

ORDINANCE NO. 10 - 2023

AN ORDINANCE AMENDING ORDINANCE #2-2019 REPEALING, AMENDING, AND READOPTING A 1983 ORDINANCE PERTAINING TO PUBLIC HEALTH, SAFETY AND WELFARE; REGULATING STORAGE, COLLECTION, TRANSPORTATION, PROCESSING, AND DISPOSAL OF SOLID WASTE; AND PROVIDING FOR VIOLATION OF THE PROVISIONS OF THIS ORDINANCE.

BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF FRANKLIN, COMMONWEALTH OF KENTUCKY, THAT THIS ORDINANCE SHALL BE KNOWN AS THE SOLID WASTE MANAGEMENT ORDINANCE.

SECTION 1. ENACTMENT

This is an ordinance establishing regulations for the storage, collection, transportation, and disposal of all solid waste generated within or delivered to Franklin County, and the enforcement thereof, as required by law.

SECTION 2. PURPOSE

The purpose of this ordinance is to regulate the storage, collection, transportation, and disposal of solid waste in the unincorporated areas of Franklin County.

SECTION 3. SEVERABILITY

If any section of this ordinance is held to be invalid or unenforceable, all other sections shall nevertheless continue in full force and effect. In the event any provision of this ordinance conflicts with federal or state regulations, those regulations shall control.

SECTION 4. DEFINITIONS

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

BULK WASTE — Any large item, not an appliance, that does not fit in county-provided waste containers.

COLLECTION — The act of moving solid waste from point of generation to a processing or disposal facility.

COMPOST — Waste capable of being decomposed by microorganisms.

COUNTY — Refers to the unincorporated area of Franklin County, KY. Will also refer to the appropriate office or employee of the county authorized to act as its agent in handling the pertinent matter of this ordinance.

CONSTRUCTION DEMOLITION DEBRIS — Waste building material resulting from construction, remodeling, repair or demolition operations, either residentially or commercially.

CONTAINERS — County-provided wheeled containers ~~especially~~ specifically designed for curbside pick-up and mechanical dumping into the appropriate compatible collection vehicle, to include landfill-bound waste and recyclables. May also include non-reusable plastic sacks or bags designed for refuse with sufficient wall strength to maintain physical integrity when lifted by top or scavenged by animals.

DISPOSAL SITE — A depository for the processing or final disposal of Solid Waste, including but not limited to landfills, recycling ~~facility~~ facilities, or compost ~~site~~ sites.

DWELLING UNIT — Any room ~~or~~ group or rooms located within a structure, and forming a single habitable unit intended to be used for living, sleeping, cooking, and eating. Also, to include rented buildings containing two contiguous single-family dwelling units.

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

HOUSEHOLD HAZARDOUS WASTE — Refers to household products that contain corrosive, toxic, ignitable, or reactive ingredients, including but not limited to paints, cleaners, oils, batteries, and pesticides, that contain potentially hazardous ingredients and require special care when disposed.

LANDFILL — Disposal facility where waste is buried in a sanitary manner.

LICENSED WASTE HAULER — An individual or company permitted and approved by the county to collect waste.

LIVESTOCK — Farm animals regarded as assets located on farms in the unincorporated areas of Franklin County.

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

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

RECYCLING — the process by which waste and other materials are reclaimed and returned to reuse.

SOLID WASTE — Any garbage, refuse, sludge, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, and agricultural operations, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharge.

- a. Municipal Solid Waste — Residential solid waste
- b. Commercial Solid Waste — Waste generated by stores, offices, restaurants, educational, healthcare, correctional, or any other non-manufacturing or institutional activity.
- c. Industrial Solid Waste — Waste generated by industrial processing or manufacturing.

SOLID WASTE DISPOSAL — the process of discarding or getting rid of unwanted material.

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

WASTE TIRES — A tire that is no longer suitable for its original purpose or one deemed by its owner ready for disposal.

WHITE GOODS — Inoperative and discarded household or commercial appliances.

YARD WASTE — ~~Waste consisting of vegetative matter resulting from landscaping, yard maintenance, or land-clearing debris. Leaves, small branches, and grass clippings from a residence in a pile limited to the size of 10'Lx5'Wx3'H, with branches stacked parallel to one another. Ends of woody material should not exceed 6" in diameter. Two county personnel members should be able to dispose of yard waste. Tree root balls and wood gardening materials should be disposed of in the resident's trash bin or at the county landfill; weeds should be discarded in the resident's trash bin or dropped off at a county yard waste event--these items are unsuitable for the road department wood chipper.~~

SECTION 5. SOLID WASTE MANAGEMENT COORDINATOR

The County Judge/Executive may appoint a Solid Waste Management Coordinator, responsible for enforcing and managing the county's solid waste program.

