

Kentucky Department for Environmental Protection
Division of Waste Management
Recycling and Local Assistance Branch
300 Sower Boulevard – Frankfort KY 40601
(502) 564-6716

FOR OFFICIAL USE ONLY.
DO NOT WRITE IN THIS SPACE

Area Solid Waste Management Plan - Five Year Update
Years 2018
- 2022

1. BACKGROUND INFORMATION

A. Area Designation

1. Name of County or Regional Solid Waste Management Area ("RSWMA") Perry County

Check One: County Regional Solid Waste Management Area ("RSWMA")

If area designation is a RSWMA, list counties:

2. List all incorporated cities within the solid waste management area and the population of each.

1.) Hazard/5,300	2.) Vicco/318	3.) Buckhorn/157
4.)	5.)	6.)
7.)	8.)	9.)

B. Governing Body Information

1. Designation Type: Fiscal Court 109 Board (Taxing) 109 Board (Non-taxing) Regional Area City/County Merger

2. Name of chairperson of the governing body (judge executive, chairperson, etc.) Scott Alexander/ Judge Executive

3. List each member of the governing body:

1.) Keith Miller/Magistrate Dist. 1	2.) Ronald Combs/ Magistrate Dist. 2	3.) Kenny Cole/ Magistrate Dist. 3
4.)	5.)	6.)
7.)	8.)	9.)
10.)	11.)	12.)

4. Address: 481 Main St. Suite 103

City: Hazard State: Ky Zip Code: 41701

5. Telephone: 606-439-0149 6. Fax: 606-435-2272 7. Email: brandiboggs33@yahoo.com

C. Solid Waste Coordinator Information

1. Name of Coordinator: Brandi Boggs

2. Address: 481 Main St. Suite 103

City: Hazard State: KY Zip Code: 41701

3. Telephone: 606-439-0149 4. Fax: 606-435-2272 5. Email: brandiboggs33@yahoo.com

6. Work Status (check one):

Volunteer Full-time Part-time

7. Hours worked per week: 40

D. Advisory Committee

List the names and representative bodies of the advisory committee members.

Name	Representing
1.) Charles Chalk	
2.) Kim King	
3.) Peyton Morton	
4.) Johnny Feltner	
5.) Eddie Campbell	

6.)

E. Preparer Information

Complete this section, if the preparer is different than the solid waste coordinator.

1. Name:

2. Address:

City:

State:

Zip Code:

3. Telephone:

4. Fax:

5. Email:

F. Resolution/Ordinance to Adopt Solid Waste Management Plan 5-Year Update

1. Check one: Resolution Ordinance

2. Public Notice Date: 10/26/2017

3. Date Signed:

4. The following documents must be attached. Check all that have been attached and place at the end of the report with a cover sheet labeled "Chapter 1 Attachments."

- A signed and dated copy of the resolutions/ordinance adopting the 5-year update
- A dated original of the public notice, or a copy and an affidavit from the newspaper by whom the notice was originally published
- Area Designation

2. COLLECTION SYSTEM

A. Collection System

1. Ordinance Type (check one): Mandatory Universal

Date passed:

2a. Provide a detailed description of all the collection systems in your SWMA (collection systems include: franchise, permit, municipality owned/operated, private, staffed transfer stations and staffed convenience centers, etc.)
Perry County uses a door to door franchise as well as a staffed transfer station wick is also used in the City's of Vicco and Buckhorn. The city of Hazard also uses a different door to door franchise without having a staffed transer station.

2b. Attach a signed and dated copy of the current solid waste management ordinance(s) including all related amendments. Place at the end of the report with a cover sheet labeled "Chapter 2 Attachments."

3. Describe your annual waste hauler registration process including the annual requirement to file reports: Perry County will use the registration form provided by the Division of Waste Management and will abide by the requirements of the division.

B. Collection System Strengths

Describe the strengths of your collection system: Perry County has mandatory garbage service. For those who have city water the garbage has been added on to their water bill. For those who have garbage service we have free drop off of large bulky items such as beds, sofas, chairs, etc.

C. Collection System Weaknesses

Describe the weaknesses of your collection system: The inability to get in 100% compliance on collections.

D. Collection System Implementation Schedule

List a detailed account of specific actions or projects the governing body will complete to maintain or improve the collection system, the frequency at which such actions will take place, a date for commencement of the activities and a date at which the activities will cease. **Include educational efforts.**

Specific Actions	Frequency	Month/ Year to Begin	Month/ Year to End
1.) Utilize Administrative Court.	Annually	01/1/2018	01/01/2022
2.) Increase percentage on garbage collections	Annually	01/01/2018	01/01/2022
3.) Enforce all regulations	Annually	01/01/2018	01/01/2022
4.) Comply with Waste Hauler and recycler registration	Annually	01/01/2018	01/01/2022
5.) Look at different ways to improve collection percentage	Annually	01/01/2018	01/01/2022

3. DISPOSAL SYSTEM

A. Disposal System

1. Provide SWMA population and municipal solid waste disposal projections for five (5), ten (10), and twenty (20) years in the future.

Population 2020: 26,039	Population 2025: 25,713	Population 2033: 24,736
Waste Generation Projection 2018 – 2022: 64,118 Tons	Waste Generation Projection 2023 – 2027: 70,145 Tons	Waste Generation Projection 2028 – 2037: 144,261 Tons

2. List all contained landfills, including out-of-state landfills that will be used by your governing body during the 5-year update period. Provide capacity assurance letters demonstrating a minimum of 10 years of capacity from the landfill(s) and copies of any contractual agreements with those disposal facilities. Place at the end of the report with a cover sheet labeled "Chapter 3 Attachments."

1.) Landfill Name: Laurel Ridge Landfill		Permit #: 063-00003
Address: 552 Hopper Road		
City: Lily	State: Ky	Zip Code: 40740
2.) Landfill Name: N/A		Permit #:
Address:		
City:	State:	Zip Code:
3.) Landfill Name: N/A		Permit #:
Address:		
City:	State:	Zip Code:

3. Provide a complete inventory of all disposal facilities currently operating in your SWMA. Facilities to include are: contained landfills, construction/demolition debris landfills greater than one acre, incinerators or other technologies that accept municipal solid waste and medical waste incinerators that accept medical waste from other sources.

1.) Facility Name: N/A		Ownership:
Address:		
City:	State:	Zip Code:
Cost to users: (\$/Ton)	Life expectancy:	Years
Level of compliance with state and federal laws:		
2.) Facility Name: N/A		Ownership:
Address:		
City:	State:	Zip Code:
Cost to users: (\$/Ton)	Life expectancy:	Years
Level of compliance with state and federal laws:		
3.) Facility Name: N/A		Ownership:
Address:		
City:	State:	Zip Code:
Cost to users: \$ (\$/Ton)	Life expectancy:	Years
Level of compliance with state and federal laws:		

4. SWMA's hosting a landfill must complete question 4. All other SWMA's may proceed to question 5.

4a. Identify the following for each contained solid waste disposal facility hosted in your SWMA:

Landfill: N/A	Permit #:
Total capacity authorized to date: Tons	

Amount disposed in landfill to date: Tons

Remaining authorized capacity: 0.00 Tons

5. Describe any proposal(s) for new disposal facilities or expansions of existing disposal facilities (landfill, incinerators, or other approved technologies, etc.) planned during the 5-year update period: We do not have any plans to expand disposal or for a new facility.

6. Describe the county's emergency disaster plan to address solid waste concerns in the event of natural disasters (flooding, snow/ice storms, tornadoes, earthquakes, etc.): In the event of a natural disaster, the county will publicize drop off points for organic waste. The county will hold clean-ups after any natural disaster utilizing county employees to help community members clean-up affected areas.

7. Describe plans to research alternative approaches to solid waste management: We plan to begin a recycling facility which will hopefully reduce waste going into landfills.

B. Disposal Practices Strengths.

Describe the strengths of your existing disposal practices: All collected solid waste is disposed of properly.

C. Disposal Practices Weaknesses.

Describe the weaknesses of your existing disposal practices: Additional cost of transporting waste out of county. Lack of education on recycling in our area. We have no locations for members of Perry County to drop off large bulky items after working hours.

D. Disposal Implementation Schedule

List a detailed account of specific actions or projects the governing body will complete to maintain or improve its disposal system, the frequency at which such actions will take place, a date for commencement of the activities, and a date at which the activities will cease. **Include educational efforts.**

Specific Actions	Frequency	Month/Year to Begin	Month/Year to End
1.) Continue disposing of Waste at Lily, Ky.	Annually	2018	2022
2.) Perry County will look into providing 24 hour dump locations for large bulky items for the community	Annually	2018	2022
3.) Perry County will work on better education in our area.	Annually	2018	2022
4.)			
5.)			
6.)			

4. RECYCLING AND REDUCTION

A. Recycling/Reduction Program

1. Is recycling offered in your SWMA? Yes No

2. Describe your SWMA's annual recycler registration process including the annual requirements to file reports: All recyclers in Perry County are required to register with the county by completing the recycler registration form prepared by the Division of Waste Management. Perry County will meet regulations as defined in KRS224.43-315.

3. Do you have a plan to reduce the need for land disposal of yard waste? Yes No
If yes, describe: As of now yard waste does not pose a problem in Perry County.

4. Does your SWMA collect or manage yard waste for the purpose of diverting it from a landfill? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
5. List the counties and cities within your SWMA that collect or manage yard waste for the purpose of diverting it from the landfill?	
Perry	Buckhorn
Hazard	Vicco
6. List all permitted composting operations currently operating in your SWMA. If no composting operation exists, detail any actions your SWMA plans to take to encourage composting: N/A	
7. Describe your plan to reduce the need for land disposal through recycling, reuse and waste reduction (include drop off centers, curbside collection, interlocal agreements for regional alliances, etc.) Perry County received a grant to begin a recycling facility in our area. In the future we hope to become a regional facility. As of now we will allow citizens of the county, City of Hazard, City of Vicco and City of Buckhorn to drop off recyclables at our county garage. We will be using a building on the garage property to begin a small facility. There we will bale plastic, cardboard and plan to begin crushing glass. We will also have recycling trailers placed at different locations in the community to allow members to drop recyclables off in areas more convenient to them. We will be placing small recycling trailers at local restaurants to gather cardboard, we hope to expand yearly. We will be educating each school in our area as well.	
8. If recycling is deemed not feasible, provide specific details supporting that decision: N/A	
9. Describe how used motor oil, batteries, and antifreeze are handled in your SWMA: Advance Auto Parts, NAPA and O'Riellys accepts used oil and batteries for recycling.	
10. Describe how household hazardous waste is handled in your SWMA: We will take advantage of HHW grants.	
11. Are electronics/computers recycled in your SWMA? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
11a. If yes, describe your electronics/computer (e-scrap) recycling program: The Perry County Conservation District sponsors an E-Waste recycling system that allows residents of Perry County to bring in electronics they have to discard so they can be recycled. This recycling center is located at The Perry County Garage and is open from 8AM to 4PM Monday through Friday.	
11b. If no, discuss any plans your governing body has to start an electronics/computer (e-scrap) recycling program: N/A	
12. Is office paper recycled in your SWMA? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
12a. If yes, what businesses or agencies recycle office paper? Banks, School Systems and some other business recycle paper on a small scale.	

