

AN ORDINANCE REGULATING SOLID WASTE MANAGEMENT
(Storage, Collection, Transportation, Processing and Disposal)

WHEREAS, the Court held a first reading on August 1 2023, and held a second reading and adoption on August 15 2023, and after due consideration,

UPON MOTION OF Jon Snow, SECONDED BY Jeff Lear, AND A VOTE BEING HAD AND THE COUNTY JUDGE ANNOUNCING THAT THE MOTION CARRIED.

ORDINANCE NO. 2023-002.1

AN ORDINANCE: PERTAINING TO PUBLIC HEALTH, SAFETY, AND WELFARE; REGULATING STORAGE, COLLECTION, TRANSPORTATION, PROCESSING AND DISPOSAL OF SOLID WASTE; PROVIDING FOR COLLECTION AND DISPOSAL OF SOLID WASTE; PROVIDING A PENALTY FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

Pursuant to Kentucky Revised Statues 224 and 109 and related regulations, Nelson County, including its cities, has been designated as a solid waste management area, based upon a Solid Waste Management Plan submitted to the natural Resources and Environmental Protection Cabinet, hereinafter referred to as "the Cabinet", of the State of Kentucky. In addition, Nelson County is acting under powers outlined in KRS 67.083 (3) (o) which provides the authority to manage solid waste by ordinance.

NOW THEREFORE, BE IT ORDAINED by the Fiscal Court of the County of Nelson, Kentucky, that this ordinance shall be known as the Solid Waste Management Ordinance.

SECTION 1. DEFINITIONS

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

APPROVED INCINERATOR - an incinerator which complies with all current regulations of the responsible local, State, and Federal air pollution control agencies.

BULKY RUBBISH - non-recyclable solid wastes consisting of combustible and/or non-combustible waste materials from dwelling units, commercial, industrial, institutional, or agricultural establishments which are either too large or too heavy to be safely and conveniently loaded in solid waste transportation vehicles by solid waste collectors, with the equipment available thereof.

COUNTY - The County of Nelson, Kentucky.

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

DEMOLITION AND CONSTRUCTION WASTE – Waste resulting from the construction, remodeling, repair, and demolition of structures and roads, and for the disposal of uncontaminated solid waste consisting of vegetation resulting from land clearing and grubbing, utility line maintenance, and seasonal and storm related cleanup.

DIRECTOR – The Director of Solid Waste Management for Nelson County. The Director shall be employed by the Nelson County Judge Executive and the Fiscal Court. The

Director shall manage the operation of the Nelson County Solid Waste Disposal Facility and the Solid Waste Collection program reporting to the County Engineer's office. The Director shall be the designated Solid Waste Coordinator for Nelson County performing all functions as required by the Kentucky Department for Environmental Protection.

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

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.

DWELLING UNIT - any room or group of rooms located within a structure, and forming a single habitable unit with facilities which are used or are intended to be used, for living, sleeping, cooking and eating.

HAZARDOUS WASTE - any waste or combination of wastes which is determined by the Kentucky Department for Environmental Protection, because of its quantity, concentration, or physical, chemical or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness, or pose a substantial present or potential threat to human health of the environment when improperly treated, stored, transported or disposed of, or otherwise managed.

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

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

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

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

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

- (a) Commercial solid waste - solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment.
- (b) Residential solid waste - solid waste resulting from the maintenance and operation of dwelling units.
- (c) Residential/Agricultural Combined Solid Waste

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

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

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

HIGH DENSITY WASTE- Shall include any materials weighing 1,200 lbs per cubic yard or more prior to disposal. This shall include, but not limited to shingles, soil, brick, concrete, fly ash and sludge.

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

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

YARD WASTES - grass clippings, leaves, tree trimmings.

SECTION 2.1: Storage Containers Required.

The occupant or owner of every dwelling unit and of every institutional commercial, business, industrial, or agricultural establishment producing solid waste within the corporate limits of the County, shall provide sufficient and adequate containers for the storage of all solid waste except bulky rubbish and demolition and construction waste to serve each such dwelling

unit and/or establishment; and to maintain such solid waste containers at all times in good repair.

