

LEWIS COUNTY FISCAL COURT
ORDINANCE NO. 2003-008

AN ORDINANCE PERTAINING TO COMPULSORY SOLID WASTE COLLECTION IN LEWIS COUNTY; PERMITS FOR COLLECTORS/HAULERS; SETTING A CEILING FOR FEES TO BE CHARGED; SETTING FORTH OBLIGATIONS OF PERMITTED COLLECTIONS/HAULERS; ALLOWING FOR COUNTYWIDE COLLECTION BY COLLECTORS/HAULERS; PROVIDING FOR RULES AND REGULATIONS TO BE ADOPTED BY THE SOLID WASTE COORDINATOR; SETTING FORTH AN APPEAL PROCEDURE AND SETTING FORTH PENALTIES FOR VIOLATION OF THE ORDINANCE.

WHEREAS, the Lewis County Fiscal Court is aware of the movement by Kentucky State Government toward compulsory solid waste pickup, and

WHEREAS, Lewis County has appointed a Solid Waste Advisory Committee to study the issue and its impact on the citizens of the County and the solid waste collectors/haulers, and

WHEREAS, after a number of meetings and public hearings concerning the issue and after consideration by the Lewis County Fiscal Court, this ordinance is drafted to address various issues relating to solid waste;

NOW, THEREFORE BE IT HEREBY ORDAINED BY THE FISCAL COURT OF THE COUNTY OF LEWIS, COMMONWEALTH OF KENTUCKY, THAT:

SECTION I – DEFINITIONS

For the purpose of this ordinance, the following terms shall be deemed to have the meaning indicated below:

Permitted Collector/Hauler: A person granted a permit by Lewis County for the purpose of collecting, hauling, transporting and disposing of solid waste.

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.

Solid Waste: Any garbage, refuse, sledge and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from any residential use, but does not include industrial, commercial, mining (including coal mining waste, coal mining by-products, refuse and overburden), agricultural operations, and from community activities, and further does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923) or recycling material or yard wastes.

Yard Wastes: Grass clippings, leaves, tree trimmings and shrub trimmings.

Occupant: Any person who, alone or jointly or severally with others, is in actual possession of any dwelling unit, commercial establishment, or any other improved real property, manufactured or mobile home, either as an owner, user or tenant.

SECTION 2- COMPULSORY COLLECTION

All occupants as defined herein, including any person or persons occupying, or utilizing any improved real estate, manufactured or mobile home as a residence, meeting place or commercial establishment, temporary or permanent, shall be and are hereby

required to utilize an available legally permitted solid waste hauler/collector, to collect and transport all solid waste, unless exempted pursuant to Section 3 herein.

SECTION 3 – EXEMPTION FROM COMPULSORY COLLECTION

Any occupant, as defined herein, may apply to the Solid Waste Coordinator for an exemption from the mandatory means of solid waste collection as set forth hereunder, only in the following situations:

1. Satisfactory proof to the Solid Waste Coordinator not less than once each month, that the occupant has legally disposed of the solid waste at his or her residence, by providing proof in the form of a validated receipt or ticket from a legally operated landfill clearly showing that the occupant making application, or a member of his or her household, has disposed of the solid waste at the landfill
2. Provide proof satisfactory to the Solid Waste Coordinator that the resident or occupant recycles one-hundred (100%) percent of his or her solid waste.

SECTION 4 – PERMITS

No person shall be permitted to collect, haul or transport any solid waste not generated at a site owned or occupied by the person collecting, hauling or transporting such solid waste, without first obtaining a permit from the Lewis County Judge Executive or his designee.

All permitted haulers shall pay a permit fee of \$25.00 per year to the Lewis County Fiscal Court, for the year 2004, the permit fee shall be paid by the 10th day of January. All later annual permit fees shall be paid on or before December 15 preceding