

TITLE V: PUBLIC WORKS

Chapter

50. SOLID WASTE

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CHAPTER 50: SOLID WASTE

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GENERAL PROVISIONS

§ 50.01 DEFINITIONS.

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

APPROVED INCINERATOR. An incinerator which complies with all current regulation of the responsible local, state, and federal air pollution control agencies.

BULKY RUBBISH. 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 in solid waste transportation vehicles by solid waste collectors, with the equipment available therefor.

COUNTY. The unincorporated area of Gallatin County, Kentucky.

COLLECTION. Removal of solid waste from the designated pickup location to the transportation vehicle.

DEMOLITION AND CONSTRUCTION WASTE. Waste materials 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 County Judge/Executive or his designate.

DISPOSABLE SOLID WASTE CONTAINER. Disposable plastic or paper sacks with a capacity of 20 to 35 gallons specifically designed for storage of solid waste.

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.

HAZARDOUS WASTE. Any waste or combination of wastes which is determined by the Kentucky Department for Environmental Protection, 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 threat to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed.

MULTIPLE HOUSING FACILITY. A housing facility containing more than one dwelling unit under one roof.

OCCUPANT. Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or of any other improved real property, either as owner or as a tenant.

PERSON. Any individual, partnership, corporation, association, joint stock company, trust, estate, political subdivision, or organization of any kind, or their legal representative, agent or assigns.

PROCESSING. Incinerating, composting, baling, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

SOLID WASTE. Any garbage, refuse, sludge and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining (excluding coal mining waste, coal mining by-products, refuse and overburden), and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges.

(1) **COMMERCIAL SOLID WASTE.** Solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment.

(2) **RESIDENTIAL SOLID WASTE.** Solid waste resulting from the maintenance and operation of dwelling units.

SOLID WASTE CONTAINER. Receptacle used by any person to store solid waste during the interval between solid waste collections.

SOLID WASTE DISPOSAL. The process of discarding or getting rid of unwanted material. In particular the final deposition of solid waste by man.

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SOLID WASTE MANAGEMENT. The administration of solid waste activities: storage, collection, source separation, transportation, processing, treatment and disposal.

STORAGE. Keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

TRANSPORTATION. The transporting of solid waste from the place of collection or processing to a solid waste processing facility or solid waste disposal area.

YARD WASTES. Grass clippings, leaves, tree trimmings.
(Ord. 5-10-90, passed 6-14-90)

§ 50.02 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 be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured wherever 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.

(Ord. 5-10-90, passed 6-14-90) Penalty, see § 50.99

§ 50.03 RULES AND REGULATIONS.

(A) The Director may make, amend, revoke, and enforce reasonable rules and regulations, governing, but not limited to:

- (1) Preparation, drainage and wrapping of garbage deposited in solid waste containers.
- (2) Specifications for solid waste containers, including the type, composition, equipment, size and shape thereof.
- (3) Identification of solid waste containers and of the covers thereof, and of equipment thereto appertaining, if any.
- (4) Weight limitations on 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 and routes for collection and transportation of solid waste.
- (8) Collection points of solid waste containers.
- (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 quantity and type of wastes received at processing and/or disposal facilities.
- (13) Handling of special wastes such as sludges, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, and the like.

(B) A copy of any and all rules and regulations made and promulgated under the provisions hereof shall be filed in the office of the County Court Clerk.
(Ord. 5-10-90, passed 6-14-90)

§ 50.04 PROHIBITED PRACTICES.

It shall be unlawful for any person to:

- (A) 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;
- (B) Dump or permit the dumping of garbage, refuse, rubbish, and debris on any property within the county limits;
- (C) Deposit solid waste in any solid waste container other than his own, without the written 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;
- (D) Fail to have solid waste collected as provided in this chapter;
- (E) Interfere in any manner with solid waste collection and transportation equipment, or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the county, or those of a solid waste collection agency operating under contract with the county;
- (F) Burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency;
- (G) Dispose of dead animals in any container to be collected by the county;

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(H) Own or operate a dump;

(I) Engage in the feeding of food waste to animals for commercial purposes;

(J) Dispose of solid waste at any facility or location which is not approved by the county and the Kentucky Department for Environment Protection;

(K) Engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the county without a permit from the county, or operate under an expired permit, or operate after a permit has been suspended or revoked;

(L) Violate any section of this chapter or any other rule or regulation promulgated under the authority of § 50.03.

(Ord. 5-10-90, passed 6-14-90) Penalty, see § 50.99

§ 50.05 PUBLIC NUISANCES.

(A) *Notification.* It shall be the duty of the Director 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 chapter and to demand the abatement of the nuisance within 20 days.

(B) *Non-compliance.* If the person so served does not abate the nuisance within 20 days, the county may proceed to abate such nuisance, keeping an account of the expense of 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 that has been rendered, the county may file a statement of lien claim against the property.

(Ord. 5-10-90, passed 6-14-90)

§ 50.06 ACCESS TO SOLID WASTE COLLECTION.