SECTION 6. SOLID WASTE STORAGE

Storage Container Required - The occupant or owner of every (residential, municipal) 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. These containers may be provided by the county, in the sole discretion of the county.

SECTION 7. COLLECTION OF SOLID WASTE

7.1: County Responsibility Defined.

The county will ensure that solid waste collection is available in all unincorporated areas of the county. The county may award a collector an exclusive right to collect and dispose of residential and/or bulk solid waste. Appropriate licensing and operations will be set forth in the waste-hauling contract.

7.2: Collectors Responsibility Defined.

Solid waste collectors operating in the county shall be responsible for preventing and/or cleaning any leakage or spillage of solid waste during the collection and transportation process. Collectors will be responsible for all other provisions of this ordinance as they apply to collection and transportation of solid waste. Collectors are responsible for reporting annual activity in the county to the Solid Waste Management Coordinator and being licensed through the Franklin County Occupational Tax Office.

7.3: Personal Responsibility Defined.

It shall be unlawful for any person to dispose, throw, dump or cause to be disposed any garbage, paper, refuse, rubbish, waste, litter, junk, white goods, appliances, furniture, equipment, cans, bottles, lumber, building material, trees, tree limbs, brush, or other forms of solid waste anywhere and in any manner other as defined in this ordinance.

SECTION 8. APPROVED DISPOSAL METHODS

Bulk Waste — Disposed of through curbside collection or direct landfill disposal

Electronic Recycle (E-cycle) — disposed of through drop-off service with a licensed e-waste disposal company

Household Hazardous Waste — Disposed of through county-hosted events with a licensed Household Hazardous Waste disposal contractor

Livestock — Collected by the county for disposal by landfill or compost pursuant to KRS 527.160

Recycling — Collected for processing at a materials recovery facility or recycling processor

Tires — Disposed of through tire retailers or state-provided opportunities

Trash - Disposed of in landfill-bound waste containers or dumpsters

White Goods — Collected by County or approved waste hauler to be handled separately from landfill-bound trash

Yard Waste — Disposed of through the county for chipping, mulching, and/or composting

SECTION 9. PROHIBITED PRACTICES

Each citizen is responsible to ensure that the waste that they generate is disposed of in a manner consistent with Section 8 of this ordinance. The ordinance presumes that each person assumes personal responsibility for the waste they generate and makes every effort to divert waste from the landfill when appropriate.

1. Dispose of any garbage, refuse, rubbish, or debris by dumping on any premise in the county with or without consent of the owner.
2. Dump or permit the dumping of garbage, refuse, rubbish and debris on any property within the county limits, except where permitted by the county and state.
3. Fail to have solid waste collected in a manner provided by this ordinance.
4. Interfere in any manner with solid waste collection or transportation equipment which is operating legally in the county.
5. Dispose of solid waste in any facility not approved by the County or the Kentucky Department of Environmental Protection.
6. Deposit solid waste in a container owned by someone else, unless written permission has been received by the owner to do so.
7. Violate any section of this ordinance or any lawful rules or regulations promulgated pursuant thereto.
8. The only exception is if their waste is proven to have been in the possession of another person prior to its being dumped. It then must be verified that they had no knowledge of the waste being illegally dumped.

SECTION 10. PENALTIES AND ENFORCEMENT

Any person violating any of the provisions of this ordinance, or any lawful rules or regulations promulgated pursuant thereto, shall upon conviction, be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each conviction. Each day of violation shall constitute a separate offense. Enforcement by the county may be carried out by any peace officer of the county, the code inspectors, the Solid Waste Management Coordinator, law enforcement, or Solid Waste Management personnel.

Every County Resident shall be responsible for ensuring that the solid waste generated by their home or business is properly disposed of as set out in Section 8 above. If any garbage, refuse, rubbish, waste, litter, junk, white goods, appliances, furniture, equipment, cans, bottles, paper, lumber, building material, trees, tree limbs, brush, or other forms of solid waste can be identified as having last belonged to, been in the possession of, sent to or received by, or has been the property of any person or organization prior to being disposed of, such identification shall be presumed to be prima facie evidence that such person or organization disposed of such solid waste in violation of

this ordinance. Such persons may also be subject to the terms of Ordinance 14. 2005 Series, Relating to the Abatement of Nuisances in the Unincorporated Areas of Franklin County.


INTRODUCED AND GIVEN FIRST READING IN SUMMARY at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky held on the 12 day of September, 2023.

GIVEN SECOND READING AND ADOPTED at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 12th day of September, 2023, and of record in Fiscal Court Order Book 34, Page 91. 28



Michael Mueller
County Judge/Executive

ATTESTED TO:



Kim Cox
Fiscal Court Clerk