12b. If no, explain why office paper is not recycled in your SWMA: Paper is recycled on a small scale for business within the city limits of Hazard. Businesses are able to drop off mixed papers at the city maintenance garage on weekdays.

13. What efforts has your governing body made to assist the local school boards in recycling white paper and cardboard to meet the statutory requirements in KRS 160.294? If there have been none what will the county do to assist in this endeavor? Include dates in the implementation schedule: Within this 5 year period we will begin recycling paper with a drop-off station at the Perry County garage as well.

B. Recycling Program Strengths

Describe the strengths of your existing recycling program: The City of Hazard does recycle on a small scale, they allow citizens of the city to bring cardboard, paper, plastics, aluminum and steel cans to be recycled. We have two salvage yards within the county who allow citizens to bring in different types of metals to be recycled as well. Our county does however have the size and capacity to become a regional recycling facility.

C. Recycling Program Weaknesses

Describe the weaknesses of your existing recycling program: Perry County nor our included city's offer pick-up for recyclables on any scale. There has also been a lack of education on recycling in schools in our community. We are currently working towards gaining resources to better our recycling facility.

D. Recycling/Reduction Implementation Schedule

List a detailed account of specific actions or projects the governing body will complete to maintain or improve its recycling/reduction system, the frequency at which such actions will take place, a date for commencement of the activities and a date at which the activities will cease. **Include educational efforts.**

Specific Actions	Frequency	Month/Year to Begin	Month/Year to End
1.) Receive recycling trailers and other equipment ordered with grant funds and put in use.	Annually	05/01/2018	05/01/2022
2.) Continue to track recyclables coming into privately owned facility's	Annually	01/01/2018	01/01/2022
3.) Add on to new recycling facility at the Perry County Garage	Annually	01/01/2018	01/01/2022

4.) Improve education on recycling in our local school systems	Annually	01/01/2018	01/01/2022
5.) Work on connections with surrounding countys to begin a regional recycling facility in Perry County	Annually	06/06/2018	01/01/2022
6.)			

5. OPEN DUMPS AND LITTER

A. Open Dumps and Litter

1. Describe the contents of your ordinance with respect to open dumping. Provide a copy of the section of the ordinance(s) pertaining to open dumping and place at the end of the report with a cover sheet labeled "Chapter 5 Attachments." A notice of violation will be given to property owner with time limit to clean up dump, if not cleaned up a citation will be written by the Code Enforcement Officer. They will be given a 7 day period to contact the Code Enforcement Officer, given a fine and given an opportunity to appear in front of the Solid Waste Enforcement Board if they choose to contest the citation given.

2 What is your process for identifying and recording open dumps? We ask for the help of the community to identify the dumps. They will contact the Solid Waste Enforcement Office with location. We then send an employee to locate dumps in order to begin the clean-up process.

3. How does the SWMA prioritize the cleanup of open dumps? The dumps which can cause a danger to animals or children are the dumps we clean-up first.

4. Describe the procedures to prevent the recurrence of open dumping at sites that have been cleaned (include surveillance efforts, pull-off barricades, etc.): We place signs in areas we have recurring dumps and plan to begin placing surveillance cameras in these areas.

5. Describe any assistance your SWMA offers to private property owners to clean open dumps: We treat these as any other dump and get an easement to work on the property provided there is proof the owner did not dispose of trash on their own property.

6. Describe your plan to control and clean up litter: We use community service crews and volunteers to clean-up road side litter. We plan to begin the Trash for Cash program to get community members involved as well. We also plan to begin educating the students in our area on litter control and recycling.

7. Describe the coordination efforts that exist within your SWMA with local, county and state law enforcement. If your county has a litter ordinance, provide a copy of the ordinance(s) or the portion of the solid waste ordinance(s) pertaining to litter and place at the end of the report with a cover sheet labeled "Chapter 5 Attachments." Our officers agree to help cite those who are caught littering on our area.

B. Open Dump Prevention Strengths

Describe the strengths of your program to clean and prevent open dumps: Perry County uses no littering signs and will begin using surveillance cameras as soon as more funding is available. Our community members are aware they can contact us when they have located a dump. Perry County will also take advantage of Illegal Open Dump Grants.

C. Open Dump Prevention Weaknesses

Describe the weaknesses of your program to clean and prevent open dumps: Perry County lacks the ability to keep people out of these dump locations. Lack of education has also been a major weakness in this area.

D. Open Dump Prevention Implementation Schedule

List specific actions or projects your SWMA will complete to maintain or improve its open dump abatement program. **Include educational efforts.**

Specific Actions	Frequency	Month/ Year to Begin	Month/ Year to End
1.) Begin with more education in all of our schools	Annually	01/01/2018	01/01/2022
2.) Continue to apply for Open Dump Grants	Annually	01/01/2018	01/01/2022
3.) Perry County will begin placing cameras in areas we have had repetitive dumping.	Annually	01/01/2018	01/01/2022
4.) Perry County will continue to place no dumping signs	As Needed	01/01/2018	01/01/2022
5.)			
6.)			

E. Litter Prevention Strengths

Describe the strengths of your program to control and clean up litter: We use community service crews to clean up litter in Perry County.

F. Litter Prevention Weaknesses

Describe the weaknesses of your program to control and clean up litter: Perry County lacks when it comes to education on litter prevention.

D. Litter Prevention Implementation Schedule

List specific actions or projects your SWMA will complete to maintain or improve its litter abatement program. **Include educational efforts.**

Specific Actions	Frequency	Month/ Year to Begin	Month/ Year to End
1.) Perry County will begin to educate students in our area.	Annually	01/01/2018	01/01/2022
2.) Perry County will begin using the Trash for Cash program.	Annually	01/01/2018	01/01/2022
3.) Perry County will continue using Community Service to help with road side litter clean-up	Daily	01/01/2018	01/01/2022
4.) Perry County will continue to place no littering signs in high traffic areas	Annually	01/01/2018	01/01/2022
5.)			
6.)			

6. FACILITY SITING

As per KRS 224.01-010, the definition for a "solid waste management facility" is any facility for the collection, storage, transportation, transfer, processing, treatment, and disposal of solid waste..." Solid waste facilities include, but are not limited to contained landfills, CD/D landfills, transfer stations, recycling centers and composting facilities.

A. Facility Siting

1. Describe your SWMA's current siting ordinance(s). Include any local planning and zoning requirements. *Attach a signed and dated copy of the current siting ordinance(s) and place at the end of the report with a cover sheet labeled "Chapter 6 Attachments."* We are currently working on amending this part of Perry County's ordinance.

2. A siting ordinance enforced at the local level helps ensure that the facility attains the standards set forth by the local solid waste governing body. Describe the process for enforcing your SWMA's siting ordinance(s):

3. Describe in detail the site approval process for your SWMA. Attach a copy of the siting procedures and place at the end of the report with a cover sheet labeled "Chapter 6 Attachments."

4. Does the site approval process establish rules, regulations, and standards in the physical placement, expansion, or modification of a facility? If not, are there any planned modifications to address these concerns within the siting ordinance/procedures?

5. Does the site approval process outline the requirements for public notification in the decision-making process? If not, are there any planned modifications to address these concerns within the siting ordinance/procedures?

6. Does the site approval process include a submittal of a permit application with site specific information, ownership and financial data, approval and notification processes, and allowances for permit conditions, inspections, reporting, fees, enforcement, and penalties?

B. Facility Siting Strengths

Describe the strengths of your existing siting ordinance:

C. Facility Siting Weaknesses

Describe the weaknesses of your existing siting ordinance:

D. Facility Siting Implementation Schedule

List specific actions or projects the SWMA will complete to maintain or improve its facility siting system, the frequency at which such actions will take place, a date for commencement of the activities and a date at which the activities will cease. **Include educational efforts.**

Specific Actions	Frequency	Month/ Year to Begin	Month/ Year to End
1.) Presented Siting Amendment to Perry Fiscal Court, First reading was approved		10/17/2017	
2.) Final reading		11/21/2017	
3.)			
4.)			
5.)			
6.)			

7. ENFORCEMENT

A. Enforcement Program

1. Describe your enforcement procedures and penalties for non-participation in your approved solid waste collection system. Attach a copy of the section of the ordinance(s) or procedures pertaining to non-participation and place at the end of the report with a cover sheet labeled "**Chapter 7 Attachments.**" Perry County's Code Enforcement Officer will issue a notice of violation and give those in violation of the ordinance a time frame to allow them to remedy the violation. If violator does not remedy the situation they will then be given a citation and will appear in front of the Solid Waste Enforcement Board. Refer to Section 6 in Perry County's Ordinance Establishing a Code Enforcement Board.

2. Describe all surveillance/enforcement activities used by your SWMA to prevent litter and illegal dumping; for example, neighborhood watches, hidden cameras, etc. Attach copies of citation forms and letters to violators and place at the end of the report with a cover sheet labeled "**Chapter 7 Attachments.**" As of now we are not using surveillance cameras but plan to do so in the future.

3a. Do you use an administrative court for solid waste issues? Yes No

3b. If "yes" to question 3a, above, provide the date the court became effective: 12/15/2015

4. Describe the operative procedures of the administrative court for solid waste issues. Attach a copy of the relevant documents or codes that relate to the administrative court and place at the end of the report with a cover sheet labeled "**Chapter 7 Attachments.**" The court has the power to issue remedial orders and impose civil fines as a method of enforcing county ordinances. See section 2: POWERS of the attached Ordinance Establishing a Code Enforcement Board

5. If your SWMA does not have an administrative court for solid waste issues, do you plan to initiate an administrative court during this plan period? Yes No **If yes, provide dates in the implementation schedule:**

6. Describe any proposed modifications to your open dumping and littering procedures/ordinances. Provide dates in the implementation schedule: Is not being modified at this time.