(A) It shall be the policy and duty of the Gallatin County Fiscal Court to ensure that each household or solid waste generator within Gallatin County, Kentucky, shall have access to lawful collection and disposal of solid waste by means of door-to-door collection by collector and hauler or contractor, or staffed convenience center or transfer station, and/or other alternative means.

(B) The Fiscal Court may, in its discretion, operate a universal solid waste collection system.
(Ord. 5-20-92, passed 6-13-91)

§ 50.07 OCCUPATIONAL LICENSE FEE ON OFF-SITE SOLID WASTE MANAGEMENT FACILITIES.

There is hereby imposed a license fee on any off-site waste management facilities located within the county, said license fee to be set at 2% per annum of the gross receipts of such a waste

management facility owned or operated by self-employed individuals, partnerships, or corporations. The term **OFF-SITE WASTE MANAGEMENT FACILITY** means an off-site waste management facility as defined in KRS 68.178(1), and includes container reconditioning facilities. The fee shall be paid on or before July 1 of each year. The license holder shall permit access on request to the Fiscal Court or an authorized agent of Fiscal Court to permit inspection of financial records and verification of reported receipts.
(Ord. passed 7-11-91)

§ 50.08 ADDITIONAL PROHIBITED ACTIVITIES.

(A) The terms **SOLID WASTE, HAZARDOUS WASTE, TOXIC WASTE, DOMESTIC WASTE,** and **COMMERCIAL WASTE** shall be defined for the purposes of this section as defined in the Kentucky Revised Statutes.

(B) It shall be unlawful to transport into the county, for the purpose of transferring, distributing, loading, or off-loading any waste, garbage or discarded items, whether solid waste, domestic waste, commercial waste, industrial waste, hazardous waste, toxic waste or other waste, unless said waste is transported into the county for the purpose of disposal, incineration or recycling at a site in the county that has been approved and licensed for said purpose by the Kentucky Cabinet of Natural Resources and Environmental Protection or other state agency or county agency whose authorization is necessary in order to lawfully operate such a site or facility.

(C) It shall be unlawful to transfer, off-load, unload or distribute any waste, garbage, discarded items, whether solid waste, domestic waste, commercial waste, industrial waste, hazardous waste, toxic waste or other waste, in the county, from any type of motor carrier, highway carrier, railroad carrier or other transportation carrier of any type, unless said waste is transferred, off-loaded or distributed for the purpose of disposal, incineration or recycling at a site in the county that has been approved and licensed for said purpose by the Kentucky Cabinet of Natural Resources and Environmental Protection or other state agency or county agency whose authorization is necessary in order to lawfully operate such a site or facility.

(D) It shall be unlawful to incinerate, dispose of or recycle any waste, whether solid waste, domestic waste, commercial waste, industrial waste, hazardous waste, toxic waste or any other waste in the county, other than at a site that has been approved and licensed for said purpose by the Kentucky Cabinet of Natural Resources and Environmental Protection or other state agency or county agency whose authorization is necessary in order to lawfully operate such a site and facility.

(E) It shall be unlawful to generate, dispose of, treat, process, store or collect within the county any hazardous or toxic waste other than as specifically allowed by permit or license of the Kentucky Cabinet of Natural Resources and Environmental Protection or other applicable state or federal agency and by all applicable state or federal laws, rules and regulations. Violation of state or federal law, regulation or rule shall be prima facie evidence of violation of this section.
(Ord. S209-1, passed - -91) Penalty, see § 50.99

§ 50.09 BURNING RUBBISH OR TRASH.

Open burning of solid waste, hazardous waste, and bulky waste is prohibited, except as otherwise permitted by the Director in compliance with Kentucky Administrative Regulation 401 KAR 63:005. Penalty, see § 50.99

SOLID WASTE STORAGE**§ 50.20 STORAGE CONTAINERS REQUIRED.**

The occupant or owner of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits of the county, shall provide sufficient and adequate containers for the storage of all solid waste except bulky rubbish and demolition and construction waste to serve each such dwelling unit and/or establishment; and to maintain such solid waste containers at all times in good repair.
(Ord. 5-10-90, passed 6-14-90) Penalty, see § 50.99

§ 50.21 SOLID WASTE TO BE STORED IN A MANNER PRESCRIBED BY ORDINANCE.

The occupant or owner of every 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. Solid waste shall be stored in a manner that will not provide harborage to rodents and vermin and will not create a fire hazard.
(Ord. 5-10-90, passed 6-14-90) Penalty, see § 50.99

§ 50.22 STANDARDS FOR RESIDENTIAL STORAGE CONTAINERS.

Residential solid waste shall be stored in containers of not more than 35 gallons nor less than ten gallons in nominal capacity. Containers shall be leakproof, waterproof, 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 container and contents shall not exceed 75 pounds. Galvanized metal containers, or rubber, fiberglass, or plastic containers which do not become brittle in cold weather, may be used. Disposable solid waste containers with suitable frames or containers as approved by the Director may also be used for storage of residential solid waste.
(Ord. 5-10-90, passed 6-14-90) Penalty, see § 50.99

§ 50.23 STANDARDS FOR COMMERCIAL STORAGE CONTAINERS.

