

**MCCREARY COUNTY FISCAL COURT
ORDINANCE NUMBER 830.6**

AN ORDINANCE REGULATING SOLID WASTE MANAGEMENT

An ordinance relating to the collection and management of solid waste; providing penalties for non-compliance thereof; prescribing an effective date and repealing all Ordinances in conflict herewith.

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 within 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 solid waste collection system paid for by service fees applicable to all residents, businesses, and industries 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; and,

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 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. COLLECTION OF SOLID WASTE

- a. The **McCreary County Fiscal Court** through exclusive **franchise agreements** and 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 solid waste transfer station.
- b. **Solid waste collectors** (franchisee) shall be responsible for preventing any **leakage or spillage** of solid waste during the collection and transportation process. Collectors shall be responsible for all other provisions of this ordinance as they apply to the collection and transportation of solid waste.
- c. It shall be the **responsibility of any individual, partnership, corporation, association, trust, estate, or organization** of any kind to ensure that the provisions of this ordinance are met. There will be no exceptions to required proper disposal of solid waste. At **rental properties**, property owners are responsible for ensuring garbage service **for each rental unit** through the best

collection method available to those units (hand pickup for each unit or dumpsters for multiple units).

2. **SOLID WASTE STORAGE.** The occupant or owner of every dwelling unit and of every institutional, commercial, industrial, agricultural, or business establishment shall ensure that all solid waste be **maintained in adequate conditions** at all times in a manner that will not provide harborage to rodents and vermin and will **not create a fire and/or health hazard**. During curbside pickup dates, efforts shall be made to **prevent scattering of trash by animals**. In addition, at sites with multiple **bear issues**, coordination should be made between the garbage producer and the garbage collector to provide means to discourage and prevent access by bears.

3. **TRANSPORTATION OF SOLID WASTE.** All solid waste collection vehicles shall be licensed in the state of Kentucky and shall operate in compliance with applicable state, federal, and local regulations. All vehicles shall be kept in proper repair and sanitary conditions.

4. **DISPOSAL OF SOLID WASTE.**

a. All solid waste of any origin shall be disposed of in **sites approved and permitted by appropriate state agencies**.

b. **Hazardous waste** will require special handling and shall be disposed of only in a manner authorized by state regulations.

5. **PROHIBITED PRACTICES**

It shall be unlawful for any person to:

a. Dispose of any garbage, refuse, rubbish or debris by **dumping** on any premise in the county with or without consent of the owner. Exceptions would apply to only types of material allowable and permitted by state regulations.

b. **Fail to have solid waste collected** in a manner provided for in this ordinance

- c. Dispose of any **dead animals** in containers to be collected by the county or its agent, or in any dumpster.
- d. **Interfere in any manner with solid waste collection** or transportation equipment which is operating legally in the county.
- e. **Burn solid waste** except in an approved incinerator or unless a variance has been granted by the appropriate air pollution control agency.
- f. **Dispose of any solid waste in a manner not approved by the County or the Kentucky Department of Environmental Protection.**
- g. Deposit solid waste in a **container owned by someone else**, unless written permission has been received by the owner to do so.
- h. **Violate any section of this ordinance** or any lawful rules or regulations promulgated thereto.

6. ADDITIONAL PROVISIONS

- a. No individual or business entity shall **collect or dispose** of solid waste without the approval of the McCreary County Solid Waste Management District and the McCreary County Fiscal Court.
- b. **Business owners** can prove primary ownership of business with appropriate disposal method in place and negate their (not employees of that business) **household pickup** with proof of garbage pickup at place of business.
- c. 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.

7. PENALTIES AND ENFORCEMENT

- a. 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 or commercial establishment may be **fined** a minimum of Ten Dollars (\$10.00) per day up to Five Hundred Dollars (\$500.00) for each conviction and shall be liable for all accumulated fees.
- b. The McCreary County Fiscal Court may choose to employ a **code enforcement officer** to enforce this and other county ordinances.
- c. The McCreary County Code Enforcement Officer or Director of Solid Waste Management or Emergency Management Director and all other law enforcement officers or persons authorized by the McCreary County Fiscal Court shall **enforce this ordinance** to the fullest extent permitted by law.
- d. According to K.R.S. 512.070, **littering** is punishable with a fine up to \$500.00 and one year in jail.

8. SEVERABILITY CLAUSE

- a. 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.
- b. 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.

The effective date of this ordinance shall be **January 1, 2018** or upon termination of current contract.

Introduced for first reading on a motion made by

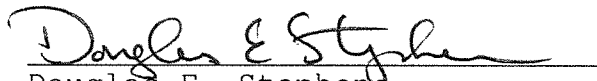
Jason Mann, seconded by Roger Phillips

and passed by a majority vote of the McCreary County Fiscal Court in a duly assembled session on the 10th day of August, 2017 and finally adopted, after due


advertisement and upon on a motion made by

Jason Mann, seconded by Leroy Perry and

passed by a majority vote of the McCreary County Fiscal Court in a duly assembled session on the 24th day of August, 2017.


Douglas E. Stephens
McCreary County Judge/Executive

ATTEST:

 8-28-17

Andrew D. Powell
McCreary County Fiscal Court Clerk