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

The occupant or owner of every dwelling unit and of every institutional, commercial, industrial, agricultural or business establishment shall place all solid waste to be collected in proper solid waste containers, except as otherwise provided herein, and shall maintain such solid waste containers and the area surrounding them in a clean, neat and sanitary condition at all times. Solid waste shall be stored in a manner that will not provide harborage to rodents and vermin and will not create a fire hazard.

SECTION 2.3: Standards for Residential Storage Containers.

Residential solid waste shall be stored in containers of not more than 35 gallons or less than 10 gallons in nominal capacity. Containers may be larger than 35 gallons if equipped with wheels and a recessed upper lift pocket and steel lower lift bar for fully automated and semi-automated collection systems. Containers shall be leakproof, waterproof, and fitted with a fly-tight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. The containers shall have handles, bails or other suitable devices or features. Containers shall be of type originally manufactured for residential solid waste.

SECTION 2.4: Standards for Commercial Storage Containers.

Commercial solid waste shall be stored in solid waste containers as approved by the Director. The containers shall be waterproof, leakproof and shall be covered at all times except

when depositing waste therein or removing the contents thereof; and shall meet all requirements as set forth by Section 7.

SECTION 2.5: Yard Wastes.

Tree limbs less than 4" in diameter, lumber and brush shall be securely tied in bundles not larger than 48" long and 18" in diameter when not placed in storage containers. The weight of any individual bundle shall not exceed 75 pounds. Yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public rights of way. The weight of any individual container and contents shall not exceed 75 pounds.

SECTION 2.6: 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 to children, any abandoned or unattended icebox, refrigerator or other receptacle that has an airtight door without first removing the door.

SECTION 2.7: Storage Containers Not in Compliance.

Solid waste containers which 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.

SECTION 3. COLLECTION OF SOLID WASTE

SECTION 3.1: County Responsibility Defined.

The County shall provide for the collection of solid waste as follows:

(a) The City of Bardstown provides municipally owned solid waste collection service, including normal solid waste collection and special bulky item pickup. This service is not affected by this Ordinance . All other solid waste transportation and disposal requirements required of this ordinance shall apply to this city.

(b) The City of Bloomfield and the City of New Haven provide solid waste collection services by means of franchised collection services. These services are not affected by this Ordinance. The cities retain their authority to franchise solid waste collection within their boundaries. All other solid waste transportation and disposal requirements required of this ordinance shall apply to these cities.

(c) The County shall provide for the collection of all other residential solid waste in the County. This collection service shall be provided by the County Solid Waste Department. The monthly charge per residential unit shall be as listed in Section 9.1 (a) of this ordinance.

(d) Dumpster Fee

The County may furnish dumpsters at its discretion and charge such reasonable monthly or annual fee (if any) for the use as may be established by the director with approval of the County and may pickup and deliver the contents to the Nelson County Solid Waste Disposal Facility and the charge therefore shall be as listed in Section 9.1 (e) of this ordinance.

(e) Tipping Fee

A user's tipping fee shall be charged to all persons delivering solid waste to the Nelson

County Solid Waste Disposal Facility and such fee shall be payable and due at the time of acceptance of such solid waste and shall be evidenced by a user's receipt and the fees to be charged for such use shall be applicable as listed in Section 9.1 (f) of this ordinance.

(f) Roll Off Trash Box Service Fees

The County may furnish roll off trash boxes at its discretion and charge such reasonable fee for the use as may be established by the director with approval of the County and may pickup and deliver the contents to the Nelson County Solid Waste Disposal Facility and the charge therefore shall be as listed in Section 9.1 (g) of this ordinance.

(g) Commercial solid waste collection service shall be provided in the areas identified in Section 3.1 (a,b,c). The rates for this service shall be established by the appropriate City or Section 9.1 of this ordinance. All other solid waste transportation and disposal requirements required of this ordinance shall apply to this/these commercial entity.