Commercial solid waste shall be stored in solid waste containers as approved by the Director. The containers shall be waterproof, leakproof and shall be covered at all times except when depositing waste therein or removing the contents thereof; and shall meet all requirements as set forth by § 50.03. (Ord. 5-10-90, passed 6-14-90) Penalty, see § 50.99

§ 50.24 YARD WASTES.

Tree limbs less than four inches 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. 5-10-90, passed 6-14-90) Penalty, see § 50.99

§ 50.25 AIRTIGHT CONTAINERS.

No owner, occupant, tenant or lessee of any building or dwelling may leave outside the dwelling or building, in a place accessible to children, any abandoned or unattended icebox, refrigerator or other receptacle that has an airtight door without first removing the door. (Ord. 5-10-90, passed 6-14-90) Penalty, see § 50.99

§ 50.26 STORAGE CONTAINERS NOT IN COMPLIANCE.

Solid waste containers which do not meet the specifications as outlined in this subchapter shall be considered waste and may be collected together with their contents and disposed of. (Ord. 5-10-90, passed 6-14-90)

DISPOSAL OF SOLID WASTE**§ 50.35 DISPOSAL IN APPROVED SITES.**

Solid wastes shall be deposited at a processing facility or disposal area approved by the county and complying with all requirements of KRS 224.43-010, 224.40-100 and 224.40-310 and the rules and regulations adopted thereunder. The county may designate the processing or disposal facility to be utilized by persons operating under §§ 50.45 et seq. of this chapter. (Ord. 5-10-90, passed 6-14-90) Penalty, see § 50.99

§ 50.36 HAZARDOUS WASTE DISPOSAL.

Hazardous wastes under provisions will require special handling and shall be disposed of only in a manner authorized by state regulations.

(Ord. 5-10-90, passed 6-14-90) Penalty, see § 50.99

PERMITS**§ 50.45 PERMIT REQUIREMENTS.**

No person shall engage in the business of collecting, transporting or processing of solid waste within the corporate limits of the county, without first obtaining an annual permit therefor from the county; provided, that this provision shall not be deemed to apply to employees of the holder of any such permit.

(Ord. 5-10-90, passed 6-14-90) Penalty, see § 50.99

§ 50.46 INSURANCE REQUIREMENTS.

No such permit shall be issued until and unless the applicant therefor, in addition to all other requirements set forth, shall file and maintain with the Director evidence of a satisfactory public liability insurance policy, 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 \$200,000 for each person injured or killed, and in the amount of not less than \$600,000 in the event of injury or death of two or more persons in any single accident, and in the amount of not less than \$100,000 for damage to property. Such policy may be written to allow the first \$5,000 of liability for damage to property to be deductible. Should any policy be cancelled, 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. 5-10-90, passed 6-14-90)

§ 50.47 PERMIT APPLICATION.

Each applicant for any such permit shall state in his application therefor:

(A) The nature of the permit desired, as to collect, transport, or process of 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) Schedule of fees the applicant plans to charge;
 - (E) The precise location or locations of solid waste processing or disposal facilities to be used;
 - (F) Boundaries of the collection area; and
 - (G) Such other information as required by the Director.
- (Ord. 5-10-90, passed 6-14-90)

§ 50.48 PERMIT ISSUANCE.

If the application shows that the applicant will collect, transport and process of solid wastes without hazard to the public health or damage to the environment and in conformity with the laws of the Commonwealth of Kentucky and this chapter, the Director may issue the permit authorized by this chapter. The Director shall have the authority to limit the number of annual permits issued under this section in order 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 therefor a fee of \$100. 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 chapter, 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. 5-10-90, passed 6-14-90)

§ 50.49 APPLICATION DENIAL.

If the applicant does not make the modifications pursuant to the notice in § 50.48 within the time limit specified therein, or if the application does not clearly show that the collection, transportation, or processing of solid wastes will create no 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 rejections of his application provided that all aspects of the reapplication comply with the provisions of this chapter. Nothing in this section shall prevent the denial of a permit should the total number of annual permits have already been issued.

(Ord. 5-10-90, passed 6-14-90)

§ 50.50 ANNUAL FEE.

The annual permit may be renewed upon payment of the fee or fees as designed herein if the business has not been modified, the collection vehicles meet the requirements of §§ 50.35 et seq. of this chapter, and the renewal is approved by the Director. If modifications have been made, the

applicant shall reapply for a permit as set forth in §§ 50.46 and 50.47. No permits authorized by this chapter shall be transferrable from person to person.

(Ord. 5-10-90, passed 6-14-90)

§ 50.51 INSPECTIONS.

In order to insure compliance with the laws of the Commonwealth, this chapter and the rules and regulations authorized herein, the Director is authorized to inspect all phases of solid waste management within the County of Gallatin. 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 chapter, the Director shall issue notice for each such violation stating therein the violation or violations found, the time and date and the corrective measure to be taken, together with the time in which such corrections shall be made.

