

MCCREARY COUNTY FISCAL COURT  
ORDINANCE NUMBER 830.3  
AS AMENDED 12/05/11

An ordinance relating to the universal collection management of solid waste; providing penalties for non-compliance therefore; prescribing an effective date.

**WHEREAS;** It has been determined by the McCreary County Solid Waste Management District (109 Board) that an ever increasing volume of solid waste is being generated with in the county and the increasing cost of management of the solid waste disposal that is now in effect in McCreary County is becoming a burden on the taxpayers and the Fiscal Court. The McCreary County Solid Waste Board finds it necessary to implement a universal solid waste collection system paid for by service fees to ensure the proper collection and disposal of solid waste in McCreary County.

## SOLID WASTE COLLECTION AND DISPOSAL ORDINANCE

**WHEREAS;** The Fiscal Court created the McCreary County Solid Waste Management District (formerly known as the McCreary County Garage and Refuse Disposal District or 109 Board) by ordinance.

**WHEREAS;** The purpose for creating the McCreary County Solid Waste Management District was to protect the health and welfare of the public and inhabitants of McCreary County by ensuring the effective collection and disposal of all garbage and refuse accumulating within its boundaries; and,

**WHEREAS;** The Fiscal Court deems it necessary for the effective collection and disposal of solid waste that a universal solid waste collection service be provided by the McCreary County Solid Waste Management District and the McCreary County Fiscal Court in accordance with state and federal law.

**NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF MCCREARY COUNTY, COMMONWEALTH OF KENTUCKY,** as follows;

1. The McCreary County Fiscal Court through franchise agreements or contracts shall provide for the collection of all residential and commercial waste in McCreary County by means of a house-to-house collection franchise and/or acceptance at the county's solid waste transfer station.
2. The McCreary County Solid Waste Management District Board of Directors, **under the authority of the McCreary Fiscal court,** shall promulgate all necessary regulations to ensure an effective, financially sound universal solid waste collection system and provide for the safety, healthy and efficient management of solid waste in McCreary County in accordance with state and federal law.
3. The McCreary County Solid Waste Management District, **and/or McCreary Fiscal Court,** shall have the authority to promulgate any and all reasonable regulations necessary for the implementation, administration or operation of this ordinance. Whenever the Solid Waste Management District, **and/or McCreary Fiscal Court,** desires to promulgate a regulation, a copy of said regulation shall be in written form. A notice of the proposed regulation shall be published in the newspaper for not less than once per week for two (2) consecutive weeks after approval by the Solid Waste Board. The proposed regulation shall be placed on file with the McCreary County Court Clerk for at least two consecutive weeks following the first publication of the notice of proposed regulations. At the end of the two week period, a public hearing shall be conducted by the Solid Waste

Board in accordance with the date, time and place specified in the notice published in the newspaper. After completion of said public hearing, the proposed regulation shall become binding and effective two (2) subsequent to the date of said public hearing. Minor changes may be made to the regulations after adoption of the regulations. The Solid Waste Board shall publish notice of minor changes once in the newspaper. Promulgation of major changes shall follow the procedure prescribed herein.

4. Initially, each household in McCreary County shall be given ninety days from the date of passage of this ordinance to choose the method by which the household wishes to have its solid waste collection; either by means of house-to-house collection or delivery and acceptance at the county's manned transfer station.

5. No individual or business entity shall collect or dispose of solid waste except with the approval of the McCreary County Solid Waste Management District and the McCreary County Fiscal Court. Individuals and business entities are prohibited from burying or otherwise disposing of solid waste on their own property without proper permits from the Commonwealth of Kentucky and the approval of the McCreary County Solid Waste Management District.