(h) The County authorizes industrial and large institutional solid waste generators to independently manage their solid waste disposal, provided proof is submitted, upon request, showing that the waste is disposed of in accordance with this ordinance. All other solid waste transportation and disposal requirements required of this ordinance shall apply to this/these industrial and large institutional entities.

SECTION 3.2: Universal Collection.

Every residence, commercial enterprise, or other waste producing entity shall subscribe to the waste collection services authorized by this ordinance. Every residential unit in the

territory covered by the County's Solid Waste Department and any commercial, industrial and institutional producers serviced by the County's Solid Waste Department shall be billed by the County or contracted collecting agency and shall make payment to the County or said contracted collecting agency. Commercial, industrial and institutional producers using other collection companies than the County shall be billed by the selected collection company.

SECTION 3.3: Collection Points.

Tree limbs and yard wastes, as described in Sections 2.5, shall be placed at the edge of the County road or street for collection. Solid waste containers as required by this ordinance for the storage of other residential solid waste shall be placed at the same location for collection. Any solid waste containers, tree limbs, yard wastes, or other solid waste permitted by this ordinance to be placed at the said location for collection shall be so placed by 7:00 a.m. local time on the scheduled collection day, but not more than 24 hours before collection. All reusable containers shall be removed from the said location no later than 24 hours after collection.

SECTION 3.4: Bulky Rubbish.

The Director shall establish the procedures for collection bulky rubbish from residential units within the County. Bulky rubbish shall be collected at least once per year, unless determined otherwise by the County.

SECTION 3.5: Authority for Collectors to Enter Private Property.

Solid Waste employees of the County are hereby authorized to enter upon private property for the purpose of collecting solid waste therefrom as required by this ordinance. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collection residential solid waste. Commercial solid waste may be removed from within commercial establishments upon written request of the owner and approval by the Director.

SECTION 3.6: Collection Frequency.

The following collecting frequencies shall apply to collections of solid waste within the County:

All residential solid waste, other than bulky rubbish, shall be collected one (1) time each week. All commercial solid waste shall be collected at least once weekly and shall be collected at such lesser intervals as may be fixed by/or approved by the Director or requested by the commercial establishment upon determination that such lesser intervals are necessary for the preservation of the health and/or safety of the public. All residential collections shall be made between 7 a.m. and 8 p.m.

SECTION 3.7: Ownership of Solid Waste.

All garbage and refuse placed in authorized storage containers and placed at the point of collection defined in Section 3.3, shall become the property of the County of Nelson and no

person shall be allowed to separate, carry off or dispose of the same without the written permission of the Director.

SECTION 3.8: Collector's Responsibility Defined.

Solid Waste employees of the County shall be responsible for the collection of solid waste from the designated pickup location to the transportation vehicle provided the solid waste was stored in compliance with the provisions set forth in this ordinance. Any spillage or blowing litter caused as a result of the duties of the solid waste collector shall be collected and placed in the transportation vehicle by the solid waste collector.

SECTION 3.9: Customer Quantity Limitations.

Each residential unit shall be allowed a maximum of six (6) approved containers per week, and up to ten (10) bags of leaves or bundles of limbs per week during the late summer/fall season.

SECTION 3.10: Prohibitions.

The following items shall not be deposited in solid waste containers: Hazardous waste, liquid waste, bulky waste like major appliances and furniture, tires, construction and demolition waste, batteries, and any burning or smoldering materials.

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 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: Disposal in Approved Sites.

Solid wastes shall be deposited at a processing facility or disposal area approved by the County and complying with all requirements of the most recent Kentucky Revised Statutes Chapter 224 and all applicable subchapters and the rules and regulations adopted thereunder. The County may designate the processing or disposal facility to be utilized by persons operating under Section 6 of this ordinance. The County does hereby designate the Nelson County Solid Waste Disposal Facility on Airport Road, Bardstown, KY as the disposal facility. The Nelson County Solid Waste Disposal Facility shall be operated in accordance with their approved permit 090-00001. Any person violating any of the provisions of this permit shall be subject to the penalties set forth in Section 11 of this ordinance in addition to any monetary reimbursement for environmental or physical damage to the Solid Waste Disposal Facility.