(Ord. 5-10-90, passed 6-14-90)

§ 50.52 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. 5-10-90, passed 6-14-90)

§ 50.53 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 chapter or any rule or regulation promulgated thereunder. In any such action, the court may grant to the county such prohibitory or mandatory injunctive relief as the facts may warrant.

(Ord. 5-10-90, passed 6-14-90)

LICENSING AND REGULATION OF RECOVERED WASTE MANAGEMENT FACILITIES AND SITES

§ 50.65 POLICY AND INTENTION.

It shall be the policy and intention of Gallatin County to require all recovered waste management facilities and sites, whether owned or operated by individuals, partnerships, corporations, joint ventures or any other form of organization, located in Gallatin County, to obtain a license from Gallatin County

in order to operate a recovered waste management and/or recycling facility and to provide adequate financial responsibility requirements for cleanup and closure of such facility.
(Ord. 1-11-96-01, passed 1-11-96)

§ 50.66 DEFINITIONS.

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

CLOSURE. The time at which a recovered waste management site or facility ceases to accept waste, 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.

POST-CLOSURE MONITORING, CLEANUP AND MAINTENANCE. The routine care, maintenance, cleaning up and monitoring of a recovered waste management facility following the closure of the facility or site.

RECOVERED WASTE. Those materials including but not limited to compost and tires, which have current use, reuse or recycling potential, and which have or are being diverted or removed from the solid waste stream for sale, storage, use, reuse or recycling, whether or not requiring subsequent processing.

RECOVERED WASTE MANAGEMENT SITE OR FACILITY. Any site, facility, system or operation of any kind, or any component thereof, used for collection, source separation, storage, transportation, transfer, processing, treatment or disposal of recovered waste.
(Ord. 1-11-96-01, passed 1-11-96)

§ 50.67 APPLICABILITY.

This subchapter shall apply to any person, partnership, corporation, joint venture, or any other entity which operates or intends to operate a recovered waste management site or facility in any unincorporated area of the county.
(Ord. 1-11-96-01, passed 1-11-96)

§ 50.68 SOLID WASTE MANAGEMENT FACILITIES AND SITES.

(A) It shall be unlawful for any person or entity to operate a recovered waste management site or facility within the unincorporated boundaries of the county until the owner/operator, site and facility has been approved by the county and a license issued pursuant to this subchapter.

(B) Site and license approval process. The owner and/or operator of the proposed site and/or proposed facility shall file an application for approval with the County Judge/Executive's Office. If the proposed owner of the site/facility and operator are different persons or entities, both shall provide

the information required by the county. The specific information required on the application for approval shall be developed by the County Solid Waste Coordinator and approved by the County Fiscal Court. Such application shall include detailed information concerning the owners and operators, description of the type of waste involved, source of generation of the waste, estimated cost of closure, administrative and legal history of the applicants, including criminal or civil actions or violations, detailed information concerning all "key persons" with a legal or equitable interest in the facility or site and financial data as necessary to protect the interest of the county.

(Ord. 1-11-96-01, passed 1-11-96) Penalty, see § 50.99

§ 50.69 CRITERIA FOR APPROVING OF FACILITY AND/OR SITE.

(A) The nature of the recovered waste management activity conducted at the facility site will not present an unreasonable risk to human health, safety or the environment; and

(B) The nature of the activity conducted at the proposed site would not significantly impede or adversely impact the provision of life, health and other emergency services to the public both in the vicinity of the site and throughout the county; and

(C) The nature of the activity conducted at the facility site would not result in a significant reduction in the public's use and enjoyment of parks, recreational waters, historic structures, cultural and natural resources located in the vicinity of the facility site; and

(D) The facility and the activity occurring on the site will not have a significant adverse impact on the establishment of businesses, residential developments, churches, schools or other types of activities related to the social, economic and cultural development of the county; and

(E) The owner/operator's prior experience and history in waste management activities indicated a satisfactory record of compliance with applicable federal, state and local laws and resolutions, and based upon such prior record, it can be reasonably expected that the owner/operator will, in constructing, expanding, maintaining, operating or closing the facility at the proposed site, including the performance of necessary corrective action during post-closure including but not limited to pumping and treatment, maintain a corresponding satisfactory record of compliance with applicable laws and regulations; and

(F) The owner/operator has sufficient financial resources to: complete construction of the new or expanded facility; maintain and operate the facility in compliance with the applicable laws and regulations; respond immediately in the event of emergency by reason of accident or upset at the site; and complete closure of the facility; and to perform any necessary corrective action during post-closure, including but not limited to pumping and treatment.

(G) The owner/operator has complied with all waste management laws and regulations concerning waste facility permits, filings and/or notifications required by the Natural Resources and Environmental Protection Cabinet for the construction and operation of the facility site; and

(H) The application is consistent with the goals and objectives of the County Solid Waste Management Plan adopted.
(Ord. 1-11-96-01, passed 1-11-96)

§ 50.70 PUBLIC NOTICE AND HEARING.

