direct disposal at convenience center.

Household hazardous waste: Disposed of through a licensed household hazardous disposal contractor.

Recycling: Collected for processing at a materials recovery facility or recycling processor.

Tires: Direct disposal at the Convenience Center, through tire retailers, or other state provided opportunities.

Yard waste: Direct disposal at brush yard, or as regulated by City, County or State codes and/or ordinances.

SECTION 6: PROHIBITED PRACTICES

6.1: Each citizen is responsible to ensure that the waste that he or she generates is disposed of in a manner consistent with this Ordinance.

6.2: The following wastes **may not** be deposited in residential/household solid waste containers:

- (1). Hazardous waste;
- (2). Liquid wastes;
- (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; or

- (8). Batteries.

6.3: The following wastes **may not** be deposited in commercial, institutional and industrial storage containers:

- (1). Hazardous waste;
- (2). Liquid wastes;
- (3). Tires;
- (4). Any burning or smoldering materials or any other materials that would create a fire hazard, or
- (5). Batteries.

6.4: The following are also **prohibited** practices:

- (1). Dispose of any garbage, refuse, rubbish or debris by dumping on any premises in the County with or without the consent of the owner;
- (2). Dump or permit the dumping of garbage, refuse, rubbish and debris on any property within the County limits, except where permitted by the County and State;
- (3). Fail to have solid waste collected in a manner provided by this Ordinance;
- (4). Interfere in any manner with solid waste collection or transportation
Equipment which is operating legally in the County;
- (5). Dispose of solid waste in any facility not approved by the County or the Commonwealth's Department of Environmental Protection;
- (6). Deposit solid waste in a container owned by someone else, unless written permission has been received by the owner to do so;
- (7). Open burning of solid waste hazardous waste or bulk waste; or
- (8). Violate any section of this Ordinance or any lawful rules or regulations promulgated pursuant thereto.

SECTION 7: FRANCHISES

7.1 : No person may engage in the business of solid waste collection and transportation hauling unless he holds a franchise issued by the County authorizing him to collect, transport, and dispose of solid wastes and describing the area for which the franchise is issued. Engaging in the business of collecting, transporting or disposing of solid waste of any type including household or commercial within the County without a franchise shall be unlawful and subject to the penalties in Section 9.

7.2 : The County shall determine the number of franchises to be granted and the type of waste to be collected under each franchise. The County may grant an exclusive franchise. The County shall also determine the franchisee fee to be paid by a franchisee.

7.3 : The County shall advertise and seek bids/proposals for a franchise or franchises. Bids for a franchise shall be timely filed with the Court and contain the specifications prescribed by the Solid Waste Committee. The County 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 may be granted for a term of years and may be renewable. No franchise shall be assignable.

7.4 : 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 8: CONVENIENCE CENTER

The County shall continue to operate a convenience center for the purpose of accepting trash, construction materials, building debris, etc. This will allow residents, contractors, and

commercial businesses access for meeting dumping needs that are not able to be achieved in totes or carts. Franchisee(s) shall provide at least two (2) forty (40) yard open top roll off containers, a two (2) yard compactor with a forty (40) yard container at the convenience center. The compactor with container shall be provided at no charge to the County. In the event the compactor should become inoperable, the County shall be responsible for repairing or replacing the compactor.

SECTION 9: PENALTIES

9.1 : 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 public nuisance in violation of the provisions of this ordinance and to demand the abatement of the nuisance.

9.2 : If the person so served does not abate the nuisance within 30 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 30 days after receipt by the violator, the County may file a statement of lien against the subject real property in the office of the County Clerk.

9.3 : Any person violating any of the provisions of this ordinance or any lawful rules or regulations promulgated pursuant thereto, upon conviction, shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), provided that each day's violation thereof shall be a separate offense for the purpose hereof. Violators of this ordinance may be issued a citation by the County Sheriff or any authorized police officer. This fine is an addition to any cost associated with the cost of clean-up or removal of the nuisance by the County or County contractors.

9.4: 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 County Judge Executive 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 the completion of the cleanup. Such cost recovery should not apply to property owners who are the victim of illegal dumping of solid waste without their knowledge or beyond their reasonable control.

SECTION 10: SEVERABILITY CLAUSE

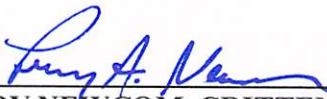
The provisions of this ordinance are severable and if any provisions or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of this ordinance.

SECTION 11 -EFFECTIVE DATE

(1) This Ordinance shall take effect and be in full force immediately upon adoption and all Ordinances or parts of other Ordinances conflicting with this Ordinance are hereby amended and/or repealed, as applicable, as so allowable by applicable law. Any Ordinance or parts thereof not in conflict with the foregoing remain valid and in full force and effect.

UPON MOTION DULY MADE, SECONDED, FIRST READ AND APPROVED on this the 21st day of November, 2022 .

SECOND READING, APPROVED AND ADOPTED on this the 15th day of December, 2022.




**PERRY NEWCOM, CRITTENDEN
COUNTY JUDGE EXECUTIVE**

ATTESTED:



DARYLK. TABOR
COUNTY CLERK

APPROVED AS TO FORM AND LEGALITY:



REBECCA J. JOHNSON
CRITTENDEN COUNTY ATTORNEY

Lodged for record on this 15th
day of dec 20 22
at 3:00 p.m. Recorded in
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