

GARRARD COUNTY SOLID WASTE MANAGEMENT ORDINANCE

Enacted December 10, 2012

SECTION 1: DEFINITIONS

Agricultural Waste—Poultry and livestock manure and residual materials in liquid or solid form generated from the production and marketing of poultry, livestock, fur-bearing animals, or crops.

Appropriate Container—Any receptacle that is constructed of a sturdy material, contains a lid, and does not allow liquids or other contents to escape.

Bulky rubbish—Any waste that is too large to be collected through standard curbside service.

Clean Lumber—Lumber that has never been treated, painted, or otherwise chemically altered in any way.

Conspicuous Notice—A written notification on at least an 8 1/2" X 11" sheet of paper placed on the front portion of a structure.

Contaminate—Any substance that pollutes, poisons, defiles, infects, taints, fouls, or soils.

Convenience Center—Any facility that is permitted by both the Garrard County Fiscal Court and the Commonwealth of Kentucky to operate as a Convenience Center.

Inoperable Vehicle—Any car, truck, or other automobile that does not meet the requirements to be licensed, tagged, insured, and able to be driven at all times.

Junk & Debris—Old or discarded materials constructed of paper, metal, plastic, glass, natural or unnatural fiber, or wood that are unceremoniously kept on a property in such a manner that the property has an untidy, unclean, cluttered, or disorganized appearance.

Litter—Trash or refuse such as paper, cans, and bottles that is left lying in an open or public place or otherwise discarded inappropriately.

Nuisance Enforcement Officer—The individual appointed by the Garrard County Fiscal Court or other entity with authority over Solid Waste Management in the county to enforce section 7 of this ordinance.

Real Property—Property consisting of land and/or buildings.

Recreational Vehicle—Any camper, travel trailer, tent camper, or other such unit.

Salvage and Junkyard— Any permitted facility used for storage, collection, processing, purchase, or sale of scrap metal or discarded metallic goods including more than three (3) inoperable vehicles.

Waste Hauler—A trash collector holding a valid franchise agreement or permit with the Garrard County Fiscal Court or other entity over Solid Waste Management in the county.

White Goods—Large electrical or gas goods used domestically including refrigerators, washers, dryers, freezers, microwaves, dishwashers, trash compactors, and water heaters.

Woodland Debris—Dead and decomposing wood of various sizes and species.

SECTION 2: SOLID WASTE ADVISORY COMMITTEE

There is hereby created a Solid Waste Advisory Committee for purposes outlined in this ordinance. The Solid Waste Advisory Committee shall also serve as a recommending body to the Garrard County Fiscal Court and the Garrard/Lincoln Solid Waste Management Area 109 Board for all matters related to solid waste management in Garrard County. The Solid Waste Advisory Committee shall be comprised of citizens of Garrard County and shall consist of not less than six (6) persons appointed by the Garrard County Fiscal Court. The Solid Waste Advisory Committee shall be governed by by-laws approved by the Garrard County Fiscal Court.

SECTION 3: COLLECTION SYSTEM

SECTION 3.1: TYPE OF COLLECTION SYSTEM

There is hereby established a universal collection system in the unincorporated areas of Garrard County and a mandatory collection system within the limits of the City of Lancaster.

SECTION 3.2: REQUIREMENT & STANDARDS FOR TRASH CONTAINERS

Every household, business, non-profit organization, school, or other establishment participating in the collection system shall be required to place all waste in an appropriate trash container with a sealable lid. Appropriate containers shall include plastic and metal trash cans, dumpsters, and wheeled trash carts. Excepted from this requirement are recycling bins and dumpsters designed for open-top use.

Curbside trash shall not be placed at the curb more than forty-eight (48) hours before a scheduled pick-up. Empty trash containers shall be removed from the curb not more than twenty-four (24) hours after being serviced.

SECTION 3.3: FRANCHISE HAULERS

Residential and commercial waste collection in Garrard County shall be conducted by registered franchise haulers holding a valid contract with the Fiscal Court or other body vested with authority over Solid Waste Management in the county.

SECTION 3.4: GARBAGE TRUCK STANDARDS & PRACTICES

All haulers under contract to collect residential and commercial waste in Garrard County shall use compactor or roll-off trucks. In cases when compactor or roll-off trucks cannot proceed on a certain road due to physical barriers or safety concerns, trucks with permanent bed covers shall be acceptable.