Public notice of each application shall be made by advertisement in the county newspaper of largest circulation, stating the name of the applicant, the type of recovered waste management site or facility proposed and the location/address of the proposed facility. The application shall pay for the legal advertisement and this payment shall begin addition to the application fee in § 50.75. The Fiscal Court may hold a public hearing to receive information regarding the proposed facility and to hear objections from citizens who may be opposed to the facility.
(Ord. 1-11-96-01, passed 1-11-96)

§ 50.71 FINANCIAL RESPONSIBILITY REQUIREMENTS FOR CLOSURE AND POST-CLOSURE ACTIVITIES.

(A) To obtain a license to operate a recovered waste facility or site in Gallatin County the applicant must provide adequate and sufficient proof of financial responsibility to ensure the closure and cleanup of the site/facility, including adequate financial resources for post-closure cleanup, monitoring and maintenance of the facility. The following shall be required of all owner/operators in the county:

(1) Deposit with the County Treasurer the sum of money in an amount recommended by the Solid Waste Coordinator and approved by Fiscal Court, to be held in escrow specifically for the closure, cleanup and/or reclamation of the site; or

(2) Corporate surety bond as required by the county to ensure cleanup and/or reclamation of the site.

(B) Financial requirements for closure and post-closure activities will be determined by the detailed plan for closure as provided and certified by a registered professional engineer. The applicant shall provide the detailed plan, including certified closure and post-closure costs, at the time an application for a Gallatin County license is submitted.

(C) At the time the facility permanently ceases accepting waste, the facility shall be filled, covered, graded with all solid waste either removed or properly covered according to law and regulations promulgated by Gallatin County, State of Kentucky and federal authorities. Upon determination by Gallatin County that the site has been fully closed according to the closure plan, and at the end of an appropriate period of time, the county shall release the bond or other guarantee of financial responsibility that has been provided to the county. If such closure requirements are not accomplished by the operator of the facility, the Gallatin County Judge/Executive or his agents shall forfeit the bond or demand release of the monies held to guarantee financial responsibility.
(Ord. 1-11-96-01, passed 1-11-96)

§ 50.72 EXCEPTIONS.

The provisions of this subchapter shall apply to solid waste disposal and management facilities except:

(A) The provisions of this subchapter shall not apply to any facility engaged in recycling, salvage or material recovery operating in the county on date of enactment of this subchapter.

(B) Should the established facility be sold or otherwise transferred to another owner/operator, then the provisions of this subchapter shall apply to that new owner/operator.
(Ord. 1-11-96-01, passed 1-11-96)

§ 50.73 DECISION AND NOTIFICATION.

The county shall provide written notification of its determination with respect to the application for site/facility approval to the owner/operator within a reasonable time after a complete application has been filed. Such notification shall include a written summary on the reason for the determination. If the facility and site are approved, and the license for operation shall be issued and after financial responsibility requirements are met, by the county such license will be valid for a period of one year from the date of issuance.

(Ord. 1-11-96-01, passed 1-11-96)

§ 50.74 PERMIT APPLICATION FEE.

Applicants for a license shall pay to the county a license application fee in the amount of \$500.
(Ord. 1-11-96-01, passed 1-11-96)

§ 50.75 LICENSES NOT TRANSFERABLE.

The attempted transfer of any interest in the owner/operator will immediately terminate the owner/operator's site and facility approval and license unless the proposed new owner provides to the county all information required by the county for approval and transfer of the license to the third party. Any agreement providing for the proposed transfer of any interest in the owner/operator shall provide that the proposed transfer is subject to the approval of County Fiscal Court.

(Ord. 1-11-96-01, passed 1-11-96)

§ 50.99 PENALTY.

Any person violating any of the provisions of this chapter, or any lawful rules or regulations promulgated pursuant thereto, upon conviction, shall be deemed guilty of a misdemeanor and 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 this chapter may be issued a citation by any duly qualified peace officer.

(Ord. 5-10-90, passed 6-14-90)

AN ORDINANCE REGULATING SOLID WASTE MANAGEMENT

(Storage, Collection, Transportation, Processing and Disposal)

Gallatin County Fiscal Court Ordinance No. _____

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, Gallatin 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. In addition, Gallatin 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, Gallatin County, Kentucky, that this ordinance shall be known as the Solid Waste Management Ordinance. The Gallatin County Fiscal Court shall be responsible for the administrative management of this ordinance and the promulgation or rules and regulations authorized in Section 8.

The Gallatin County Fiscal Court proposes to adopt the county's Solid Waste Management Plan update per 401 KAR 49:011, Section 5. The Plan, if approved, will serve as the basis for handling solid waste management issues in Gallatin County, Cities of Glencoe, Sparta, & Warsaw, for the years 2013-2017.

The proposed plan is available for public inspection beginning July 17th, 2012, at the following location during their normal business hours:

Gallatin County Judge/Executive Ken McFarland

200 Washington Street

Warsaw, Kentucky 41095

Additional information about this plan is available by contacting:

Barry Alexander Solid Waste Coordinator

859-743-1174/859-567-4477

Anyone unable to review the plan at the above mentioned location may call and request that a copy be mailed to them.