SECTION 5.2: Hazardous Waste Disposal.

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

SECTION 6. PERMITS

SECTION 6.1: Permit Requirements.

No person shall engage in the business of collection, transporting and processing of solid waste or operation of a disposal facility for pay within the corporate limits of the County without first obtaining an approved annual permit therefor from the County, provided that this provision shall not be deemed to apply to employees of the holder of any such permit.

SECTION 6.2: Insurance Requirements.

No such permit shall be issued until and unless the applicant therefor, in addition to all other requirements set forth, shall file and maintain with the Director evidence of a satisfactory public liability insurance policy, covering all operations of such applicant pertaining to such business and all vehicles to be operated in the conduct thereof, in the amount and of not less than \$1,000,000.00 for each person injured or killed, and in the amount of not less than \$1,000,000.00 in the event of injury or death of two or more persons in any single accident, and in the amount of not less than \$1,000,000.00 for damage to property. Such policy may be written to allow the first \$5,000.00 of liability for damage to property to be deductible. Should any such policy be canceled, the Director shall be notified of such cancellation by the insurance carrier in writing not less than 10 days prior to the effective date of such cancellation, and provisions to that effect shall be incorporated in such policy, which shall also place upon the company writing such policy the duty to give such notice.

SECTION 6.3: Permit Application.

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

- (a) the nature of the permit desired, as to collect, transport, or process solid waste or any combination thereof;
- (b) name and address of the applicant and whether a sole proprietorship, corporation, or partnership, with disclosure of the ownership interests;
- (c) the number of employees and solid waste collection vehicles to be operated

thereunder;

- (d) schedule of fees the applicant plans to charge;
- (e) boundaries of the collection area; and
- (f) such other information as required by the Director.

SECTION 6.4: Permit Insurance.

If the application shows that the applicant will collect, transport and process solid wastes without hazard to the public health or damage to the environment and in conformity with the laws of the Commonwealth of Kentucky and this ordinance, the Director may issue the permit authorized by this ordinance. The Director shall have the authority to limit the number of annual permits issued under this section in order to preserve the health, comfort, safety and welfare of the resident, to promote energy conservation, and to provide for collection and disposal consistent with good solid waste management practices. The permits shall be issued for a period of one year, and each applicant shall pay therefor a fee of \$100.00. If modifications can be made to the application regarding service, equipment or mode of operation, so as to bring the application within the intent of this ordinance, the Director shall notify the applicant in writing setting forth the modification to be made and the time in which it shall be done.

SECTION 6.5: Application Denial.

If the applicant does not make the modifications pursuant to the notice in 6.4 within the time limit specified therein, or if the application does not clearly show that the collection, transportation, or processing of solid wastes will create no public health hazard or be without

harmful effects on the environment, the application shall be denied and the applicant notified by the Director, in writing, stating the reason for such denial. Nothing in this section shall prejudice the right of the applicant to reapply, after the rejection of his application, provided that all aspects of the reapplication comply with the provisions of this ordinance. Nothing in this section shall prevent the denial of a permit should the total number of annual permits have already been issued.

SECTION 6.6: Annual Fee.

The annual permit may be renewed upon payment of the fee or fees as designed herein if the business has not been modified, the collection vehicles are identified, described, and meet the requirements of Section 4 of this ordinance, and the renewal is approved by the Director. If modifications have been made, the applicant shall reapply for a permit as set forth in Sections 6.2 and 6.3. No permits authorized by this ordinance shall be transferable from person to person.

SECTION 6.7: Inspections.