If a residential or commercial hauler allows waste or leachate to escape onto the public roadway or ditch line, said waste and leachate shall be cleaned up immediately by the hauler.

SECTION 3.5: RIGHT OF WASTE HAULERS TO ENTER PRIVATE PROPERTY

Franchise residential and commercial waste haulers are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom. Franchise residential and commercial waste haulers shall not enter dwelling units, residential buildings, businesses, schools, or other establishments for the purpose of collecting waste unless expressly given permission to do so by homeowners, tenants, landlords, or persons otherwise responsible for the property.

SECTION 3.6: RESPONSIBILITY OF NON-PARTICIPANTS

Establishments and residences not participating in the collection system must dispose of all waste in a legal and safe manner. All waste must be stored properly in accordance with Section 3.2 and not violate Section 7.1.

SECTION 4: FACILITY STANDARDS

SECTION 4.1: SALVAGE YARDS & JUNKYARDS

No salvage yard or junkyard shall be allowed to exist within 1,000 feet of any roadway or adjacent property. All articles contained in a permitted salvage yard or junkyard must be completely screened from view in all directions using a privacy fence or other consistent screening mechanism. The screening material shall be painted all one color and shall be constructed or made of the same material throughout. The privacy fence or screening material must be tall enough to completely conceal all contents. The privacy fence or screening material must be maintained at all times and not allowed to fall into disrepair. Natural screening shall not be acceptable for permitted salvage yards or junkyards.

Salvage yards and junkyards shall not place any automotive or other fluids on the ground or in waterways at any time.

SECTION 4.2: RECYCLERS

All recycling facilities shall maintain an organized and clean appearance at all times. If a permitted recycling facility stores or otherwise handles materials outside of a building, all materials shall be screened from view in all directions using a privacy fence or other screening mechanism. The screening material shall be painted all one color and shall be constructed or made of the same material throughout.

SECTION 4.3: CONVENIENCE CENTERS

All convenience centers permitted under this ordinance shall use open-top dumpsters or other collection receptacles to store waste on site. Convenience centers shall keep an organized and clean appearance at all times. No trash or refuse shall be placed on the ground at any convenience center and all convenience center properties shall be free of litter or other loose materials. If tires are accepted at a permitted convenience center, they shall be covered at all times. Convenience centers shall appropriately handle all waste materials such as batteries, chemicals, and hazardous waste in accordance with state law.

SECTION 4.4: MUNICIPAL SOLID WASTE DISPOSAL FACILITIES

All facilities permitted to accept municipal solid waste (MSW) including contained landfills, construction and demolition debris landfills, and transfer stations shall be governed by the provisions of the Garrard County Siting Ordinance.

SECTION 5: REGISTRATIONS & PERMITS

SECTION 5.1: WASTE HAULER REGISTRATIONS

Not later than January 31 of each calendar year, all waste haulers operating in the county shall register with the Solid Waste Department using forms prescribed by the Solid Waste Coordinator. All waste haulers shall remit along with their registration forms an annual fee of \$50.

SECTION 5.2: NON-COMPLIANCE BY WASTE HAULERS

Any waste hauler deemed out of compliance with their contract or Section 3.4 of this ordinance by the Solid Waste Coordinator will have forty-eight (48) hours to resolve all issues of non-compliance. If the waste hauler does not return to compliance, the Solid Waste Advisory Committee may, by a positive vote, require said waste hauler to cease all operations until the issues of non-compliance are resolved. If a waste hauler is found to be non-compliant three (3) times in a calendar year, the Solid Waste Advisory Committee may recommend to the Garrard-Lincoln 109 Board that said hauler's contract be suspended or revoked.

SECTION 5.3: FACILITY PERMITS

All salvage yards, junkyards, recyclers, and private convenience centers holding a valid operating permit issued by the Solid Waste Department shall submit a permit update and an annual fee of \$50 to the Solid Waste Coordinator not later than January 31 of each calendar year. The permit update shall be submitted on forms prescribed by the Solid Waste Coordinator and shall include information on any changes to the facility during the previous calendar year including changes in ownership, materials handled, and expansions.