Any person wishing to comment on the plan may do so by providing comments no later than close of business on the 30th day of the public notice July 17th, 2012, to the Gallatin County Fiscal Court at 200 Washington Street, Warsaw, Kentucky 41095. Any person wishing to be heard at a public hearing must make a request via telephone, fax, email, or written communication, to Gallatin Fiscal Court, no later than close of business on the 30th day August 15th, 2012.

A public hearing is scheduled on August 17, 2012 at 8:00 am to receive public comments on the plan. The hearing will be held at the Judge Executive office 200 Washington Street, Warsaw, Kentucky. However, if no request for a public hearing has been received by August 16th, 2012, the hearing may not be held.

The Gallatin Solid Waste Management Area will respond to all written public comments within 15 days after the end of the public comments period, and will consider the plan for passage at the monthly meeting of the Gallatin County

Fiscal Court. The plan, if approved, will then be submitted to the Kentucky Energy and Environment Cabinet for review and approval ...

ORDINANCE # 11013-1

AN ORDINANCE RELATING TO THE STORAGE,
COLLECTION, PROCESSING, TRANSPORTATION, AND
DISPOSAL OF SOLID WASTE.

WHEREAS, it is necessary and proper for the County of Gallatin, for the benefit and protection of its residents, to manage and control solid waste collection and disposal, in order to maintain and promote a clean and healthy community.

WHEREAS, an ever increasing amount of solid waste is being generated within Gallatin County as a result of commercial, industrial, and population growth.

WHEREAS, the Fiscal Court of Gallatin County, Commonwealth of Kentucky, deems it necessary to enact this Ordinance for the benefit, protection and convenience of the inhabitants of Gallatin County, pursuant to the Fiscal Court's authority under K.R.S. 67.083;

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF GALLATIN, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:

SECTION 1 Short Title

This ordinance shall be known as "The Gallatin County Solid Waste Collection and disposal Ordinance".

SECTION 2 Storage

Every dwelling and/or structure generating solid waste within Gallatin County shall maintain adequate exterior storage container/s for said solid waste. All such storage containers shall be of rigid construction and maintained in a neat, clean, and sanitary condition at all times.

SECTION 3 Disposal

Every dwelling and/or structure generating solid waste in Gallatin County shall subscribe to the garbage collection service, or provide for an alternative means of disposing of solid waste in a clean and sanitary manner. Any such dwelling or structure Choosing to opt out of garbage collection shall provide a alternative plan of disposal. Every alternative plan of disposal must be filed with, and approved by, the Gallatin County Judge Executive's Office.

SECTION 4 Collection Service Procedure

All dwellings and/or structures generating solid waste in Gallatin County, and not having a valid and approved alternative disposal plan on file with the Judge Executive's Office, may be charged a reasonable fee for solid waste collection service. The fee may be charged by the County or by a private entity contracting with the county to provide solid waste collection services.

Solid waste collection shall occur once a week. Solid waste placed out for collection shall be in an approved storage container, as described in section 2 of this ordinance, and shall not be placed out for collection prior to the day before regularly scheduled collection is to occur. All storage containers shall be removed from the curb, roadside, or other designated collection site within a reasonable time.

SECTION 5 Penalties

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 (\$25.00) not more than five hundred dollars (\$500.00), 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.

Section 7 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 effect or impair the remaining provisions of this Ordinance. Nothing in this Ordinance shall be deemed to affect, modify, amend or repeal any provision of any ordinance administered by the Gallatin County Health Department and other department, board commission, or agency of Gallatin County.

Adopted by the Gallatin Fiscal Court of Kentucky, after a first reading on January 10th, 2013 and after second reading at a regular meeting on the 14th day of February, 2013, and on same occasion sign in open session by the County Judge Executive as evidence of his approval, attested under seal of Gallatin Fiscal Court Clerk and declared to be in full force and effect.

COUNTY OF GALLATIN, KENTUCKY
[Signature]
County Judge/Executive

Attest: *[Signature]*
County Clerk
Submitted By: *[Signature]*
Gallatin County Attorney

ORDINANCE NO. 071615

AN ORDINANCE APPROVING A LEASE FOR THE FINANCING OF A PROJECT; PROVIDING FOR THE PAYMENT AND SECURITY OF THE LEASE; CREATING A SINKING FUND; AND AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS RELATED TO SUCH LEASE.

WHEREAS, the governing body of the County of Gallatin, Kentucky (the "Lessee") has the power, pursuant to Section 65.940 et seq. of the Kentucky Revised Statutes to enter into lease agreements with or without the option to purchase in order to provide for the use of the property for public purposes;

WHEREAS, the governing body of the Lessee (the "Governing Body") has previously determined, and hereby further determines, that the Lessee is in need of the Project, as defined in the Lease hereinafter described; and

WHEREAS, the Governing Body has determined and hereby determines that it is in the best interests of the Lessee that the Lessee enter into a Lease Agreement (the "Lease"), to be administered by Kentucky Association of Counties Leasing Trust (the "Program Administrator") and funded by the bank, financial institution or finance corporation offering the best interest rate and terms (the "Lessor"), as selected by the Judge/Executive upon the advice of the Program Administrator, for the leasing by the Lessee from the Lessor of the Project.

NOW THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE County of Gallatin, Kentucky, AS FOLLOWS:

Section 1. Recitals and Authorization. The Lessee hereby approves the Lease Agreement (the "Lease"), in substantially the form presented to this Governing Body. The recitals to this Ordinance are incorporated herein as if set forth in this Section in their entirety and are hereby found and determined to be true and correct. It is further found and determined that the Project identified in the Lease is public property to be used for public purposes, that it is necessary and desirable and in the best interests of the Lessee to enter into the Lease for the purposes therein specified, and the execution and delivery of the Lease and all representations, certifications and other matters contained in the closing memorandum with respect to the Lease, or as may be required by the Lessor prior to delivery of the Lease, are hereby approved, ratified and confirmed. The Judge/Executive and Fiscal Court Clerk of the Lessee are hereby authorized to execute the Lease, together with such other agreements or certifications which may be necessary to accomplish the transaction contemplated by the Lease.

Section 2. General Obligation Pledge. Pursuant to the Constitution of the Commonwealth and Chapter 66 of the Kentucky Revised Statutes, as amended (the "General Obligation Statutes"), the obligation of the Lessee created by the Lease shall be a full general obligation of the Lessee and, for the prompt payment of the Lease Payments, the full faith, credit and revenue of the Lessee are hereby pledged. During the period the Lease is outstanding, there shall be and there hereby is levied on all the taxable property in the Lessee, in addition to all other taxes, without limitation as to rate, a direct tax annually in an amount sufficient to pay the Lease Payments on the Lease when and as due, it being hereby found and determined that current tax rates are within all applicable limitations. Said tax shall be and is hereby ordered computed, certified, levied and extended upon the tax duplicate and collected by the same

officers in the same manner and at the same time that taxes for general purposes for each of said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof; provided, however, that in each year to the extent that the other taxes of the Lessee are available for the payment of the Lease Payments and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the Lessee shall be reduced by the amount of such other taxes so available and appropriated.

There is hereby established, or it is acknowledged that there has heretofore been established, with the Lessee a sinking fund (the "Sinking Fund"). The funds derived from said tax levy hereby required or other available taxes shall be placed in the Sinking Fund and, together with interest collected on the same, are irrevocably pledged for the payment of all obligations issued under the General Obligation Statutes and all Tax Supported Leases, as defined in the General Obligation Statutes, including the Lease herein authorized, when and as the same fall due. Amounts shall be transferred from the Sinking Fund to the Lessor at the times and in the amounts required by the Lease.

Section 3. Administration of the Lease. The Kentucky Association of Counties Leasing Trust is hereby acknowledged to be the program administrator under the Lease.

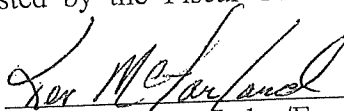
Section 4. Severability. If any Section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such Section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

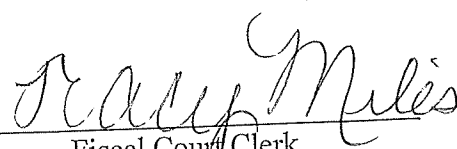
Section 5. Open Meetings Law. This Governing Body hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Governing Body, and that all deliberations of this Governing Body and of its committees, if any, which resulted in formal action, were in meetings open to the public, in full compliance with applicable legal requirements.

Section 6. Conflicts. All ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed and the provisions of this Ordinance shall prevail and be given effect.

Section 7. Effective Date. This Ordinance shall take effect from and after its passage and publication of a summary thereof, as provided by law.

INTRODUCED, SECONDED AND ADOPTED, at a duly convened meeting of the Governing Body, held on AUGUST 13, 2015, after first reading held on JULY 16, 2015, signed by the Judge/Executive of the Lessee, attested by the Fiscal Court Clerk, filed and indexed as provided by law.

By: 
Judge/Executive

ATTEST:
By: 
Fiscal Court Clerk

RESOLUTION 10-08-2015-01

WHEREAS, the Kentucky Transportation Cabinet (Cabinet) is currently completing the design of the reconstruction of a County owned bridge on Little Sugar Creek Road (CR 1001) over Little Sugar Creek, 1.1 miles south of US 42 in Gallatin County, designated as Item 6-1089.00 in *Kentucky's FY 2014-2020 Highway Plan*; and

WHEREAS, the project requires the Cabinet to purchase right-of-way for the reconstruction of said County owned bridge; and

WHEREAS, the Cabinet is seeking permission from the Gallatin County Fiscal Court (County) to allow the Cabinet and contractors selected by the Cabinet to work on County owned right-of-way for the reconstruction of said County owned bridge; and

WHEREAS, upon completion of the reconstruction of the County owned bridge on Little Sugar Creek Road, the Gallatin County Fiscal Court resolves that it will take ownership and maintenance responsibilities of said bridge and accept the title of the deed of the right-of-way purchased by the Cabinet for the reconstruction of said bridge;

NOW THEREFORE, the Gallatin County Fiscal Court does hereby resolve and agree to accept the proposal of the Kentucky Transportation Cabinet and agrees to the conditions set forth herein.