7. Describe enforcement actions or procedures taken by the SWMA if identifying information (i.e. names, addresses, etc.) is found in litter or an illegal dump: Evidence will be presented to the court, a citation with court date will be mailed or delivered to suspect. A hearing will be held and Code Enforcement Board may fine or order abatement if suspect is found guilty. See Section 2: POWERS of attached Ordinance Establishing a Code Enforcement Board.

B. Enforcement Procedures Strengths

Describe the strengths of your existing enforcement procedures regarding litter and illegal dump prevention and non-participation in your approved collection system: We now have more personnel to better follow through with Enforcement procedures.

C. Enforcement Procedures Weaknesses

Describe the weaknesses of your existing enforcement procedures regarding litter and illegal dump prevention and non-participation in your approved collection system: We have been unable to ensure complete participation with our collection system. We have also struggled with litter and dumping prevention due to lack of education in this area.

D. Enforcement Implementation Schedule

List a detailed account of specific actions or projects the county will complete to maintain or improve its Enforcement System, the frequency at which such actions will take place, a date for commencement of the activities, and a date at which the activities will cease. **Include educational efforts.**

Specific Actions	Frequency	Month/ Year to Begin	Month/ Year to End
1.) Work on better educating our schools and residents as to why it's important to properly dispose of waste.	Bi-annually	01/2018	01/2022
2.) Perry County will look into getting District Court involved with prosecution.	Annually	01/2018	01/2022
3.) Perry County will continue to follow our ordinance	Annually	01/2018	01/2022
4.)			

5.)			
6.)			

8. FINANCIAL MECHANISMS

A. Financial Mechanisms

1. Check all items that apply for the funding of your Solid Waste Program.

- Line Item in County Budget
- Collection franchise fees
- 109 Taxing Board
- General Fund
- Host agreement fees
- Other (list all):

2. How is the Solid Waste Coordinator's position funded?

- Line Item in County Budget
- Collection franchise fees
- 109 Taxing Board
- General Fund
- Host agreement fees
- Other (list all):

3. List all fees/revenues collected by local government for solid waste management. Examples of fees/revenue are: fees charged for disposal facilities under KRS 68.178; fees charged by local government for garbage collection; 109 taxes, franchise and/or permit fees charged by local government; fees charged at transfer stations or convenience centers if owned by local government; and revenue received from the sale of recyclables.

Type of Fees/Revenue:	Anticipated Amounts Collected				
	1 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year
License Fee (per KRS 68.178 for Off-Site Waste Management Facilities)	\$	\$	\$	\$	\$
Municipal Garbage Collection (city and/or county)	\$	\$	\$	\$	\$
Franchise fee	\$312,129	\$318,371	\$324,738	\$331,232	\$337,856
Permit fee	\$	\$	\$	\$	\$
Transfer station	\$0	\$	\$	\$	\$
Convenience center	\$	\$	\$	\$	\$
109 or other tax	\$	\$	\$	\$	\$
Proceeds from sale of recyclables	\$19,000	\$30,000	\$36,000	\$40,000	\$45,000
Landfill user fees	\$	\$	\$	\$	\$
Host agreement	\$	\$	\$	\$	\$
General revenue	\$	\$	\$	\$	\$

Eastern Kentucky PRIDE	\$0	\$	\$	\$	\$
Grants, Conservation Service	\$	\$	\$	\$	\$
Grants, State illegal dump	\$17,000	\$19,000	\$20,000	\$20,000	\$19,000
Grants, State litter abatement	\$42,000	\$42,000	\$42,000	\$42,000	\$42,000
Grants, State Crumb Rubber	\$12,000	\$12,000	\$12,000	\$12,000	\$12,000
Grants, State HHW Collection Grant	\$	\$	\$	\$	\$
Grants, State Waste Tire	\$4,000	\$4,000	\$4,000	\$4,000	\$4,000
Grants, State Recycling	\$90,000	\$90,000	\$90,000	\$90,000	\$90,000
Other (specify):	\$	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$	\$
TOTAL AMOUNT ANTICIPATED	\$496,129	\$515,371	\$528,738	\$539,232	\$549,856

4. Provide the following information on anticipated expenditures during the 5-year update period.

Type of Expenditures:	Anticipated Expenditures/Budget				
	1 st Year	2 nd Year	3 rd Year	4 th Year	5 th Year
Capital Expenditures	\$	\$	\$	\$	\$
Personnel	\$119,136	\$119,136	\$119,136	\$119,136	\$119,136
Collection	\$	\$	\$	\$	\$
Disposal	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000
Enforcement	\$	\$	\$	\$	\$
Open Dump Cleanups	\$20,000	\$22,000	\$24,000	\$23,000	\$22,000
Litter Cleanups	\$35,000	\$35,000	\$35,000	\$35,000	\$35,000
Education Activities	\$3,000	\$3,000	\$3,000	\$3,000	\$3,000
Recycling Costs/Expenses	\$90,000	\$90,000	\$90,000	\$90,000	\$90,000
Other (specify):	\$	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$	\$
TOTAL COSTS ANTICIPATED	\$197,136	\$289,136	\$291,136	\$290,136	\$284,136



WASTE CONNECTIONS INC.

Connect with the Future[®]

LAUREL RIDGE LANDFILL

PO Box 808
Lily, Kentucky 40740
606-864-7996

Date: 1/9/2017

Attn: Perry County Fiscal Court:

Dear Fiscal Court,

Laurel Ridge Landfill will provide 29 years capacity for Perry County. Laurel Ridge Landfill is located at 3612 E Hwy 552 in Lily; Kentucky and permit number is 063-0003.

Perry County tons disposed of in 2016 was 16,029.55.

The gate rate for Laurel Ridge Landfill is \$41.75.

We will be more than willing to answer any questions you may have concerning our company or to assist you in any manner possible to solve you solid waste needs.

Sincerely,

Bruce Crouch
District Manager
Laurel Ridge Landfill

Chapter 2 Attachments

PERRY COUNTY, KENTUCKY
ORDINANCE NO. _____
AN ORDINANCE REGULATING SOLID WASTE MANAGEMENT

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.

WHEREAS, pursuant to Kentucky Revised Statutes 224 and 109 and related administrative regulations, Perry County, including, its cities, (except that the City of Hazard located within the geographical boundary of Perry County operates an independent Waste Management System and the territorial boundary covered by the City of Hazard Waste Management System is not subject to the terms and provisions of this Ordinance) 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 Commonwealth of Kentucky, and

WHEREAS, KRS 109.011 (11) states that it is the intent of the General Assembly that KRS Chapter 109 and KRS 67.083 (3) (o) provide counties with authority to develop a solid waste management system for solid waste generated within the geographical boundaries of the county, consistent with the provisions of KRS Chapter 109 and KRS Chapter 224; and

WHEREAS, KRS 67.083 (3) (o) and KRS 67.083 (3) (r) grant to Perry County the exclusive management of solid waste by Ordinance, by contract, or both; and

WHEREAS, the Perry County Fiscal Court, has previously enacted a Solid Waste Management Ordinance, and has adopted several amendments thereto; and

WHEREAS, it has become necessary to enact a new Solid Waste Ordinance in order to provide the most comprehensive and efficient methods of collection, storage, transportation and

disposal of solid waste, and to provide a more comprehensive and effective system for the enforcement of the provisions of the Solid Waste Management Ordinance.

NOW, THEREFORE, be it ordained by the Fiscal Court, Perry County, Kentucky, that this ordinance shall be known as the Solid Waste Management Ordinance. The Perry County Fiscal Court shall be responsible for the administrative management of this ordinance and the promulgation of rules and regulations authorized in Section 7.

SECTION 1: DEFINITIONS

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

Agricultural Use: Operations for the production of agricultural or horticultural crops, including, but not limited to: livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on their tract.

Agricultural Waste: Any non-hazardous waste resulting from the production and processing of on-the-farm agricultural products, including manures, prunings and crop residues.

Approved Incinerator: An incinerator which complies with all current regulations of the responsible local, state and federal air pollution control agencies.

Bulky Waste: 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 into solid waste transportation vehicles.

Cabinet: The Energy and Environment Cabinet.

Collection: Removal of solid waste from the designated pick-up location to the transfer vehicle. Acceptable collection practices shall consist of the following: (1) door-to-door household collection and/or (2) direct access to a staffed convenience center or transfer facility.

Commercial Solid Waste: All types of solid waste generated by stores, offices, restaurants, warehouses and other service and non-manufacturing activities, excluding households and industrial solid waste.

Compost: Solid waste which has undergone biological decomposition of organic matter, been disinfected using composting or similar technologies, been stabilized to a degree which is potentially beneficial to plant growth and which is approved for use or sale as a soil amendment, artificial topsoil, growing medium amendment, or other similar uses.

Composting: The process by which biological decomposition of organic solid waste is carried out under controlled aerobic conditions and which stabilizes the organic fraction into a material which can easily and safely be stored, handled and used in an environmentally acceptable manner:

- (a) Composting may include a process which creates an anaerobic zone within the composting material.
- (b) Composting does not include simple exposure of solid waste under uncontrolled conditions resulting in natural decay.

Convenience Centers: A facility that is staffed during operating hours for the collection and subsequent transportation of solid wastes.

County: The County of Perry, Kentucky.

Demolition and Construction Waste: Materials resulting 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 Perry County Code Enforcement Officer.

Disposal: The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment, be emitted into the air or be discharged into any water, including groundwater.

Disposable Solid Waste Container: Disposable plastic or paper sacks with a capacity of 10 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.

Generator: Any person, by site, whose act or process produces waste.

Governing Body: A county, a waste management district, an entity created pursuant to the Interlocal Cooperation Act, a taxing district created pursuant to the provisions of KRS 65.180 through 65.192, a special district created pursuant to the provisions of KRS 65.160 through 65.176, or counties acting under contract pursuant to KRS 109.082.

Hazardous Waste: Any waste or combination of wastes which are determined by the Cabinet 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 hazard to human health or the environment when improperly treated, stored, transported or disposed of, or otherwise managed.

Household Solid Waste: Solid waste, including garbage and trash generated by single and multiple family residences, hotels, motels, bunkhouses, ranger stations, crew quarters, and recreational areas such as picnic areas, parks and campgrounds.

Industrial Solid Waste: Solid waste generated by manufacturing or industrial processes that is not a hazardous waste or a special waste as designated by KRS 224.868, including, but not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer or agricultural chemicals; food and related products or by-products;

inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment.

Mandatory Collection: A solid waste collection system which is established by ordinance and approved by the Cabinet and requires participation by each occupied household or solid waste generator in a county.