Applicants seeking an operating permit for the first time for salvage yards, junkyards, recyclers, and private convenience centers shall submit an application to the Solid Waste Advisory Committee on forms prescribed by the Solid Waste Coordinator. Prior to submitting an application, applicants must notify every adjacent property owner by certified mail of their intent to make an application. Applicants shall include with their application a map of the entire property, names and addresses of adjacent neighbors, certified mail return receipts from all adjacent property owners and names of adjacent roadways. Applicant shall also demonstrate in the application the ways and methods that the proposed facility will comply with Section 4 of this ordinance.

Upon receipt of the application, the Solid Waste Advisory Committee shall make a recommendation to the Fiscal Court. If the Solid Waste Advisory Committee recommends the granting of the permit, the application shall be sent to the Fiscal Court for final review and approval before the permit is issued. An applicant will be granted an audience with the Solid Waste Advisory Committee during the review process upon request.

There shall not be more than eight (8) salvage yard, junkyard, recycler, or private convenience center permits active in the county at any given time. If a current permit holder fails to submit a permit update and annual fee by January 31, said permit holder shall forfeit their permit and must re-apply in accordance with the provisions of this section. Applications for new facilities shall only be accepted by the Solid Waste Advisory Committee for review if there are less than eight (8) active salvage yard, junkyard, recycler, or private convenience center permits on file with the Solid Waste Department.

Permits are non-transferable.

SECTION 5.4: Municipal Solid Waste Facility Permits

Municipal solid waste facilities including contained landfills, construction and demolition debris landfills, and transfer stations shall adhere to the permitting process outlined in the Garrard County Siting Ordinance.

SECTION 5.5: PERMIT REVOCATION

If at any time a salvage yard, junkyard, recycler, or private convenience center is found to be in violation of any portion of this ordinance or the original conditions of their permit by a positive vote of the Solid Waste Advisory Committee, the permit may be revoked by a positive vote of the Solid Waste Advisory Committee. No permit shall be re-instated without the approval of the Solid Waste Advisory Committee after verification that all issues of non-compliance are resolved.

SECTION 6: SITING OF MUNICIPAL SOLID WASTE FACILITIES

The siting of municipal solid waste facilities including contained landfills, construction and demolition debris landfills, and transfer stations shall be in accordance with the provisions of the Garrard County Siting Ordinance.

SECTION 7: PUBLIC NUISANCES

SECTION 7.1: CONDITIONS DECLARED A PUBLIC NUISANCE

It shall be unlawful for the owner, occupant, or person having control or management of any land within the county to permit a public nuisance to develop thereon. The following are declared public nuisances:

- A. **Accumulation of Debris and Rubbish.** Any accumulation on any premises of filth, refuse, debris, garbage or any other waste material which endangers the public health, welfare, or safety or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property because of the danger that it will catch or spread fire, attract and propagate vermin, rodents, or insects or blow rubbish into any street, sidewalk or property of another.
- B. **Scrap Parts and Tires.** It is unlawful for the owner, occupier, or possessor of any real property in the County to allow accumulation of automobile or implement parts and tires thereon which endangers the public health, welfare, or safety or materially interferes with the peaceful enjoyment by owners or occupants of adjacent property.
- C. **Inoperable Automobiles, Boats, and Recreational Vehicles.** It shall be unlawful for the owner, occupier, or possessor of any single real property in the County to keep, maintain, or allow to be kept or maintained thereon, and within the sight of any adjoining roadway or property, more than three (3) wrecked, scrapped, or otherwise inoperable automobiles, trucks, boats, or recreational vehicles. Any automobile, boat, or recreational vehicle that is not registered, licensed, insured, and operational at all times shall be considered inoperable for the purposes of this section. It shall be unlawful for the owner, occupier, or possessor of any single real property in the County to keep, maintain, or allow to be kept a submerged or partially submerged boat or dock. Any submerged or partially submerged boat or dock shall be considered a per se public nuisance. All inoperable automobiles, boats, and recreational vehicles

up to the limit of three (3) shall be concealed from view of all adjacent roadways and properties by buildings, a privacy fence, or natural screening such as trees or hills. If natural screening is used, it shall adequately conceal all items during all months of the year.