In order to insure compliance with the laws of the Commonwealth, this ordinance and the rules and regulations authorized herein, the Director (or his/her designee) is authorized to inspect all phases of solid waste management within the County of Nelson. No inspection shall be made in any residential unit unless authorized by the occupant or by due process of law. In all instances where such inspections reveal violation of this ordinance, the Director (or his/her designee) shall issue notice for each such violation stating therein the violation or violations found, the time and date and the corrective measure to be taken, together with the time in which such corrections shall be made.

SECTION 6.8: Permit Suspension.

In all cases, when the corrective measures have not been taken within the time specified, the director shall suspend or revoke the permit or permits involved in the violations, however, in those cases where an extension of time will permit correcting, and there is no public health hazard created by the delay, one extension of time not to exceed the original time period may be given.

SECTION 6.9: Injunctive Relief.

In the event a permit is revoked and the person continues to operate, the Director may request the action of a court of law to enjoin the acts and to enforce compliance with this ordinance or any rule or regulations promulgated thereunder. In any such action, the court may grant to the County such prohibitory or mandatory injunctive relief as the facts may warrant.

SECTION 6.10: Appeal.

Any person who feels aggrieved by any notice of violation or order issued pursuant thereto of the director may, within thirty (30) days of the act for which redress is sought appeal directly to the Court of Jurisdiction in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal.

SECTION 6.11: Permit Display.

All motor vehicles operating under any permit required by this ordinance shall display the number or numbers on each side in colors which contrast with that of the vehicles, such numbers to be clearly legible and not less than four (4) inches high. Each permit for processing or disposal facilities shall be prominently displayed at the facility.

SECTION 7. RULES AND REGULATIONS

The Director shall make, amend, and revoke, reasonable rules and regulations subject to Fiscal Court approval, governing, but not limited to the following, and shall enforce all such rules and regulations:

- (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 there appertaining, if any.
- (d) Weight limitations on the combined weight of solid waste containers and the contents thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers.
- (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) Collection, 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 received at processing and/or disposal facilities.

(m) Handling of special wastes such as sludge, ashes, agriculture, construction, bulky item, tires, automobiles, oils, greases, etc.

The County Judge/Executive or such other County official who is responsible for preparing utility and other service charge billings for the County, is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billing of solid waste collection and/or disposal service charges, as hereinafter provided for. Any vendor providing billing services shall include in the residential customer intake form, the following items:

Full name

Drivers License ID:

Current Address:

Telephone Number

Social Security Number:

A copy of any and all rules and regulations made and promulgated under the provisions hereof shall be filed in the office of the County Judge/Executive.

SECTION 8. PROHIBITED PRACTICES

It shall be unlawful for any person to engage in the following activities:

(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 limits not permitted by the Kentucky Department of Environmental Protection;

(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 fail to have solid waste collected as provided in this ordinance;

(4) 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;

(5) burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency;

(6) dispose of dead animals in any container to be collected by the County without proper authorization by the Director;

(7) own or operate a dump;

(8) dispose of solid waste at any facility or location that is not approved by the County and the Kentucky Department for Environmental Protection;

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

(10) violate any section of this ordinance or any other rule or regulation promulgated under the authority of Section 7.

SECTION 9. FEES/CHARGES

Section 9.0 Fees/Charges shall be amended as per KRS 109.041 (5)(8)

SECTION 9.1 Fees

The director shall recommend such service charges or fees for each dwelling unit and each commercial establishment for solid waste collection and disposal as are necessary to meet all costs of operation and maintaining the solid waste management system. All such fees, including subsequent revisions thereof, shall be paid by the resident or owner of record of the property served, and shall be paid to Nelson County Treasurer or other approved collection agency every month, at minimum. The County may accept quarterly, semi-annual, or annual payments.

SECTION 9.1 (a) Residential and Small Commercial Customers

The monthly fee for residential and small commercial customers using six (6) cans or less per week is hereby set at \$18.00 per month. Effective July 1st of each following year, the monthly fee **shall be increased** each year by a percentage equal to the percentage change in the Consumer **Price Index** statistics published by the United States Department of Labor.