Multi-family Residential Unit: A housing facility containing more than one dwelling unit under one roof.

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

Open Burning: Burning of any matter in such manner that the combustion resulting from burning are emitted directly into the outdoor atmosphere without passing through a stack or chimney.

Open Dump: Any facility on site for the disposal of solid waste which does not have a valid permit issued by the Cabinet or does not meet the environmental performance standards established under regulations promulgated by the Cabinet.

Person: An individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, federal agency, state agency, city, commission, political subdivision of the Commonwealth of Kentucky, or any interstate body.

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

Public Nuisance: Illegal waste disposal practices that include but are not limited to open burning, open dumps, or littering which are deemed to be a nuisance under applicable law.

Recovered Material: Those materials, including, but not limited to: compost, which have known current use, reuse, or recycling potential, which can be easily used, reused, or recycled, and which have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing, but does not include materials diverted or removed for purposes of energy recovery or combustion except refuse-derived fuel (RDF), which shall be credited as a recovered material in an amount equal to that percentage of the materials received on a daily basis at the processing facility and processed into RDF; but not to exceed 15 percent (15%) of the total amount of the solid waste received at the processing facility on a daily basis.

Recovered Material Processing Facility: A facility engaged solely in the storage, processing, and resale or reuse of recovered material, but does not mean a solid waste management facility if solid waste generated by a recovered material processing facility is managed pursuant to KRS Chapter 224 and administrative regulations adopted by the Cabinet.

Recycling: Any process by which materials which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products, including refuse-derived fuel when processed in accordance with administrative regulations established by the Cabinet, but does not include the incineration or combustion of materials for the recovery of energy.

Residential Dwelling Unit: A building or portion thereof, providing complete housekeeping facilities for one (1) person or one (1) family.

Residential Solid Waste: Solid waste resulting from the maintenance of dwelling units.

Sanitary Landfill: A permitted facility for the disposal of solid waste which complies with the "environmental performance standards" specified in 401 KAR 47:030.

Sludge: Any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant or any other such waste having similar characteristics and effects.

Solid Waste: Any garbage, refuse, sludge and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining (excluding coal mining wastes, coal mining by-products, refuse and overburden), agricultural operations, and from community activities, but does not include those materials including, but not limited to, sand, soil, rock, gravel, or bridge debris extracted as part of a public road construction project funded wholly or in part with federal, state and/or local funds, recovered material, special wastes as designated by KRS 224.868, solid or dissolved material in domestic sewage, manure, crops, crop residue, or a combination thereof which are placed on the soil for return to the soil as fertilizers or soil conditioners, or solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject to permits under Section 401 of the Federal Waste Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923).

Solid Waste Management: The administration of solid waste activities: collection, storage, transportation, transfer, processing, treatment and disposal, which shall be in accordance with a Cabinet approved county or multi-county solid waste management plan.

Solid Waste Management Area or "Area": Any geographical area established or designated by the Cabinet in accordance with the provisions of Senate Bill 2.

Solid Waste Management Facility: Any facility for collection, storage, transportation, transfer, processing, treatment, or disposal of solid waste, whether such facility is associated with facilities generating such wastes or otherwise, but does not include a container located on property where solid waste is generated and which is used solely for the purpose of collection and temporary storage of that solid waste prior to off-site disposal, or a recovered material processing facility which is subject to regulation pursuant to Senate Bill 2 for control of environmental impacts and to prevent any public nuisance.

Solid Waste Management Plan: The document submitted by waste management districts, counties, or any combination thereof as required under KRS 224.43-345 and approved by the Cabinet.

Solid Waste Site or Facility: Any place at which solid waste is managed, stored, treated, processed or disposed.

Solid Waste Storage/Container: Receptacle used by any person to store solid waste during the interval between solid waste generation and collection. A solid waste container is made out of plastic, vinyl or metal, ranging in size from about 10 gallons to 42 cubic yards in size.

Storage: The containment of wastes, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such wastes.

Transfer: The placement of solid waste from smaller collection vehicles into larger vehicles for transportation to intermediate or final disposal facilities.

Transfer Facility: Any transportation related facility including loading docks, parking areas, and other similar areas where shipments of solid waste are held or transferred during the normal course of transportation.

Transportation: Any off-site movement of waste by any mode, any loading, unloading, or storage incidental thereto.

Treatment: Any method, technique, or process including neutralization, designed to change the physical, chemical, or biological character or composition of any waste so as to neutralize such waste or so as to render such waste nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous.

Universal Collection: A solid waste collection system which is established by ordinance and approved by the Cabinet and requires access for each household or solid waste generator in a county.

Waste Management District: Any county or group of counties electing to form under the provisions of KRS Chapter 109 and operate in conformance with the provisions of KRS Chapter 109 and with Section 4006, Resource Conservation and Recovery Act of 1976, as amended (Public Law 94-580).

Waste Site or Facility: Any place where waste is managed, processed or disposed of by incineration, landfilling, or any other method, but does not include a container located on property where solid waste is generated and which is used solely for the purpose of collection and temporary storage of that solid waste prior to off-site disposal, or a recovered material processing facility or the combustion of processed waste in a utility boiler.

SECTION 2: STORAGE OF SOLID WASTE

Section 2.1: Storage Containers Required

The occupant or owner of every residential dwelling unit, agricultural, commercial or institutional and industrial establishment producing solid waste within the County shall provide sufficient and adequate containers for the storage of all solid waste, except bulky waste and demolition and construction waste, to serve each dwelling unit and/or establishment; and to maintain such solid waste containers in good repair at all times.

Section 2.2: Solid Waste to be Stored in a Manner Prescribed by Ordinance

The occupant or owner of every residential dwelling unit, agricultural, commercial, business, institutional and industrial establishment shall place all solid waste to be collected in proper solid waste containers, 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 be kept free from insect and rodent infestation and will not create a fire hazard.

Section 2.3: Standards for Residential Storage Containers

Residential solid waste shall be stored in storage containers of not less than 10 gallons nor more than 35 gallons in nominal capacity. Storage containers shall be leak proof, water proof, 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 storage containers and contents shall not exceed 75 pounds. Galvanized metal containers, or rubber, fiberglass, plastic

or vinyl containers, which do not become brittle in cold weather may be used. Disposable solid waste containers within suitable frames, wire bag holders or other storage containers may also be used for storage of residential solid waste, subject to approval by the Code Enforcement Officer.

Section 2.4: Standards for Residential, Commercial, Institutional and Industrial Use

Storage Containers

All users which generate more than a volume of 2 cubic yards (i.e., approximately equivalent to 400 pounds or 1/2 ton or 400 gallons) of solid waste per week shall be required to provide bulk containers for storage as approved by the Code Enforcement Officer. The containers shall be water proof, leak proof, and shall be covered at all times except when depositing waste therein or removing contents thereof; and shall meet all requirements as referenced in this Ordinance.

Section 2.5: Air Tight Containers

No owner, occupant, tenant or lessee of any building or dwelling may leave outside the dwelling or building, in a place accessible particularly to children, any abandoned or unattended white goods (i.e., icebox, refrigerator, or other receptacle that has an airtight door) without first removing the door.

Section 2.6: Medical Waste

Contaminated needles and other contaminated sharp objects shall be placed in medical waste containers that are puncture resistant, labeled or color-coded, and leakproof. All containers holding medical waste for disposal shall meet all federal, state and local health and safety standards. Non-sharp wastes, such as bandages, shall be placed in containers which are closeable and constructed to securely contain all contents and prevent leakage of fluids during handling, storage, transport or shipping. Containers of non-sharp medical waste shall be clearly labeled or color-coded in accordance with federal, state and local health and safety standards.

Section 2.7: Storage Containers Not in Compliance

Solid waste containers that do not meet the specifications as outlined in this section shall be considered waste and will be collected together with their contents and disposed of as solid

waste without reimbursement to the owner or user thereof, to protect the public health and welfare.

SECTION 3: COLLECTION OF SOLID WASTE

Section 3.1: County Responsibility Defined

The County shall provide for the collection and disposal of solid waste generated within the County, provided, however, the County may provide the collection service by contracting with a person, county, or other city or a combination thereof, for the entire County or portions thereof, as deemed to be in the best interest of the County. Every person, entity or commercial enterprise shall be expressly prohibited from collecting, sorting, processing, transporting and disposing of any solid waste generated within the County except as specifically authorized herein.

Section 3.2: Universal Collection

The County shall make available to every dwelling unit and commercial establishment located within the Perry County service area solid waste disposal and collection services.

Section 3.3: Mandatory Collection

Participation by every occupied dwelling unit, commercial establishment, agricultural waste producer, industrial waste producer and any other waste producer is mandatory. Every dwelling unit, commercial establishment, agricultural waste producer, industrial waste producer and any other waste producer located within the Perry County service area is required to register for solid waste collection and disposal services and is required to pay for said service.

Section 3.4: Collection Points

The point of collection of solid waste shall be from the roadside or curbside within public rights of way at the nearest public road to the residence or commercial establishment, or any other location as approved by the Code Enforcement Officer. Containers of solid waste generated by residential, commercial or agricultural uses shall be placed along the roadside or curbside fronting the subject property not more than twelve (12) hours before collection. All reusable

storage containers shall be removed from the roadside or curbside by the generator within twelve (12) hours after collection. Containers for bulky waste, construction or demolition waste shall, whenever reasonably feasible, be on private property and in a location easily accessible to a collection vehicle.

Section 3.5: Bulky Waste

The Code Enforcement Officer shall establish the procedures for collecting bulky waste from residential units within the County. An additional fee may be charged for the collection of bulky waste.

Section 3.6: Authority for Collectors to Enter Private Property

Solid waste collectors, employed by the County or a solid waste collection agency operating under contract with the County, are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by the ordinance. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste. Commercial solid waste may be removed from within commercial establishments upon written request of the owner and approval by the Code Enforcement Officer.

Section 3.7: Collection Frequency

All solid waste, other than bulky waste, shall be collected on a regularly scheduled basis at least once weekly. All collections shall be made between 6 a.m. and 9 p.m., or as may be determined from time to time by the County Judge Executive, or his designee.

Section 3.8: Collector's Responsibility Defined

Solid waste collectors operating within the County shall be responsible for the collection of solid waste from collection points to a transportation vehicle, provided solid waste is stored in compliance with provisions set forth in this ordinance. Spillage or blowing litter, caused as a result of the duties of the solid waste collector, shall immediately be collected and placed in the transportation vehicle by the collector.

Section 3.9: Acceptable Collection Practices

Collection practices that are deemed acceptable by the County are as follows:

- a. Door-to-door household/curbside collection. Collection service may be provided by the County or by franchise with the private sector.
- b. Direct access to a staffed convenience center or transfer facility within the County. Residents may transport their waste directly to Cabinet approved staffed convenience centers or transfer facilities within the boundaries of the County which meet the environmental performance standards of 401 Kentucky Administrative Regulation 49:060.

Section 3.10: Prohibitions

The following wastes may not be deposited in solid waste containers or receptacles:

1. Hazardous waste;
2. Liquid wastes;
3. Bulky wastes, major appliances, furniture;
4. Tires;
5. Construction and demolition wastes;
6. Dead animals;
7. Any burning or smoldering materials or any other materials that would create a fire hazard; or
8. Batteries.

No person may remove any item from a solid waste receptacle, climb on or into a container or receptacle or damage any container.

SECTION 4: TRANSPORTATION OF SOLID WASTE

Section 4.1: 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 there 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 whenever 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.

SECTION 5: DISPOSAL OF SOLID WASTE

Section 5.1: Open Burning

Open burning of solid waste, hazardous waste or bulky waste is prohibited.

Section 5.2: Open Dumping

Open dumping of solid waste, including bulky waste, on all lands (i.e., roadsides, hollows, rivers, streams, lakes, etc) by any person is prohibited by KRS 224.40-100 and this ordinance.

Section 5.3: Disposal Sites

All solid waste, including bulky waste, shall be disposed of within a sanitary landfill having a valid permit issued by the Cabinet in compliance with KRS 224.40-305, 224.40-100, and 224.40-315 and this ordinance

Section 5.4: Hazardous Waste

As defined within this ordinance, hazardous waste will require special handling and shall be disposed of only in a manner authorized by state and/or federal regulations.

SECTION 6: FRANCHISING

Section 6.1: Franchise Requirement

The Fiscal Court may at any time, and from time to time, advertise in any manner in which it deems fit for bids to be made by companies interested in providing the collection, transportation, and disposal of solid waste located within Perry County, Kentucky. Each bid shall

contain the name and address of the owner/operator, and a complete history of the owner/operator's prior experience in the ownership and/or operation of any and all solid waste sites or facilities. No person may engage in the business of solid waste collection unless he holds a franchise issued by the County authorizing him to collect, transport, and dispose of solid wastes and describing the area for which the franchise is issued.

Section 6.2: Establishment of a Franchise

The County shall determine the area for which a franchise is granted. The County may grant an exclusive franchise which covers the entire Perry County service area, or it may issue separate franchises for smaller portions of the Perry County service area.

Section 6.3: Granting a Franchise

The County shall advertise and seek proposals to serve each franchise area. Applications for franchises shall be filed with the Court on forms prescribed by the County Judge Executive. The Fiscal Court may grant a franchise only upon finding that the applicant will render prompt, efficient, and continuing service to the area for which the franchise is granted and that the applicant has sufficient equipment and personnel to render service to all persons generating solid waste within the service area. A franchise shall be granted for a term of years and may be renewable. No franchise shall be assignable.

Section 6.4: Franchisee Shall Be An Independent Agent

Any franchisee shall be an independent agent and not the agent, servant, or employee of Perry County, and shall be exclusively responsible for all provisions of the Workman's Compensation laws of the Commonwealth of Kentucky, as well as any and all other regulations, statutes, or provisions adopted by the federal government, state government, or local government.

Section 6.5: Insurance Requirements

Any franchisee shall maintain and continuously keep in effect public liability and property damage insurance in amounts not less than Two Million Dollars (2,000,000.00). Evidence of the required coverage shall be provided to the County Judge Executive. Should any

such policy be cancelled, the County Judge shall immediately be notified. Any franchisee shall furnish a performance bond for the faithful performance of the agreement and the franchise grant in an amount to be set by the Perry County Fiscal Court and approved by the County Judge Executive. The bond shall continue as long as the agreement is in effect.

Section 6.6: Fee Approval

The Fiscal Court shall approve all fees charged by solid waste collectors. Fee schedules are set annually.

Section 6.7: Termination of Franchise

The Perry County Fiscal Court may terminate or suspend all or any portion of a franchise for any of the following reasons:

- a. Failure of the franchisee to comply with authorized fee schedules.
- b. Failure of the franchisee to dispose of the collected waste in a sanitary landfill permitted by the Commonwealth of Kentucky.
- c. Failure to collect all waste in excess of two (2) consecutive weeks.
- d. any other violation of this ordinance, or violation of any provision set forth in any separate contract between the County and franchisee.

Section 6.8: Reporting Requirements

A franchisee shall provide monthly reports to the County containing such information as is required by the County Judge Executive, or his designee.

SECTION 7: RULES AND REGULATIONS

The Perry County Fiscal Court, shall make, amend, revoke, and enforce reasonable rules and regulations, governing, but not limited to:

- a. Preparation, drainage and wrapping of garbage deposited in solid waste containers.
- b. Specifications for solid waste containers, including the type, composition, equipment, size and shape thereof.

- c. Identification of solid waste containers and of the covers thereof, and of equipment thereto appertaining, if any.
- d. Weight limitations on the combined weight of solid waste containers and the content thereof and weight and size limitations on bundles of solid waste too large for solid waste containers.
- e. Storage of solid waste in solid waste containers.
- f. Sanitation, maintenance and replacement of solid waste containers.
- g. Schedules of and routes for collection and transportation of solid waste.
- h. Collection points of solid waste containers.
- i. Collections, transportation, processing and disposal of solid waste.
- j. Processing facilities and fees for the use thereof.
- k. Disposal facilities and fees for the use thereof.
- l. Records of quantity and type of wastes at processing and/or disposal facilities.
- m. Handling of special wastes such as sludges, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.
- n. Reporting requirements of franchisees including the following:
 - (1.) Monthly reports to the governing body, which provide a list of households and businesses participating in the designated collection service.
 - (2.) Monthly reports to the governing body, which provide a list of non-participating households and businesses in the mandatory collection system.
- o. Registration of all vehicles utilized by any franchisee hauling solid waste in the county.
- p. Registration of any franchise hauler of solid waste in the county.

SECTION 8: PROHIBITED PRACTICES

It shall be unlawful for any person to:

- 1. 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;

2. Dump or permit the dumping of garbage, refuse, rubbish and debris on any property within the County;
3. 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;
4. Fail to have solid waste collected as provided in this ordinance;
5. Throw, drop, discard or otherwise dispose of litter from any motor vehicle upon any public or private road;
6. Operate a motor vehicle on any public or private roadway in such a manner as to allow any contents thereof to drop, leak or otherwise escape from the vehicle, except that salt, sand, gravel or other suitable substance may be dropped for the purpose of securing traction on the roadway by persons authorized by the County or the Commonwealth to take such action;
7. 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 franchise agreement from the County;
8. Burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency;
9. Dispose of dead animals in any container to be collected by the County;
10. Own or operate an open dump;
11. To engage in the feeding of food waste to animals for commercial purposes;
12. Dispose of solid waste at any facility or location which is not approved by the County and permitted by the Kentucky Department for Environmental Protection;
13. Engage in the business of collecting, transporting, processing or disposing of solid waste within the geographic boundaries of the Perry County Solid Waste Management Area without a franchise agreement from the County, operate under an expired franchise, or operate after a franchise has been suspended or revoked or contract or franchise agreement cancelled; and,
14. Violate any section of this ordinance or any other rule or regulation promulgated under the authority of this Ordinance.

SECTION 9: ENFORCEMENT AND PENALTIES

Section 9.1: Civil Enforcement

All violations of this Ordinance shall be classified as civil offenses and not criminal offenses.

Section 9.2: Code Enforcement Board

All violations of this Ordinance shall be enforced by the Perry County Code Enforcement Board. The Perry County Code Enforcement Board is authorized to enforce any violation, impose any penalty, or take any other remedial action set forth in this Ordinance, or in the separate Ordinance establishing the Code Enforcement Board. The procedures of the Code Enforcement Board and the methods of enforcement are set forth in the Ordinance Establishing the Code Enforcement Board.

The Code Enforcement Board is authorized to waive or suspend all fines and penalties, or any portion of any fine or penalty, upon making a determination that such waiver or suspension would promote compliance with this Ordinance.

SECTION 10: PUBLIC NUISANCES RELATED TO WASTE MANAGEMENT AND ABATEMENT PROCEDURES

Section 10.1: Notice of Violation

Upon determining that a public nuisance exists, the Code Enforcement Officer shall serve a notice of violation upon the owner or occupant of the property upon which the public nuisance exists in violation of this Ordinance. A copy of the notice shall be placed upon the premises where the public nuisance exists. The Notice of Violation shall specifically describe the public nuisance and shall direct the owner or occupant of the property to abate or remove the nuisance within a time specified within the Notice of Violation. The Notice shall state that unless the nuisance is so abated or removed, a citation will be issued by the Code Enforcement Officer. The citation shall contain all of the information set forth in Section 6, Paragraph D of the Ordinance Establishing the Code Enforcement Board.

Section 10.2: Final Order of Code Enforcement Board; Abatement Procedures

If the public nuisance is not abated or removed after a final order of the Code Enforcement Board directing the owner, occupant or person causing, permitting, or maintaining the nuisance to remove the nuisance, the Fiscal Court may cause the abatement or removal of the public nuisance. The reasonable cost of the abatement of the public nuisance shall be a lien on the real property where the nuisance was abated or removed.

Section 10.3: Cost Recovery

When the County cleans up and removes any open dump, or abates any other public nuisance to insure protection of public health and safety, the person causing, permitting or maintaining the nuisance shall be personally liable to the County for the actual costs incurred, and the County shall also be entitled to claim a lien on the premises pursuant to the provisions set forth in KRS 381.770. Whenever a bill for the reasonable costs of abatement or removal of a nuisance pursuant to this Ordinance remains unpaid for sixty (60) days, the Perry County Judge Executive, with the approval of the Fiscal Court may file with the County Clerk a statement setting forth the lien claimed. This statement shall contain a legal description of the premises, the expenses and costs incurred, the date the nuisance was abated, and a notice that the County claims a lien for the stated amount. Notice of the lien shall be mailed to the owner of the premises if his address is known.

The County may enforce its lien by an action initiated in the Perry Circuit Court for the unpaid assessment of the costs and expenses, and the proceeds of the sale of the property applied to pay the charges, after deducting costs.

Such cost recovery shall not apply to property owners who are the victim of illegal dumping of solid waste without their knowledge or beyond their reasonable control.

Section 10.4: Fines

The provisions of this Section shall not prohibit the imposition of any fine or fines imposed pursuant to this Ordinance or any other ordinance related to Solid Waste Management.

SECTION 11: SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall, for any reason, be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this ordinance.

SECTION 12: REPEAL OF PRIOR SOLID WASTE MANAGEMENT ORDINANCES

This Ordinance repeals and replaces any and all Ordinances related to Solid Waste Management hereto enacted by the Perry County Fiscal Court. Any previous Solid Waste Management Ordinance enacted by the Perry County Fiscal Court shall be repealed on the effective date of this Ordinance.

This ordinance shall become effective upon, December 15, 20 15.

PASSED AND APPROVED THIS 15th day of December, 20 15

Scott Alford
County Judge/Executive

ATTEST:

Sharon Adams
County Fiscal Court Clerk

Approved as to form and legality:
[Signature]
County Attorney

PERRY COUNTY, KENTUCKY
ORDINANCE NO. _____
AN ORDINANCE ESTABLISHING A CODE ENFORCEMENT BOARD

Whereas, the Perry County Fiscal Court, pursuant to KRS 65.8808, *et seq.* has the authority to enact ordinance establishing a Code Enforcement Board which shall have the authority to issue remedial measures and issue civil fines as a method of enforcing local government ordinances when a violation of the ordinance has been classified as a civil offense; and

Whereas, the Perry County Fiscal Court believes that the creation of a Code Enforcement Board is necessary in order to most effectively ensure compliance with its Ordinances; and

Whereas, the Perry County Fiscal court hereby finds that this Ordinance is necessary for the preservation of the public welfare, health and safety:

Now, therefore, be it Ordained by the Perry County Fiscal Court as follows:

SECTION 1: CREATION AND MEMBERSHIP

There is hereby created pursuant to KRS 65.8801 to KRS 65.8839 within Perry County, a Code Enforcement Board shall consist of Five (5) members, all of whom shall be residents of Perry County for a period of one (1) year prior to the appointment and shall reside there throughout their term in office.

SECTION 2: POWERS

A. The Code Enforcement Board shall have the power to issue remedial orders and impose civil fines as a method of enforcing county ordinances when a violation of the ordinance has been classified as a civil offense.

B. The Code Enforcement Board shall not have the authority to enforce any ordinance the violation of which constitutes an offense under any provision of the Kentucky Revised Statutes, including specifically, any provision of the Kentucky Penal Code and any moving motor vehicle offense.

C. The Perry County Code Enforcement Board shall have the following powers and duties:

1. To adopt rules and regulations to govern the operations and conduct of its hearings and meetings.

2. To conduct hearings to determine if there has been a violation of an ordinance over which it has jurisdiction.

3. To subpoena alleged violators, witnesses and evidence to its hearings.

Subpoenas issued by the Code Enforcement Board shall be executed by the chairperson.

Subpoenas issued by the Code Enforcement Board may be served by any code enforcement officer or peace officer.

4. To take testimony under oath. The chairperson shall have the authority to administer oaths for the purpose of taking testimony.
5. To make findings of fact and issue orders necessary to remedy any violation of a county ordinance which the Board is authorized to enforce.
6. To impose civil fines, as authorized, on any person or entity found to have violated an ordinance over which the Board has jurisdiction.
7. To order the abatement of any public nuisance.

SECTION 3: MEMBERSHIP

A. Members of the Code Enforcement Board shall be appointed by the County Judge Executive, subject to approval of the Perry County Fiscal Court.

B. The initial appointment of the Code Enforcement Board shall be as follows:

1. One member appointed to a one-year term.
2. Two members appointed to a two-year term.
3. Two members appointed to a three-year term.

C. All subsequent appointments shall be for a term of three years. Members may be reappointed.

D. Any vacancy on the Board shall be filled by the County Judge Executive, subject to approval of the Perry County Fiscal Court within sixty (60) days of the vacancy. If the vacancy is not filled within sixty (60) days, the other members of the Code Enforcement Board may fill the vacancy. The remaining members of the Code Enforcement Board may continue to operate as a board during the vacancy described in this paragraph.

E. A Code Enforcement Board member may be removed from office by the County Judge Executive for misconduct, inefficiency, or willful neglect of duty. The County Judge Executive must submit a written statement to the member and the Perry County Fiscal court setting forth the reasons for removal.

F. All members of the Code Enforcement Board must, before entering into office, take the oath of office prescribed by Section 228 of the Kentucky Constitution.

G. No member of the Code Enforcement Board may hold any elected or nonelected public office, paid or unpaid, or any position of employment with Perry County or any political subdivision located within its boundaries.

SECTION 4: ORGANIZATION OF THE BOARD

A. The Board shall annually elect a Chairperson from its members. The Chairperson shall be the presiding officer and a full voting member of the Board.

B. Regular meetings of the Code Enforcement Board shall be held once a month, as needed, to be determined by the Board. Special meetings may be held as needed. Special meetings shall be held in compliance with the notice requirements set forth in the provisions of Kentucky Open Meetings Act.

C. All meetings and hearings of the Code Enforcement Board shall be held in accordance with the requirements of KRS 65.8815 (5) and the Kentucky Open Meetings Act.

D. The presence of three (3) or more members constitutes a quorum.

E. The affirmative vote of a majority of a quorum of the Board shall be necessary for any official action to be taken.

E. A record of all proceedings shall be kept and the vote of each member on any issue decided by the Board shall be recorded.

SECTION 5: CONFLICT OF INTEREST

Any member of the Code Enforcement Board who has a direct or indirect financial interest, or whose spouse, child, parent, or sibling has a direct or indirect financial interest in any matter to be decided by the Board shall disclose the nature of the interest and shall disqualify himself or herself from voting on the matter in which he or she has an interest and shall not be counted for purposes of establishing a quorum.

SECTION 6: ENFORCEMENT PROCEEDINGS

The following requirements shall govern all enforcement proceedings before the Code Enforcement Board:

A. Enforcement proceedings shall only be initiated by the issuance of a citation by a Code Enforcement Officer or peace officer.

B. Except as provided below, if a Code Enforcement Officer or peace officer believes, based on his or her personal observation or investigation, that a person has violated a county ordinance over which the Code Enforcement Board has jurisdiction, he or she shall issue a Notice of Violation to the offender allowing the offender a specified period of time to remedy the violation without a fine. The time allowed by the Code Enforcement Officer or peace officer shall depend upon the nature of the violation and the time necessary to complete the remedy. If the offender fails or refuses to remedy the violation within the time specified, the Code Enforcement Officer or peace officer is authorized to issue a citation.

C. If the Code Enforcement Officer or peace officer believes that a violation presents a serious threat to the public health, safety and welfare, or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible, the Code

Enforcement Officer or peace officer may issue a citation without offering the alleged offender an opportunity to remedy the situation.

D. The citation issued by the Code Enforcement Officer or peace officer shall contain the following information:

1. The date and time of issuance;
2. The name and address of the person to whom the citation is issued;
3. The date and time the offense was committed;
4. The facts constituting the offense;
5. The ordinance and section number violated;
6. The name of the Code Enforcement Officer or peace officer
7. The civil fine imposed for the violation if the person does not contest the citation;
8. The maximum civil fine that may be imposed if the person elects to contest the citation;
9. The procedure for the person to follow in order to pay the civil fine or to contest the citation;
10. A statement that if the person fails to pay the civil fine set forth in the citation or contest the citation, within the time allowed, the person shall be deemed to have waived the right to a hearing before the Code Enforcement Board to contest the citation and the determination that the violation was committed shall be final.

E. The person to whom the citation is issued shall respond to the citation within seven (7) days of the date of issuance by either paying the fine or requesting, in writing, a hearing before the Code Enforcement Board to contest the citation. All fines are payable in the Office of the Perry County Judge Executive. Any request for a hearing before the Code Enforcement Board shall be delivered to the Office of the Perry County Judge Executive. If the person fails to respond to the citation within seven (7) days, the person shall be deemed to have waived the right to a hearing and the determination that a violation was committed shall be considered final.

F. If the alleged offender does not contest the citation within the time prescribed, the Code Enforcement Board shall issue a final order determining that the violation was committed and impose the civil fine set forth in the citation, and may impose any other remedy or action authorized by this Ordinance, or the Ordinance that designates enforcement by the Code Enforcement Board. A copy of the final order shall be served upon on the person determined to have committed the violation. The original of the final order shall be filed and maintained in the Office of the Perry County Judge Executive.

SECTION 7: CONDUCT OF HEARINGS

A. When a hearing has been requested, the Code Enforcement Board shall schedule a hearing.

B. Not less than seven (7) days before the date of the hearing, the Code Enforcement Board shall notify the requester of the date, time and place of the hearing. The notice may

be given by certified mail, return receipt requested; by personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the notice.

C. Any person requesting a hearing before the Code Enforcement Board who fails to appear at the time and place set for the hearing shall be deemed to have waived the right to a hearing to contest the citation and the determination that a violation was committed shall be final. The Code Enforcement Board shall enter a final order determining the violation was committed and shall impose the civil fine set forth in the citation. A copy of the final order shall be served upon on the person determined to have committed the violation.

D. All testimony shall be taken under oath and recorded. Testimony shall be taken from the Code Enforcement Officer and/or peace officer, the alleged violator, and any witnesses to the violation offered by the Code Enforcement Officer or alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

E. The Code Enforcement Board shall, based on the evidence presented, determine whether a violation was committed. If the Board determines that no violation was committed, an order dismissing the citation shall be entered. If the Board determines that a violation was committed, an order shall be issued upholding the citation and either imposing a fine up to the maximum fine by this ordinance, or other ordinance, or requiring the offender to remedy a continuing violation, or both. The Code Enforcement Board may waive or suspend the imposition of any fine, or any portion thereof, upon making a determination that such waiver or suspension would promote compliance with this Ordinance.

F. Every final order of the Code Enforcement Board shall be reduced to writing, which shall include the date the order was issued. The original order shall be filed and maintained in the Office of the Perry County Judge Executive. A copy shall be furnished to the person named in the citation. If the person named in the citation is not present when the final order is issued, the order shall be delivered in accordance with the procedures set forth in paragraph B of this Section above.

SECTION 8: PRESENTATION OF CASES

Each case before the Code Enforcement Board shall be presented by an attorney selected by the County. The County Attorney shall represent and advise the Code Enforcement Board, but shall not present evidence before the Board.

SECTION 9: APPEALS; FINAL JUDGMENT

An appeal from any final order of the Code Enforcement Board may be made to the Perry District Court within thirty (30) days of the date the order is issued. The appeal shall be

initiated by the filing of a complaint and a copy of the Board's order in the same manner as any civil action under the Kentucky Rules of Civil Procedure. If no appeal of the final order of the Board is filed within the time specified above, the Board's order shall be deemed final for all purposes.

SECTION 10: ORDINANCE FINE SCHEDULE

Violations of ordinances that are enforced by the Perry County Code Enforcement Board shall be subject to the following schedule of civil fines:

A. If a citation for a violation of an ordinance is not contested by the person named therein, the penalties set forth in this Section shall apply; however, the Board may waive all or any portion of any penalty for an uncontested violation, if in its discretion, the Board determines that such waiver will promote compliance with the ordinance in issue.

<u>Violation</u>	<u>Fine</u>
Maintaining an Open Dump	\$250.00
Engage in the Business of Collecting Transporting or Disposing of Solid Waste without proper franchise agreement	\$250.00
Any other violation of the Solid Waste Management Ordinance	\$ 50.00
Any Public Nuisance violation	\$250.00

B. If the citation is contested and a hearing before the Board is required, the maximum penalty which may be imposed by the Board for any violation of the Solid Waste Management Ordinance or the Public Nuisance Ordinance is Five Hundred Dollars (\$500.00), provided that each day's violation thereof may be treated as a separate offense for the purpose hereof.

C. The Perry County Code Enforcement Board is authorized to impose penalties as set forth in the Solid Waste Management Ordinance, Public Nuisance Ordinance, and any other ordinance that designates enforcement by the Code Enforcement Board.

SECTION 11: LIENS, CHARGES AND FEES

A. The county shall possess a lien on real and personal property owned by the person found by a final, non-appealable order of the Code Enforcement Board, or by a final judgment of the court to have committed a violation of a county ordinance for all fines assessed for the violation and for all charges and fees incurred by the county in connection with the enforcement of the ordinance.

B. The lien shall be recorded in the office of the County Clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest until paid.

C. The lien shall take precedence over all other subsequent liens, except state and county ad valorem property taxes, and may be enforced by judicial proceedings.

D. In addition to the remedy prescribed in paragraph A above, the person found to have committed the violation shall be personally responsible for the amount of all fines assessed for the violation and for all charges and fees incurred by the County in connection with the enforcement of the ordinance. The County may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt.

SECTION 12: SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall, for any reason, be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this ordinance.

SECTION 13: REPEAL OF PRIOR ORDINANCES

This Ordinance repeals and replaces any and all Ordinances related to the Establishment of a Code Enforcement Board heretofore enacted by the Perry County Fiscal Court. Any previous Ordinance Establishing a Code Enforcement Board enacted by the Perry County Fiscal Court shall be repealed on the effective date of this Ordinance.

This ordinance shall become effective upon, December 15, 20 15.

PASSED AND APPROVED THIS 15th day of December, 20 15

Scott Alford
County Judge/Executive

ATTEST:

Sharon Adams
County Fiscal Court Clerk

Approved as to form and legality:
[Signature]
County Attorney

PERRY COUNTY, KENTUCKY
ORDINANCE NO. _____
AN ORDINANCE RELATING TO PUBLIC NUISANCES IN PERRY COUNTY

Whereas, the Perry County Fiscal Court, pursuant to KRS 67.083 (3) (a), has the authority to enact an ordinance relating to the abatement of public nuisances; and

Whereas, there are privately owned properties in Perry County upon which certain conditions exist which cause the properties to be dangerous or detrimental to health and safety of the public at large.; and

Whereas, there are privately owned properties in Perry County upon which certain conditions exist which are offensive to the senses of the public at large and prevent the reasonable enjoyment of adjoining and nearby properties: and

Whereas, there are privately owned properties in Perry County upon which certain conditions exist which causes substantial diminution of value of nearby properties; and

Whereas, the Perry County Fiscal Court hereby finds that this Ordinance is necessary for the preservation of the public welfare, health and safety:

Now, therefore, be it Ordained by the Perry County Fiscal Court as follows:

SECTION 1: DEFINITIONS

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

Automobile parts: Any portion or parts of any motor driven vehicle as detached from the vehicle as a whole.

Dwelling: Any part of any building or its premises used as a place of residence or habitation or for sleeping by any person.

Inoperative condition: Unable to move under its own power due to defective or missing parts, and which has remained in such condition for a period of time not less than 30 consecutive days.

Motor vehicle: Any style or type of motor driven vehicle used for the conveyance of persons or property.

Scrap metal: Pieces or parts of steel, iron, tin, copper, aluminum, or any alloy thereof, whether intact or in parts, which has served its usefulness in its original form and can no longer be used for its originally intended purpose.

Unfit for further use: In a dangerous condition, having defective or missing parts; or in such a condition as to be unfit for its originally intended purpose.

Unfit for human habitation: Dangerous or detrimental to life or health because of: want of repair; defects in the drainage, plumbing, lighting, ventilation, or construction; infection with contagious disease; or the existence on the premises of an unsanitary condition likely to cause sickness among the occupants of the dwelling.

SECTION 2: CERTAIN 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 conditions are declared to be public nuisances:

A. Dwellings unfit for human habitation. The erection, use, or maintenance of a dwelling which is unfit for human habitation.

B. Dangerous buildings. Any building, house, or structure so out of repair and dilapidated that it will, if the condition is allowed to continue, endanger the life, or cause injury to persons, or property damage to persons using the public roadway, or persons using an adjoining premises, by reason of the collapse of the building, house or structure or by the falling of parts thereof or of objects therefrom.

C. Dangerous trees and other objects. Any tree or any other object standing in such a condition that it will, if the condition is allowed to continue, endanger the life, or cause injury to persons, or property damage to persons using the public roadway, or persons using an adjoining premises, by reason of the falling thereof, or the falling of parts thereof.

D. Dilapidated buildings. Any building, house, or structure which is so out of repair that it constitutes a fire hazard, or which due to lack of adequate maintenance or neglect endangers the public health, welfare, or safety, or materially interferes with the peaceful enjoyment by owners or occupants of adjacent or nearby properties.

E. Abandoned mobile homes. The location of one or more mobile or manufactured homes as defined in KRS 227.550 that are junked, dilapidated, wrecked, or non-operative and which are not inhabited.

F. Junked Automobiles. The storage of junked, wrecked, automobiles, vehicles, machines or similar scrap or salvage materials, unlicensed motor vehicles in an inoperative condition, motor vehicles unfit for further use, and automobile parts.

G. Scrap metal. The storage of scrap metal.

H. Open wells. The maintenance of any open, uncovered, or insecurely covered cistern, cellar, well, pit, or excavation situated on any private premises in any open or unfenced lot or place.

SECTION 3: ENFORCEMENT AND PENALTIES

A. All violations of this Ordinance shall be classified as civil offenses and not criminal offenses.

B. All violations of this Ordinance shall be enforced by the Perry County Code Enforcement Board. The Perry County Code Enforcement Board is authorized to enforce any violation, impose any penalty, or take any other remedial action set forth in this Ordinance, or in the separate Ordinance establishing the Code Enforcement Board. The procedures of the Code Enforcement Board and the methods of enforcement are set forth in the Ordinance Establishing the Code Enforcement Board.

C. The Code Enforcement Board is authorized to waive or suspend all fines and penalties, or any portion thereof, upon making a determination that such waiver or suspension would promote compliance with this Ordinance.

SECTION 4: ABATEMENT PROCEDURES

A. Upon determining that a public nuisance exists, the Code Enforcement Officer shall serve a notice of violation upon the owner or occupant of the property upon which the public nuisance exists. A copy of the notice shall be placed upon the premises where the public nuisance exists.

B. The Notice of Violation shall specifically describe the public nuisance and shall direct the owner or occupant of the property to abate or remove the nuisance within a time specified within the Notice of Violation. The Notice shall state that unless the nuisance is so abated or removed, a citation will be issued by the Code Enforcement Officer or a peace officer. The citation shall contain all of the information set forth in Section 6, Paragraph D of the Ordinance Establishing the Code Enforcement Board.

C. If a public nuisance is not abated or removed after a final order of the Code Enforcement Board directing the owner, occupant or person causing, permitting, or maintaining the nuisance to remove the nuisance, the Fiscal Court may cause the abatement or removal of the public nuisance. The reasonable cost of the abatement of the public nuisance shall be a lien on the real property where the nuisance was abated or removed.

D. Charges for public nuisance abatement shall be the personal liability of the person causing, permitting or maintaining the nuisance, and shall also be a lien upon the premises pursuant to the provisions set forth in KRS 381.770. Whenever a bill for the reasonable costs of abatement or removal of a nuisance pursuant to this Ordinance remains unpaid for sixty (60) days, the Perry County Judge Executive, with the approval of the Fiscal Court may file with the County Clerk a statement setting forth the lien claimed. This statement shall contain a legal description of the premises, the expenses and costs incurred, the date the nuisance was abated, and a notice that the County claims

u

reasonable costs of abatement or removal of a nuisance pursuant to this Ordinance remains unpaid for sixty (60) days, the Perry County Judge Executive, with the approval of the Fiscal Court may file with the County Clerk a statement setting forth the lien claimed. This statement shall contain a legal description of the premises, the expenses and costs incurred, the date the nuisance was abated, and a notice that the County claims a lien for the stated amount. Notice of the lien shall be mailed to the owner of the premises if his address is known.

E. The County may enforce its lien by an action initiated in the Perry Circuit Court for the unpaid assessment of the costs and expenses, and the proceeds of the sale of the property applied to pay the charges, after deducting costs.

F. The provisions of this Section shall not prohibit the imposition of any fine or fines imposed pursuant to this Ordinance, or any other related ordinance.

SECTION 5: SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall, for any reason, be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this ordinance.

SECTION 6: AREA OF ENFORCEMENT

The provisions of this Ordinance are enforceable throughout the entire geographical boundary of the county, except for that portion located within the City of Hazard. The City of Hazard has adopted and separately enforces its own public nuisance ordinance.

SECTION 7: REPEAL OF PRIOR ORDINANCES

This Ordinance repeals and replaces any and all Ordinances related to Regulation of Nuisances heretofore enacted by the Perry County Fiscal Court. Any previous Ordinance Regulating Nuisances enacted by the Perry County Fiscal Court shall be repealed on the effective date of this Ordinance.

SECTION 8: EFFECTIVE DATE

This ordinance shall become effective upon, December 15,
20 15.

PASSED AND APPROVED THIS 15th day of December,
20 15.

Scott Almond
County Judge/Executive

ATTEST:

Sharon Adams
County Fiscal Court Clerk

Approved as to form and legality:

[Signature]
County Attorney

Chapter 3 Attachments

Chapter 5 Attachments

cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever 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.

SECTION 5: DISPOSAL OF SOLID WASTE

Section 5.1: Open Burning

Open burning of solid waste, hazardous waste or bulky waste is prohibited.

Section 5.2: Open Dumping

Open dumping of solid waste, including bulky waste, on all lands (i.e., roadsides, hollows, rivers, streams, lakes, etc) by any person is prohibited by KRS 224.40-100 and this ordinance.

Section 5.3: Disposal Sites

All solid waste, including bulky waste, shall be disposed of within a sanitary landfill having a valid permit issued by the Cabinet in compliance with KRS 224.40-305, 224.40-100, and 224.40-315 and this ordinance

Section 5.4: Hazardous Waste

As defined within this ordinance, hazardous waste will require special handling and shall be disposed of only in a manner authorized by state and/or federal regulations.

SECTION 6: FRANCHISING

Section 6.1: Franchise Requirement

The Fiscal Court may at any time, and from time to time, advertise in any manner in which it deems fit for bids to be made by companies interested in providing the collection, transportation, and disposal of solid waste located within Perry County, Kentucky. Each bid shall

Chapter 6 Attachments

Chapter 7 Attachments

B. Regular meetings of the Code Enforcement Board shall be held once a month, as needed, to be determined by the Board. Special meetings may be held as needed. Special meetings shall be held in compliance with the notice requirements set forth in the provisions of Kentucky Open Meetings Act.

C. All meetings and hearings of the Code Enforcement Board shall be held in accordance with the requirements of KRS 65.8815 (5) and the Kentucky Open Meetings Act.

D. The presence of three (3) or more members constitutes a quorum.

E. The affirmative vote of a majority of a quorum of the Board shall be necessary for any official action to be taken.

E. A record of all proceedings shall be kept and the vote of each member on any issue decided by the Board shall be recorded.

SECTION 5: CONFLICT OF INTEREST

Any member of the Code Enforcement Board who has a direct or indirect financial interest, or whose spouse, child, parent, or sibling has a direct or indirect financial interest in any matter to be decided by the Board shall disclose the nature of the interest and shall disqualify himself or herself from voting on the matter in which he or she has an interest and shall not be counted for purposes of establishing a quorum.

SECTION 6: ENFORCEMENT PROCEEDINGS

The following requirements shall govern all enforcement proceedings before the Code Enforcement Board:

A. Enforcement proceedings shall only be initiated by the issuance of a citation by a Code Enforcement Officer or peace officer.

B. Except as provided below, if a Code Enforcement Officer or peace officer believes, based on his or her personal observation or investigation, that a person has violated a county ordinance over which the Code Enforcement Board has jurisdiction, he or she shall issue a Notice of Violation to the offender allowing the offender a specified period of time to remedy the violation without a fine. The time allowed by the Code Enforcement Officer or peace officer shall depend upon the nature of the violation and the time necessary to complete the remedy. If the offender fails or refuses to remedy the violation within the time specified, the Code Enforcement Officer or peace officer is authorized to issue a citation.

C. If the Code Enforcement Officer or peace officer believes that a violation presents a serious threat to the public health, safety and welfare, or if in the absence of immediate action, the effects of the violation will be irreparable or irreversible, the Code

Enforcement Officer or peace officer may issue a citation without offering the alleged offender an opportunity to remedy the situation.

D. The citation issued by the Code Enforcement Officer or peace officer shall contain the following information:

1. The date and time of issuance;
2. The name and address of the person to whom the citation is issued;
3. The date and time the offense was committed;
4. The facts constituting the offense;
5. The ordinance and section number violated;
6. The name of the Code Enforcement Officer or peace officer
7. The civil fine imposed for the violation if the person does not contest the citation;
8. The maximum civil fine that may be imposed if the person elects to contest the citation;
9. The procedure for the person to follow in order to pay the civil fine or to contest the citation;
10. A statement that if the person fails to pay the civil fine set forth in the citation or contest the citation, within the time allowed, the person shall be deemed to have waived the right to a hearing before the Code Enforcement Board to contest the citation and the determination that the violation was committed shall be final.

E. The person to whom the citation is issued shall respond to the citation within seven (7) days of the date of issuance by either paying the fine or requesting, in writing, a hearing before the Code Enforcement Board to contest the citation. All fines are payable in the Office of the Perry County Judge Executive. Any request for a hearing before the Code Enforcement Board shall be delivered to the Office of the Perry County Judge Executive. If the person fails to respond to the citation within seven (7) days, the person shall be deemed to have waived the right to a hearing and the determination that a violation was committed shall be considered final.

F. If the alleged offender does not contest the citation within the time prescribed, the Code Enforcement Board shall issue a final order determining that the violation was committed and impose the civil fine set forth in the citation, and may impose any other remedy or action authorized by this Ordinance, or the Ordinance that designates enforcement by the Code Enforcement Board. A copy of the final order shall be served upon on the person determined to have committed the violation. The original of the final order shall be filed and maintained in the Office of the Perry County Judge Executive.

SECTION 7: CONDUCT OF HEARINGS

A. When a hearing has been requested, the Code Enforcement Board shall schedule a hearing.

B. Not less than seven (7) days before the date of the hearing, the Code Enforcement Board shall notify the requester of the date, time and place of the hearing. The notice may

be given by certified mail, return receipt requested; by personal delivery; or by leaving the notice at the person's usual place of residence with any individual residing therein who is eighteen (18) years of age or older and who is informed of the contents of the notice.

C. Any person requesting a hearing before the Code Enforcement Board who fails to appear at the time and place set for the hearing shall be deemed to have waived the right to a hearing to contest the citation and the determination that a violation was committed shall be final. The Code Enforcement Board shall enter a final order determining the violation was committed and shall impose the civil fine set forth in the citation. A copy of the final order shall be served upon on the person determined to have committed the violation.

D. All testimony shall be taken under oath and recorded. Testimony shall be taken from the Code Enforcement Officer and/or peace officer, the alleged violator, and any witnesses to the violation offered by the Code Enforcement Officer or alleged violator. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings.

E. The Code Enforcement Board shall, based on the evidence presented, determine whether a violation was committed. If the Board determines that no violation was committed, an order dismissing the citation shall be entered. If the Board determines that a violation was committed, an order shall be issued upholding the citation and either imposing a fine up to the maximum fine by this ordinance, or other ordinance, or requiring the offender to remedy a continuing violation, or both. The Code Enforcement Board may waive or suspend the imposition of any fine, or any portion thereof, upon making a determination that such waiver or suspension would promote compliance with this Ordinance.

F. Every final order of the Code Enforcement Board shall be reduced to writing, which shall include the date the order was issued. The original order shall be filed and maintained in the Office of the Perry County Judge Executive. A copy shall be furnished to the person named in the citation. If the person named in the citation is not present when the final order is issued, the order shall be delivered in accordance with the procedures set forth in paragraph B of this Section above.

SECTION 8: PRESENTATION OF CASES

Each case before the Code Enforcement Board shall be presented by an attorney selected by the County. The County Attorney shall represent and advise the Code Enforcement Board, but shall not present evidence before the Board.

SECTION 9: APPEALS; FINAL JUDGMENT

An appeal from any final order of the Code Enforcement Board may be made to the Perry District Court within thirty (30) days of the date the order is issued. The appeal shall be

initiated by the filing of a complaint and a copy of the Board's order in the same manner as any civil action under the Kentucky Rules of Civil Procedure. If no appeal of the final order of the Board is filed within the time specified above, the Board's order shall be deemed final for all purposes.

SECTION 10: ORDINANCE FINE SCHEDULE

Violations of ordinances that are enforced by the Perry County Code Enforcement Board shall be subject to the following schedule of civil fines:

A. If a citation for a violation of an ordinance is not contested by the person named therein, the penalties set forth in this Section shall apply; however, the Board may waive all or any portion of any penalty for an uncontested violation, if in its discretion, the Board determines that such waiver will promote compliance with the ordinance in issue.

<u>Violation</u>	<u>Fine</u>
Maintaining an Open Dump	\$250.00
Engage in the Business of Collecting Transporting or Disposing of Solid Waste without proper franchise agreement	\$250.00
Any other violation of the Solid Waste Management Ordinance	\$ 50.00
Any Public Nuisance violation	\$250.00

B. If the citation is contested and a hearing before the Board is required, the maximum penalty which may be imposed by the Board for any violation of the Solid Waste Management Ordinance or the Public Nuisance Ordinance is Five Hundred Dollars (\$500.00), provided that each day's violation thereof may be treated as a separate offense for the purpose hereof.

C. The Perry County Code Enforcement Board is authorized to impose penalties as set forth in the Solid Waste Management Ordinance, Public Nuisance Ordinance, and any other ordinance that designates enforcement by the Code Enforcement Board.

SECTION 11: LIENS, CHARGES AND FEES

A. The county shall possess a lien on real and personal property owned by the person found by a final, non-appealable order of the Code Enforcement Board, or by a final judgment of the court to have committed a violation of a county ordinance for all fines assessed for the violation and for all charges and fees incurred by the county in connection with the enforcement of the ordinance.

B. The lien shall be recorded in the office of the County Clerk. The lien shall be notice to all persons from the time of its recording and shall bear interest until paid.

C. The lien shall take precedence over all other subsequent liens, except state and county ad valorem property taxes, and may be enforced by judicial proceedings.

D. In addition to the remedy prescribed in paragraph A above, the person found to have committed the violation shall be personally responsible for the amount of all fines assessed for the violation and for all charges and fees incurred by the County in connection with the enforcement of the ordinance. The County may bring a civil action against the person and shall have the same remedies as provided for the recovery of a debt.

SECTION 12: SEVERABILITY

The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall, for any reason, be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this ordinance.

SECTION 13: REPEAL OF PRIOR ORDINANCES

This Ordinance repeals and replaces any and all Ordinances related to the Establishment of a Code Enforcement Board heretofore enacted by the Perry County Fiscal Court. Any previous Ordinance Establishing a Code Enforcement Board enacted by the Perry County Fiscal Court shall be repealed on the effective date of this Ordinance.

This ordinance shall become effective upon, _____, 20_____.

PASSED AND APPROVED THIS _____ day of _____,
20_____

County Judge/Executive

ATTEST:

County Fiscal Court Clerk

Approved as to form and legality:

County Attorney