6. The fees charged for the collection services shall be regulated by the McCreary County Fiscal Court and be set as follows:

***Residential Collection*** (Rates all inclusive)

Single family hand pickup - \$15 per month

Single family annual rate - \$165

Senior/homestead rate - \$14

Multi family 6 units or less - \$15 per month

Multi family over 6 units — Refer to commercial rates

***Disposal at Transfer Station*** (Rates all inclusive)

Price per bag \$1 - (Any person on or off service)

Bulk disposal lightweight loose material - \$13

Bulk disposal heavy material - \$25

***Commercial Rates*** (Rates all inclusive and include rental fees)

Small business hand pickup - \$15 per month

Dumpster collection rates based on - \$4.50 per yard and the following rate schedule:

**1x week collection**

3 yd - \$58.50 per month

4 yd - \$78 per month

6 yd - \$117 per month

8 yd - \$156 per month

**2x week collection**

3 - \$117 per month

4 - \$156 per month

6 - \$234 per month

8 - \$312 per month

**3x week collection**

3 - \$175.50 per month

4 - \$234 per month

6 - \$351 per month

8 - \$468 per month

**4x week collection**

3 - \$234 per month

4 - \$312 per month

6 - \$468 per month

8 - \$624 per month

**Rolloff Dumpster Rates**

Dumpster delivery fee - \$50

20 yard box haul and disposal (5 ton limit) - \$240

30 yard box haul and disposal (5 ton limit) - \$360

40 yard box haul and disposal (5 ton limit) - \$480

Tonnage overcharge - \$50

*All rates are guaranteed for five years and shall be reflected as such in any agreement set forth for disposal between county and solid waste franchise. Any rates for disposal not reflected in the above schedule is subject to negotiation between the county and solid waste franchise and shall be stipulated through contractual agreement.*

**7. PENALTIES:** For failure to properly dispose of solid waste in a manner set forth by the regulations of the McCreary County Solid Waste Management District, a resident of commercial establishment may be fined Ten Dollars (\$10.00) per day up to Three Hundred Dollars (\$300.00) and shall be liable for all accumulated fees.

**8.** Any person or entity violating this ordinance shall be issued summons delivered by mail or served by the McCreary County Sheriff or other law enforcement agencies directing the violators to appear in the McCreary County District Court.

**9.** The McCreary County and all other law enforcement officers shall enforce this ordinance to the fullest extent permitted by law.

**10.** According to K.R.S. 512.070, littering is punishable with a fine up to \$500.00 and one year in jail.

**11.** The effective date of this ordinance shall be the date of publication in the McCreary County Voice, Whitley City, Kentucky, immediately following final passage.


**12.** This ordinance shall be published in the McCreary County Voice, Whitley City, Kentucky, consistent with the following schedule: **(a)** The edition immediately following first reading and subsequent passage by Fiscal Court. **(b)** The edition immediately following second reading and final passage by the Fiscal Court.

**13.** Any ordinance governing solid waste within McCreary County existing prior to the effective date of this ordinance which are in conflict with this ordinance shall be repealed effective upon date in which this ordinance becomes operative.

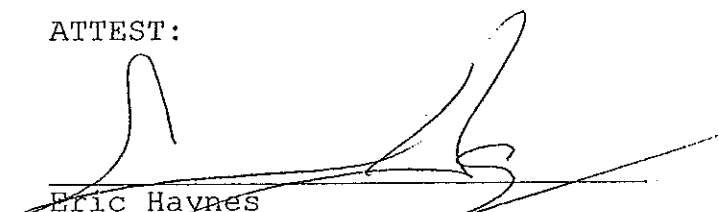
**14.** Nothing in this ordinance shall be deemed to affect, modify, amend or repeal any provision of any ordinance administered by the County Health Department, or other department board, commission, or agency of McCreary County.

**15.** 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.

Introduced on a motion by Roger Phillips seconded by  
Jason Mann with first and second readings coinciding due to  
declaration of an emergency order and finally adopted through a  
majority vote of the McCreary County Fiscal Court in a duly  
assembled special session on the 5<sup>th</sup> day of December, 2011.

  
Douglas E. Stephens  
McCreary County Judge Executive

ATTEST:

  
Eric Haynes  
McCreary County Court Clerk