D. Any building/trailer within the County damaged by fire or casualty that is not habitable or usable.

1. The building or trailer must be repaired to a usable state or habitable within sixty (60) days after the fire or casualty.
2. If not repaired as set in part D, number 1, then the owner shall demolish the building or trailer and remove all debris from the lot within sixty (60) days of the fire or casualty occurring.
3. If for any reason the owner or owners of said building or trailer cannot begin demolition or finish repair within sixty (60) days they may request an extension from the Solid Waste Advisory Committee who may grant up to ninety (90) additional days.
4. In the case of a mass natural disaster or declared emergency, part D shall not take effect until ninety (90) days have elapsed from the disaster or emergency declaration.

E. Dilapidated Residential or Commercial Buildings and Structures. Any residential or commercial building or structure that is uninhabitable and abandoned due to structural failure, roof collapse, missing and/or broken windows, or other such damage must be restored or demolished within sixty (60) days of notification by the Nuisance Enforcement Officer.

F. Grass, Weeds, and Woodland Debris. It shall be unlawful for any property with a residential structure in a registered and approved subdivision to contain grass or weeds in excess of twelve (12) inches tall. It shall also be unlawful for any property in a registered and approved subdivision to contain woodland debris. Stacked firewood shall not be considered woodland debris.

SECTION 7.2: CITATION PROCESS

Complaints for violations of Section 7.1 shall be documented in writing on two-part forms prescribed by the Solid Waste Advisory Committee. The Solid Waste Committee shall review all reported violations monthly and any action taken thereon. It shall not be necessary for the Solid Waste Committee to pre-approve action initiated against violations of this ordinance.

Upon receipt of a complaint for violations of Section 7.1, the Nuisance Enforcement Officer or his or her designee shall travel to the property within three (3) business days and document all violations. The Nuisance Enforcement Officer shall then draft a registered courtesy letter to the property owner(s) explaining all violations and instruct said owner(s) that all violations must be abated or corrected and may provide the property owner a reasonable amount of time to correct or abate the nuisance, but not exceeding thirty (30) days. For violations of Section 7.1 (D) or (E), the Nuisance Enforcement Officer shall post, in a conspicuous place on the property in violation, a notice informing the property owner of i) the nature of the violation, ii) that the county intends to enter the property to abate the nuisance after forty five (45) days and iii) the right of the owner to a hearing before the Solid Waste Advisory Committee. In cases of fire damaged buildings or dilapidated structures, property owner(s) shall be given sixty (60) days to correct or abate the violation.

If violations of Section 7.1 are not corrected within the allotted time frame, the Nuisance Enforcement Officer shall file a criminal complaint against the property owner(s) for all remaining violations. Penalties for violating Section 7.1 are outlined in Section 9.1 of this ordinance.

Unless imminent danger exists on the subject property that necessitates immediate action, in cases where the owner(s) of a property in violation of Section 7.1 cannot be found or contacted, or if the owner(s) refuse to abate and/or correct violations of Section 7.1 within the allotted time frame, the County reserves the right to enter the property and abate and/or correct all remaining violations. Before the County enters the property to abate and/or correct violations of Section 7.1 (D) or (E), the Nuisance Enforcement Officer shall file an affidavit with the Garrard County Attorney's Office stating that the property owner(s) cannot be found or contacted or that the property owner(s) refuse to abate and/or correct violations on the property. The Nuisance Enforcement Officer shall then request a title search from the Garrard County Attorney's Office to identify any lienholders on the property. If lienholders are found, the Nuisance Enforcement Officer shall notify said lienholders by registered letter that the property is in violation of Section 7.1. Lienholders shall be given forty five (45) days to abate and/or correct violations of Section 7.1. If the title search identifies no lienholders or the forty five (45) day period has expired for identified lienholders to abate and/or correct violation of Section 7.1, the Nuisance Enforcement Officer may make arrangements to enter the property to abate the nuisance.

The Nuisance Enforcement Officer shall have the discretion to grant an additional fifteen (15) days to any property found to be in violation of Section 7.1 so long as property owner(s) are making efforts to bring the property back into compliance.

SECTION 7.4: RIGHT OF PROPERTY OWNER TO APPEAL

Property owners who are found to be in violation of Section 7.1 may request an appeal of the findings of the Nuisance Enforcement Officer within the initial thirty (30) day period

allotted for abatement and/or correction of the violation before the Solid Waste Advisory Committee. The Solid Waste Advisory Committee shall, within thirty (30) days and by a majority vote, determine the violations on the property and determine a reasonable amount of time for abatement and/or correction of said violations. The Solid Waste Advisory Committee may grant up to thirty (30) additional days for abatement and/or correction of violations of Section 7.1. If property owner(s) do not comply with the determination of the Solid Waste Advisory Committee, the Nuisance Enforcement Officer shall proceed with enforcement action in accordance with Section 7.2. Property owner(s) shall have the option to rescind the appeal request prior to the appeal meeting on the Solid Waste Advisory Committee.

SECTION 7.5: PENALTIES FOR VIOLATING THIS SECTION

Penalties for violation of this section are described in Section 9.

SECTION 8: PROHIBITED PRACTICES

SECTION 8.1: LITTERING

A person is guilty of criminal littering, as defined in KRS 512.070, when he or she:

- (a) Drops or permits to drop on a highway any destructive or injurious material and does not immediately remove it; or
- (b) Knowingly places or throws litter on any public or private property or in any public or private water without permission; or
- (c) Negligently places or throws glass or other dangerous pointed or edged substances on or adjacent to water to which the public has access for swimming or wading or on or within fifty (50) feet of a public highway; or
- (d) Discharges sewage, minerals, oil products, or litter into any public waters or lakes within the county.

SECTION 8.2: ILLEGAL DUMPING

No person shall improperly dispose of trash, refuse, building materials, appliances, HVAC units, bulky rubbish, or woodland debris. Improper disposal shall be considered any method of disposal other than waste hauler pick-up or convenience center drop-off.

SECTION 8.3: ILLEGAL BURNING

No person shall set fire to or openly burn any material other than clean lumber, uncoated paper, cardboard products and vegetative debris such as limbs, brush, tree stumps, or leaves.

Open burning is not permitted from 6 AM to 6 PM unless authorized by the fire chief with jurisdiction in the area where the open burning is proposed.

SECTION 8.4: IMPROPER STORAGE OF WASTE

No person or business shall improperly store any waste material(s) or chemical(s).

SECTION 8.5: ILLEGAL WASTE COLLECTION

No person shall engage in the collection of solid waste without holding a valid permit issued by the Solid Waste Department in accordance with Section 5 of this ordinance.

SECTION 8.6: OPERATING A FACILITY WITHOUT A PERMIT

No person shall operate a salvage yard, junkyard, recycling facility, or convenience center without a valid permit obtained through the provisions of this ordinance. Non-permitted facilities shall be in violation of Section 5.3 and Section 7.1 of this ordinance.

SECTION 8.7: WATER & SOIL CONTAMINATION

No person or business shall intentionally or unintentionally contaminate ground soil or any waterway in the county and/or the city limits of Lancaster.

SECTION 8.8: AGRICULTURAL WASTE DUMPING

No person shall improperly dispose of organic agricultural waste such as livestock bedding, manure, or animal(s) carcasses onto any property or in any waterway. Burial of organic agricultural waste shall be an acceptable method of disposal.

SECTION 8.9: PENALTIES FOR VIOLATIONS OF THIS SECTION

Penalties for violations of this section are contained in Section 9.

SECTION 9: PENALTIES & COST RECOVERY

SECTION 9.1: PENALTIES FOR VIOLATING ANY SECTION OF THIS ORDINANCE

Initial violations of any section of this ordinance shall be punishable by a fine of not less than fifty (\$50) dollars nor more than five hundred (\$500) dollars and up to one (1) year in jail, provided that each day's violation shall be a separate offense. Subsequent violations of this ordinance shall be punishable by a fine of not less than one hundred (\$100) dollars and up to one (1) year in jail, provided that each day's violation shall be considered a subsequent offense. Violators of this ordinance may be issued a citation or notice of violation by the Solid Waste Coordinator, County Sheriff or any other law

enforcement officer. All fines collected shall be deposited into the Solid Waste Fund of the Garrard County Fiscal Court Budget.

SECTION 9.2: COST RECOVERY FOR COUNTY CLEANUP OF NUISANCE

When the County elects to abate a nuisance to ensure protection of public health and safety and the property owner(s) can be identified, the Solid Waste Coordinator shall require the property owner(s) 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 the property owner(s) refuse to reimburse the county for the costs of the nuisance abatement, the Solid Waste Coordinator shall submit the total cost of the abatement to the Garrard County Attorney who will file a lien against the property for the total cost of abatement, and be authorized to otherwise collect said costs.