SECTION 9.1(b)

Residential customers who are permanently disabled in accordance with KRS 205.010 (9), & earn less than 200% of the poverty rate as determined by the Health & Human Services Cabinet and listed in the Federal Register for the Department of Labor annually, may, upon submission to the director, qualify for a reduced rate in the amount of fifty (50%) percent monthly.

SECTION 9.1(c)

Residential customers , above 65 years of age who earn less than one hundred (100)% of the poverty rate as determined by the Health & Human Services Cabinet and listed in the Federal Register for the Department of Labor annually, shall, upon submission to the director, qualify for a reduced rate in the amount of fifty (50%) percent monthly. The director shall examine the eligibility of each resident receiving a reduction in rate every twenty four (24) months to determine continuing eligibility.

SECTION 9.1(d)

Residential customers with a military service-related disability, as defined in Section 1413a, Title 10, United States Code may, upon submission to the director, qualify for a waiver from the monthly garbage fee.

SECTION 9.1 (e) Dumpster Charge

The fee for dumpster customers being serviced shall be as follows:

Monthly Dumpster Rates - Rates Starting July 1st,

Dumpster Size (CY)	2 CY	3 CY	4 CY	6 CY	8 CY
Dumped Once/ Week	\$ 70.56	\$ 85.39	\$ 92.98	\$ 114.24	\$ 136.14

Dumped Twice/ Week	\$ 127.70	\$ 154.69	\$ 169.88	\$ 212.38	\$ 252.17
Dumped Three/ Week	\$ 184.84	\$ 223.98	\$ 246.77	\$ 310.52	\$ 368.20
Dumped Four/ Week	\$ 241.97	\$ 293.28	\$ 323.66	\$ 408.68	\$ 484.23
Dumped Five/ Week	\$ 299.11	\$ 362.58	\$ 400.55	\$ 506.81	\$ 600.26

Effective July 1st of each following year, the monthly dumpster fee shall be increased each year by a percentage equal to the percentage change in the Consumer Price Index statistics published by the United States Bureau of Labor.

The County Judge/Executive is authorized and directed to negotiate fees with the garbage collection company and customer wherever more than one dumpster is serviced at the same location or service is provided more than once each week.

SECTION 9.1 (f) Tipping Charge

CONTAINED LANDFILL:

	<u>COMPACTED</u>	<u>UNCOMPACTED</u>	<u>PICKUPS(level load)</u>
NELSON COUNTY	\$12.5 /CY	\$8.00 /CY	\$10.00/each
MARION COUNTY	\$11.45 /CY	\$8.40 /CY	\$10.50/each
OUT OF COUNTY	\$13.00 /CY	\$8.40 /CY	\$10.50/each

NOTE: contaminated dirt/sludge will be charged at compacted rates

CDD LANDFILL:

ALL LOADS

NELSON COUNTY	\$8.00 /CY
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OUT OF COUNTY \$8.40 /CY

* See section 9.1 (h) “Environmental remediation fee”

SECTION 9.1 (g) Roll Off Trash Box Charge

	<u>TURN FEE</u>	<u>BOX RENTAL FEE</u>
NELSON COUNTY	\$110/each	\$3.00 /day
OUT OF COUNTY	\$140/each	\$3.00/day

* See Section 9.1 (h) “Environmental remediation fee”

The County Judge/Executive is authorized and directed to negotiate fees or waivers with customers for material depending on type, volume, and frequency.

SECTION 9.1 (h) “Environmental remediation fee”

As per KRS 224.43-010 Section 2 (3), a one dollar and seventy-five cents (\$1.75) fee per ton shall be paid by generators of waste to be disposed of at a municipal solid waste disposal facility. For loads of waste weighing less than one (1) ton, the environmental remediation fee shall be one dollar and seventy-five cents (\$1.75). This fee shall be remitted to the cabinet as per KRS 224.43-10 Section 2 (4).

SECTION 9.1 (i) High Density Waste

High Density Waste as defined by this ordinance shall be \$34.00 per ton. The Environmental remediation fee shall be an additional cost as noted in Section 9.1 (h) of this ordinance.