The foregoing resolution was adopted as above set forth by majority roll call vote of all members of the County Commission present, a quorum being constituted and said resolution has been duly made a permanent part of the minutes of the Gallatin County Fiscal Court.

AYES

NAYS

Sally Davis
Eric Moore
Jeff Wallace
Gael Skinkle

Signed and adopted this 8th day of October, 2015 by the Gallatin County Fiscal Court (Gallatin County), Kentucky.

Tracy Miles
Attest by:

Karl McFarland
Judge Executive - Gallatin County

GALLATIN COUNTY FISCAL COURT

RESOLUTION NO. 10-08-2016-02

A RESOLUTION OF THE GALLATIN COUNTY FISCAL COURT AUTHORIZING THE REMOVAL AND RELOCATION OF AN ABANDONED CEMETERY AND ALL GRAVES THEREIN, FROM PROPOSED RIGHT OF WAY LOCATED ALONG US 42, JUST WEST OF GRIDLEY HILL ROAD, WARSAW, KENTUCKY TO THE WARSAW CEMETERY, P.O. BOX 680, WARSAW, KENTUCKY, ALL FOR THE RECONSTRUCTION AND WIDENING OF US 42, IN GALLATIN COUNTY, KENTUCKY.

WHEREAS, the Commonwealth of Kentucky, Transportation Cabinet, Department of Highways (hereinafter Transportation Cabinet) by Official Order No. 103980, has declared the acquisition of right of way for the reconstruction of US 42 in Gallatin County, Kentucky to be a public necessity; and

WHEREAS, it is necessary for the economic development and the continued progress of Gallatin County that said US 42 highway project be completed; and

WHEREAS, a portion of existing right of way for said US 42 highway project includes and requires the removal and relocation of an abandoned cemetery located on the proposed right of way property along said US 42, just west of Gridley Hill Road, Warsaw, Kentucky, 41095, all of which is part of Parcel No. 101, as designated on the Transportation Cabinet's plans for said highway project, previously owned by James C. Wilson and Dean R. Wilson, as evidenced by deed from Transportation Cabinet, of record in Deed Book 108 Page 654, in the office of the Gallatin County Clerk in Warsaw, Kentucky; and

WHEREAS, the legal description of the area of said abandoned cemetery is as follows:

Beginning at point on KY 42, 1.81' right of proposed KY 42 centerline station 27+23.45; thence South 25°21'00" West 80.00' to a point 81.81' right of centerline station 27+23.45; thence South 64°39'00" East 80.00' to a point 81.81' right of centerline station 28+03.45; thence North 25°21'00" East 80.00' to a point 1.81' right of centerline station 28+03.45; thence North 64°39' 00" West for a distance of 80.00' to the point of beginning.

The above described parcel contains 0.1469 acres (6400.00 sq. ft.)

WHEREAS, said abandoned cemetery hereinabove described contains at least one (1) marked grave, said marked grave has been positively identified by recovered headstone inscription as:

"Teen Krutz, son of K.T. and Cynthia Krutz"

in said cemetery which has been left unattended for a period in excess of ten (10) years; and

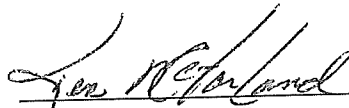
WHEREAS, the Transportation Cabinet proposes to remove said abandoned cemetery and all graves located therein and to relocate same to the Warsaw Cemetery, P. O. Box 680 Warsaw, Kentucky, all at the Transportation Cabinet's expense; and

WHEREAS, the Gallatin County Fiscal Court deems it to be in the best interest of the County and all others concerned to remove and relocate said abandoned cemetery and all graves therein as hereinabove stated;

NOW THEREFORE, BE IT RESOLVED BY THE GALLATIN COUNTY FISCAL COURT THAT:

Pursuant to KRS 381.755, the removal and relocation of an abandoned cemetery and all graves therein from property described above, to Warsaw Cemetery, P.O Box 680, Warsaw, Kentucky, all for the reconstruction of US 42 in Gallatin County, Kentucky, and by and at the expense of the Commonwealth of Kentucky, Transportation Cabinet, Department of Highways, at any time after the expiration of sixty (60) days after the first publication of notice of such intended action pursuant to KRS Chapter 424, is hereby authorized and will be directed by the Fiscal Court.

Completed in Gallatin, Kentucky, this 8th day of October, 2015.



KEN MCFARLAND
GALLATIN COUNTY JUDGE - EXECUTIVE

ATTEST:



GALLATIN COUNTY FISCAL COURT CLERK