SECTION 9.1 (j) Bulky Item Pickup

A bulky Item/Rubbish pickup shall be conducted once per year for residential customers of the Nelson County Solid Waste Department as scheduled by the Nelson County Fiscal Court. Items shall include Bulky Rubbish and defined by this ordinance and placed by the roadside by 7:30 a.m. on the Monday the designated areas shall be served. No loose garbage, wood, brush, paints or liquids shall be picked up within the program

A maximum of 8 passenger tires per household shall be allowed. If the maximum number of passenger tires is exceeded, or other tires are placed out for collection, the following fees shall be billed to the resident in which the tires are located:

<u>Type</u>	<u>Fee</u>
Passenger Tires Exceeding 8 Tires	\$4.00 per tire
Commercial/ Truck Tire	\$10.00 per tire
Agricultural & Construction Tires	Compacted Fees per Section 9.1 (f) and all other Section 9.1 applicable Fees

SECTION 9.2: Delinquency.

All unpaid fees shall become delinquent if payment is not received within 30 days of the notice due. Delinquent bills shall bear interest at 12% per annum until paid. The County may enforce collection of delinquent bills by bringing proper legal action against the occupant of any dwelling unit or owner of any commercial establishment to recover any sums due plus a reasonable attorney's fee, court costs and any other costs involved in such collection action.

SECTION 9.3: Uncollected Fees.

All uncollected fees, after judgment, shall be placed on record in the locality where the property is located. as any other judgment lien and shall be release when paid.

SECTION 9.4: Unoccupied Residences and Buildings.

The service and service charge shall be terminated upon presentation of satisfactory proof to the Director that any such dwelling unit or establishment is unoccupied, and shall be commenced upon renewed occupancy thereof. Occupancy for any part of a week shall constitute occupancy for an entire week.

SECTION 10. PUBLIC NUISANCES

SECTION 10.1: Notification.

It shall be the duty of the Director to serve or cause to be served upon the owner or occupant of any premises on which there is kept or maintained any nuisance in violation of the provisions of this ordinance and to demand the abatement of the nuisance within 30 days.

SECTION 10.2: Non-Compliance.

If the person so served does not abate the nuisance within ten (10) days, the County may proceed to abate such nuisance, keeping an account of the expense of the abatement, and such abatement shall be charged and paid by such owner or occupant. Whenever a bill for such charges remains unpaid for 30 days after notice has been rendered, the County may file a statement of lien claim against the property.

SECTION 11. PENALTIES

Any person, firm or corporation who Violates or fails to comply with any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction, shall be subject to a fine of not less than one hundred dollars (\$100), nor more than one thousand dollars (\$1,000). In lieu of the penalties provided herein, if a civil citation is issued, any appropriate County Agency may assess a civil penalty not less than one hundred (\$100) nor more than one thousand dollars (\$1,000). Violators of this ordinance may be issued a citation by any County department or any duly appointed agency.”

All civil penalties shall be paid to the Nelson County Fiscal Court.; provided, that each days' violation thereof shall be a separate offense for the purpose hereof.

SECTION 12. REPEALS

The following ordinances are hereby repealed:

Ordinance 2023-002 and All Amendments

SECTION 13. SAVINGS CLAUSE

Nothing in this ordinance shall be deemed to affect, modify, amend or repeal any provision of any ordinance administered by the Nelson County Health Department, or other department, board, commission, or agency of Nelson County unless that ordinance is specifically repealed in Section 12.

SECTION 14. SEVERABILITY CLAUSE

The provisions of this ordinance are severable and if any provisions or part thereof shall be held invalid or unconstitutional or inapplicable, it shall not affect or impair the remaining provisions of this ordinance.

This ordinance shall become effective upon passage.

PASSED AND APPROVED THIS 15th day of August, 2023.

County Judge/Executive

ATTEST:

County Clerk

Approved as to form and legality:

Title: