

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

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**Area Solid Waste Management Plan - Five Year Update**  
**Years 2023 - 2027**

**1. BACKGROUND INFORMATION**

**A. Area Designation**

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

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

If area designation is a RSWMA, list counties: N/A

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

1.) Crestwood - 6,183	2.) Goshen - 892	3.) LaGrange - 10,067
4.) Orchard Grass Hills - 1536	5.) Pewee Valley - 1588	6.) River Bluff - 436

**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.) David Voegelé, Judge Executive

3. List each member of the governing body:

1.) Bob Dye	2.) Steve Greenwell	3.) Chris Haunz
4.) Stephanie Hawkins	5.) Brent Likins	6.) Michael Logsdon
7.) Wayne Theiss	8.) Kevin Woosley	9.)

4. Address: 100 West Jefferson St

City: LaGrange	State: KY	Zip Code: 40031
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5. Telephone: 502-222-9357	6. Fax: 502-222-3210	7. Email: dvoegele@oldhamcountyky.gov
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**C. Solid Waste Coordinator Information**

1. Name of Coordinator: Rebecca Zocklein

2. Address: 100 West Jefferson St

City: LaGrange	State: KY	Zip Code: 40031
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3. Telephone: 502-565-1007	4. Fax: 502-222-3213	5. Email: rzocklein@oldhamcountyky.gov
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6. Work Status (check one): ☐ Volunteer ☐ Full-time ☒ Part-time

7. Hours worked per week: 30

**D. Advisory Committee**

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

Name	Representing
1.) James Allen	HOA President & Community Volunteer
2.) Cynthia Harbin	Code Enforcement Board Chair, Commerce & Resident
3.) Traci Bratcher Johnson	Agriculture, UK Cooperative Extension
4.) Natasha Maki	Resident & Community Volunteer

**E. Preparer Information**

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

1. Name: N/A

2. Address: N/A

City: N/A	State: N/A	Zip Code: N/A
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3. Telephone: N/A

4. Fax: N/A

5. Email: N/A

**F. Resolution/Ordinance to Adopt Solid Waste Management Plan 5-Year Update**1. Check one: ☒ Resolution ☐ Ordinance

2. Public Notice Date: August 19 – September 19, 2022

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: 11/2/2004

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.)

Residential curbside and commercial on-site are the primary methods of municipal solid waste collection within the designated SWMA. Universal collection service is provided by a single private hauling company under contract (aka franchise agreement) with the County. This is regulated by KOC-04-830-181 which ordains that only permitted waste haulers may collect any solid waste within the County and that only the County contractor may provide residential and commercial collection services per the specifications of the agreement. KY. Const. § 164 Term of franchises limited – Advertisement and bids states: "No county, city, town, taxing district or other municipality shall be authorized or permitted to grant any franchise or privilege, or make any contract in reference thereto, for a term exceeding twenty years. Before granting such franchise or privilege for a term of years, such municipality shall first, after due advertisement, receive bids therefore publicly, and award the same to the highest and best bidder, but it shall have the right to reject any or all bids." The term of the franchise with the current contractor will expire in 2025. Franchise agreements are renewed every five years.

Mandatory collection exists in four cities within the SWMA. Their systems are described as follows:

Goshen: Residential curbside trash collection service is provided by Republic Services, the current County contractor. Curbside recycling is available. All fees are paid by the City from its general fund. All commercial accounts comply with the County contract.

LaGrange: Residential curbside trash collection service is provided by Republic Services, the current County contractor. Curbside recycling is available. All fees are paid by the City from funds collected via residential water bills. All commercial accounts comply with the County contract.

Pewee Valley: Residential curbside trash collection service is provided by Republic Services, the current County contractor. Curbside recycling is available. All fees are paid by the City from its general fund. All commercial accounts comply with the County contract.

River Bluff: Residential curbside trash collection service is provided by Waste Management. Curbside recycling is available. All fees are paid by the City from its general fund. All commercial accounts comply with the County contract.

Industrial, federal, and state facilities remain outside the jurisdiction of the County franchise agreement yet must use annually permitted solid waste haulers.

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:

All solid waste haulers and recyclers doing business in Oldham County must submit MSW Collection and Recycling Registration Form DEP 5033 to the Solid Waste Coordinator annually no later than February 1 per KRS 224.43-315, sections 2 and 3. All solid waste haulers doing business in Oldham County must apply for a permit to haul said waste each year, per KOC 94-800-84, KOC 97-830-53, and KOC 99-830-199 Combined Document, Sections 5.3 through 5.6.

In December of each year, the SWC requests a list of haulers from both Valley View and Outer Loop landfills that have reported bringing waste from Oldham County. Using those lists and the currently permitted waste haulers, a contact list is compiled. Around the middle of December, Form DEP 5033 and The Oldham County Collection and Transportation Waste Hauler Permit Application form are mailed and emailed to the entire contact list with a letter of instruction. Samples of these can be found in Appendix 2.2.

**B. Collection System Strengths**

Describe the strengths of your collection system:

Universal collection throughout the County, apart from four cities and eight homeowner associations with mandatory collection, is consistently successful. Annual participation rates since 2017 have ranged from 93.17% in 2018 to 99.02% in 2020. Incidences of illegal dumping are minor and infrequent.

Curbside residential and on-site commercial solid waste collection under a franchise agreement:

- a) regulates the cost of collection to a negotiated rate.
- b) provides revenue to Oldham County at 3.5% return of gross receipts not collected from customers.
- c) allows for at-the-door service for medically fragile customers.
- d) allows for weekly bulk item pickup.
- e) allows for unlimited access to residential customers to dump MSW at Valley View Landfill at no cost.
- f) streamlines customer service and communication with the SWC.
- g) provides free trash service to ten OCFC sites.
- h) yard waste collection is included with trash service.

All permitted waste haulers are listed on the Oldham County Solid Waste website with their contact information. This adds incentive to haulers to submit annual reports and apply for annual hauling permits.

**C. Collection System Weaknesses**

Describe the weaknesses of your collection system:

While yard waste is included with curbside trash service, it is not separate from it upon disposal.

Communities within the Designated Area which have contracts with haulers other than the County contractor receive only part of the benefits provided within the County agreement.

Multiple hauler contracts complicate information dissemination to residents.

Current Franchise Ordinance, KOC-08-930-181, is subject to varying interpretations.

Waste haulers, that are not property owners or are based out of the County, who fail to file DEP 5033's and fail to apply for a permit to haul waste cannot be held accountable since fines are ultimately levied through liens against real property.

**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.) Draft and publish a Request for Proposals for residential curbside and commercial on-site MSW collection for the SWM designated area and award the contract.	Once	February, 2024	January, 2025
2.) Draft and adopt a Comprehensive Solid Waste Ordinance that will repeal and replace the existing solid waste ordinances.	Once	January, 2023	December, 2023
3.) Study options for yard waste collection.	Ongoing	January, 2023	N/A

### 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 2028: 78,427	Population 2033: 86,089	Population 2048: 114,901
Waste Generation Projection 2023 – 2027: 217,326 Tons	Waste Generation Projection 2028 – 2032: 358,767 Tons	Waste Generation Projection 2033 – 2037: 500,208 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: Republic Services of KY - Valley View Landfill		Permit #: 112-00002
Address: 9120 Sulphur Rd		
City: Sulphur	State: KY	Zip Code: 40076
2.) Landfill Name: Waste Management of KY- Outer Loop Landfill		Permit #: 056-00028
Address: 2673 Outer Loop Road		
City: Louisville	State: KY	Zip Code: 40219
3.) Landfill Name: Clark-Floyd Landfill		Permit #: FP 10-01
Address: 14304 IN-60		
City: Borden	State: IN	Zip Code: 47106
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: Hedges Excavating & Transfer Station		Ownership: Private
Address: 4301 W. Highway 146		
City: LaGrange	State: KY	Zip Code: 40031
Cost to users: N/A (\$/Ton)	Life expectancy: N/A Years	
Level of compliance with state and federal laws: Reporting is current		
2.) Facility Name:		
Address:		Ownership:
City:		
Cost to users: (\$/Ton)	State:	Zip Code:
Level of compliance with state and federal laws:		Life expectancy: Years
3.) Facility Name:		



Address:		Ownership:	
City:			
Cost to users: \$	(\$/Ton)	State:	Zip Code:
Level of compliance with state and federal laws:		Life expectancy:	Years
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:		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:			
A preliminary proposal for a solid waste transfer station at 1600 Haunz Lane, Crestwood has been presented to Oldham County Solid Waste and Planning and Development Departments by Pioneer Environmental & Engineering.			
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.):			
Oldham County's Emergency Operations Plan was adopted on November 29, 2011. It was last updated on September 17, 2021. It is based on the National Incident Management System (NIMS). The Plan serves as a guide to enable Oldham County first responders and key agencies to manage hazards that threaten the lives and property of the citizens, businesses, and visitors in our community. It is an all-hazards response plan and is designed to ensure coordinated and effective emergency actions by all appropriate parties.			
A list of all permitted waste haulers providing disaster debris management capabilities is maintained by OCSWC.			
7. Describe plans to research alternative approaches to solid waste management:			
Subscriptions are maintained by the SWC with solid waste management and recycling publications and newsletters.			
Regular attendance by the SWC at KYDWM trainings and membership in SWaCK provide opportunities for innovation.			
<b>B. Disposal Practices Strengths.</b>			
Describe the strengths of your existing disposal practices:			
The three contained landfills serving the SWMA report a minimum of 10 years of capacity.			
Republic Services residential account holders have unlimited access to Valley View Landfill for disposal of bulk items, yard waste, and excess trash which reduces the risk of illegal dumping.			
One CDD transfer station within the County provides for disposal of construction and demolition debris.			
<b>C. Disposal Practices Weaknesses.</b>			
Describe the weaknesses of your existing disposal practices:			
While yard waste is included with curbside trash service, it is not separate from it upon disposal.			
Communication with residents and businesses about disposal options is limited to regular office hours and static information on the Oldham County website and public signage.			
<b>D. Disposal Implementation Schedule</b>			

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.) Complete Disaster Debris Removal Plan for Oldham County in cooperation with Oldham County Emergency Management.	Once	July, 2024	June, 2026
2.) Implement Waste Wizard app which will provide 24/7 access to correct disposal practices.	Ongoing	July, 2022	N/A

#### 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 who haul materials from Oldham County are required to register and report annually the breakdown of materials recycled and the tonnages on KYDWM Form 5033. See line 3 in COLLECTION section for description of registration and reporting process.

3. Do you have a plan to reduce the need for land disposal of yard waste? ☒ Yes ☐ No

If yes, describe:

Discussion has been initiated with Republic Services about the possibility of composting yard waste at Valley View Landfill. Residential composting is expected to continue with the cooperation of Oldham County Conservation District and Cooperative Extension.

4. Does your SWMA collect or manage yard waste for the purpose of diverting it from a landfill? ☒ Yes ☐ 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?

City of LaGrange

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:

Natural Products is a permit-by-rule composting facility. Residents and businesses are encouraged to take yard & woody waste to this facility. It is centrally located and charges a nominal fee to accept the material.

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.)

Approximately 95% of all households in Oldham County have access to bi-weekly curbside recycling as an added service provided by their waste hauler for an additional fee.

Oldham County operates a centrally located, dawn-to-dusk self-sort drop-off recycling facility that is staffed Monday through Friday between 8:00 am and 3:00 pm. Electronics, cardboard bales, and some paper in gaylords are shipped in 53' trailers. Most paper is shipped in the roll-off collection container. Plastics are collected in 2 CY tilt bins and emptied into a compactor receiver which is hauled and returned when full. Used beverage cans are baled and used to either offset the cost of recycling electronics or gain revenue. All other metals are shipped in a 30 CY roll-off kept on site by the vendor. Free document shredding is provided to residents which supplements the volume of office paper.

OCRC staff collect recyclables from County office buildings, Luther Luckett Correctional Facility, and some businesses weekly.

Oldham County Schools and some large businesses contract with Republic Services for on-site single-stream recycling.

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:

Residents who request information about proper disposal of motor oil are advised to take it to one of several businesses that accept it for a fee. This information is available online and will be included when the ReCollect Waste Wizard is launched.

Batteries of all kinds are collected and sorted. Lead acid batteries are shipped with electronics to offset cost. All other batteries are stored until our HHW event.

Antifreeze is accepted during the HHW collection event. Residents who request information about proper disposal of antifreeze are advised to take it to one of several businesses that accept it for a fee. This information is available online and will be included when the ReCollect Waste Wizard is launched.

10. Describe how household hazardous waste is handled in your SWMA:

Oldham County has held a one-day HHW collection event every year since 2008 through a grant awarded by DWM KY Pride Fund. It is held on the first Saturday of October to maintain constancy for residents. Residents who are moving out of the County throughout the year are permitted to bring hazardous waste to the OCRC where it is stored until the collection event. The County will continue to avail itself of this grant opportunity as long as it is offered. The 25% match is met using in-kind labor and equipment plus the actual costs of the event.

11. Are electronics/computers recycled in your SWMA? ☒ Yes ☐ No

11a. If yes, describe your electronics/computer (e-scrap) recycling program:

The Oldham County Recycling Center accepts e-scrap for recycling year-round as a drop-off item. The only items not accepted that run on electricity are full-sized refrigerators and freezers, CRT televisions and monitors, and projection televisions. In 2023, a one-day e-scrap collection event will be held with the purpose of diverting CRT's and projection TV's from the landfill.

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? ☒ Yes ☐ No

12a. If yes, what businesses or agencies recycle office paper? These are entities known to the SWC as recycling office paper. It is not a comprehensive list.

12<sup>th</sup> Circuit Commonwealth Attorney's Office  
American Red Cross  
Baptist Health LaGrange  
Brownsboro Community Center  
City of Pewee Valley  
Creasey Mahan Nature Preserve  
Good News Homes  
Grace & Glory Church  
Humane Society of Oldham County  
Immaculate Conception Church  
John Maxwell Group  
KY Administrative Office of Courts  
KY Dept. of Public Advocacy  
LaGrange Baptist Church  
Luther Luckett Correctional Facility  
Oldham County Fiscal Court – all departments  
Oldham County History Center  
Oldham County Public Library – all branches  
Oldham County Schools  
Property Valuation Administration  
RE/MAX Properties East  
St. Aloysius Church  
St. James Church  
South Oldham Rotary Club  
The Rawlings Group  
The Oldham Era newspaper  
UK Cooperative Extension Office  
Yew Dell Gardens

12b. If no, explain why office paper is not recycled in your SWMA: N/A

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:

As noted above, Oldham County Schools accepts responsibility for their own recycling by contract with Republic Services.

## B. Recycling Program Strengths

Describe the strengths of your existing recycling program:

Curbside recycling is available to most households in the County.

The County provides a free dawn-to-dusk, self-sort, drop-off recycling center. It is manned Monday through Friday from 8:00 a.m. to 3:00 p.m. by a full-time facility manager, a part-time forklift operator, and two temporary laborers. The center accepts these materials for recycling: cardboard; paper; plastics #1, #2 & #5; household & scrap metals; white goods; electronics; batteries; tires. Free document shredding is available to residents.

The recycling center is manned by a full-time facility manager, a part-time forklift operator, and up to four Class D inmates provided from the Oldham County Detention Center at the discretion of the County Jailer. Temporary laborers are brought in when inmates are unavailable.

Since installing signage indicating that the recycling center hours are "dawn to dusk", vandalism and theft has reduced significantly.

Launch of Waste Wizard software on the County website will provide 24/7 recycling and disposal information to the public.

Private businesses in and near Oldham County accept these items for recycling: plastic grocery bags; glass; ink cartridges; electronics; batteries; light bulbs; light strings; propane tanks, automotive fluids.

The UK Cooperative Extension Service provides: a "rinse and return" pesticide container collection for the reuse of those containers; and promotes reduction, reuse, and "best environmental practices" via seminars held throughout the year.

The SWC promotes recycling through public presentations, social media, and the County website.

Oldham County has two private metal recycling facilities: one accepting scrap from the public and the other accepting industrial scrap. In neighboring Jefferson County, there is a material recovery facility accepting commingled commodities and a full-service metal recycling facility.

Recyclers within the County and recycling haulers are required to register and report annually to the SWC. Haulers are required to apply for an annual permit to haul solid waste from Oldham County.

In collaboration with the Oldham County Conservation District, a residential composting program began in 2020.

## C. Recycling Program Weaknesses

Describe the weaknesses of your existing recycling program:

Curbside recycling is not available to all customers because the collection trucks cannot navigate certain roads.

Reliance on Class D inmates for Recycling Center staffing and use of temporary laborers when inmates are not available.

Because the recycling center is primarily unstaffed and open 24 hours per day, seven days per week, contamination is inevitable.

Public knowledge of the recycling center operations and location is hampered by inconsistent messages in search engines.

KYTC has planned for over a decade to divert KY 393 away from the Oldham County Schools campuses in response to traffic congestion during the school year. This by-pass, as it is currently proposed, would render the County Recycling Center unusable. No specific plans exist to address this.

## 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.) Continue to apply for annual Recycling Education & Equipment and HHW Collection grants.	Annual	3/2023	N/A
2.) Promote use of the Waste Wizard application and continue to refine its content.	Ongoing	1/2023	N/A
3.) Study options for yard waste composting at Valley View Landfill.	Ongoing	1/2023	N/A
4.) Correct inconsistent messaging about the Recycling Center in major search engines.	Ongoing	1/2023	N/A

5.) Develop a Master Recycler program to increase public awareness of recycling and waste reduction practices.	Ongoing	6/2023	N/A
6.) Recruit Master Recycler volunteers to begin drafting a plan for a state-of-the-art recycling center to replace the existing facility when it is no longer usable.	Once	5/2024	4/2026
7.) Continue to encourage residential composting in partnership with other agencies.	Ongoing	1/2023	N/A

### 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."**

Open dumping of solid waste on all lands is prohibited by the Oldham County Solid Waste Ordinances KOC-94-800-84, KOC 97-830-53 & KOC 99-830-199: Combined Document. All solid waste must be disposed of at a disposal facility with a valid permit issued by or in compliance with laws of the Commonwealth of Kentucky. If a violation is found, receipts for proper disposal must be provided to the SWC by the landowner.

2 What is your process for identifying and recording open dumps?

Identifying possible dump sites is an on-going process performed by county employees such as road crews, building inspectors, police officers, the code enforcement officer, county engineer staff as a part of their regular work duties. Complaints on possible illegal dump sites are reported by the public and landowners who discover abandoned dump sites on their property. Roadside litter crews are asked to report dump sites as they clean.

All dumping complaints are inspected to verify the validity of the complaint. When an open dump is found, the date, time, location and approximate size and description of the items dumped is recorded along with photographs to authenticate the problem. Assistance from KY DWM regional office is sometimes requested.

3. How does the SWMA prioritize the cleanup of open dumps?

Dumps are prioritized by the probability of environmental impact and based on the material found on the site, i.e.: hazardous or non-hazardous waste; proximity to waterways; located in a floodplain, sinkhole, or historic site.

4. Describe the procedures to prevent the recurrence of open dumping at sites that have been cleaned (include surveillance efforts, pull-off barricades, etc.):

Once dump sites are identified and cleaned up, the owner must demonstrate to the SWC or Code Enforcement Officer that adequate measures have been taken to prevent future disposal of solid waste on the subject property. Sites are monitored for compliance in cases of persistent or deliberate dumping. The landowner may be required to restrict access to the property by means of fencing, locked gates, chains, or trenching. The County Road Department erects "NO DUMPING" signs along county rights-of-way where habitual dumping occurs.

5. Describe any assistance your SWMA offers to private property owners to clean open dumps:

If the property owner is under the County negotiated franchise agreement for waste hauling services and has an active account, multiple bulk items can be taken to Valley View Landfill and disposed of at no cost.

Owners who have items that can be disposed of properly using existing grant programs, such as Waste Tire or Household Hazardous Waste, or the State Tire Collection events, are guided toward those solutions.

6. Describe your plan to control and clean up litter:

Using the State Litter Abatement grant, non-profit groups based in Oldham County are assigned roadways to clean throughout the year. The groups are paid for roadside cleanup in accordance with State guidelines for non-profit groups. They are provided with bags, gloves, safety vests, and grabbers. The County requires that each group provide proof of current tax-exempt status and sign an agreement which contains a waiver indemnifying the County against any liability and complete instructions on how to safely complete the job. Groups are required to collect all trash bags and bring them to the recycling center for disposal. They are paid a stipend for completing this task. Road inspection is completed by the SWC and other available staff. Leaders Don't Litter is a movement invented by the SWC which raises awareness about litter and hosts specific non-road litter cleanups. Volunteer groups doing roadside cleanups are required to complete at least one Leaders Don't Litter activity each year. Short stretches of some state roads are particularly troublesome for accumulation of litter. Many of these sections are assigned to one volunteer group to clean multiple times through the year. These are signified as adopted by Leaders Don't Litter through KYTC Adopt a Road program.

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."

As stated in Section B: Collection, Oldham County has a consistently high participation rate of curbside collection. Within most of the collection contracts disposal of bulk items is addressed by allowing free access to Valley View Landfill and permitting one bulk item pickup per week. The County franchise contract requires that customers bag all trash, thus preventing loose trash from becoming litter. Through social media and outdoor signage, the public is reminded of this. In extreme cases, where litter is scattered around the trash carts or the loose particulate is endangering the driver or the equipment, a letter is sent by the SWC advising the customer to bag all trash or risk suspension of curbside service.

### B. Open Dump Prevention Strengths

Describe the strengths of your program to clean and prevent open dumps:

Open dumping is defined in the Solid Waste Ordinances KOC-94-800-84, KOC 97-830-53 & KOC 99-830-199: Combined Document, Section 4.2 which references KRS 224.40-100 which prohibits open dumping by any person and of any material, including materials declared a beneficial reuse by the Cabinet. Upon discovery of an illegal dump, the landowner is responsible for cleanup and restoration. Disposal receipts are required to ensure that the waste is taken to an appropriate permitted facility.

Oldham County Nuisance Ordinance, KOC 89-800-846 Sections 1, 2, & 3 addresses lumber, junk, trash, debris, abandoned/discarded/unused objects, or equipment (i.e.: vehicles, furniture, appliances, containers), and property that is not being maintained. The Oldham County Code Enforcement officer with the Code Enforcement Board upholds this ordinance. This ordinance is driven by complaints.

Illegal dumping signs are posted in areas known to be problem dump sites.

The use of residential curbside trash service has been the norm for roughly 50 years or less as the County demographic has changed from rural to suburban. Prior to that, household trash was often discarded into a ravine or sinkhole or simply burned. The remains of these trash sites are discovered as new owners take possession of these tracts. The new owners report the dumps and actively seek to get them cleaned up.

Roadside litter crews are instructed to bring in everything they can carry and to report items they can't reach or carry. This reduces the incidence of roadside dumping.

### C. Open Dump Prevention Weaknesses

Describe the weaknesses of your program to clean and prevent open dumps:

There is no mechanism in place to track beneficial reuse materials being moved from a demolition site, nor are disposal receipts requested after a demolition permit is issued.

### 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.) When a demolition permit is issued, require that a permitted disposal facility be named for all materials and require that disposal receipts be presented to the SWC for release of a cash deposit.	Ongoing	8/2022	N/A
2.) If Action 1 above is impossible to enact, change the open dumping ordinance to a workable course of action.	Ongoing	8/2022	N/A

### E. Litter Prevention Strengths

Describe the strengths of your program to control and clean up litter:

Most volunteer non-profit groups that provide litter abatement services are made up of young people. Seeing the amount and impact of roadside litter will deter them from becoming litterers and will motivate them to teach their children not to litter.

Use of the Leaders Don't Litter slogan and requirement for Litter Abatement participation expands community education and provides a willing pool of volunteers who assist at non-roadside litter cleanup events.

Targeting heavily littered short stretches of road to be cleaned multiple times per year and having them marked as "Adopted by Leaders Don't Litter" has been highly successful in reducing complaints about roadside litter.

When County Road Dept mows, they spot clean as they have time and manpower.

Community education efforts include drive-in theater ads, social media posts, litter cleanup events, Guess The Butts contest during Oldham County Day with prize winners.

Class D inmates are again available to assist with roadside litter checks and cleanups.

#### F. Litter Prevention Weaknesses

Describe the weaknesses of your program to control and clean up litter:

Reliance on Class D inmates for roadside litter checks and cleanups.

#### 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.) Continue litter awareness activities under Leaders Don't Litter	Ongoing	1/2023	N/A
2.) Continue to rely on Class D inmates to spot clean roadside litter and conduct roadside litter checks.	Ongoing	1/2023	N/A
3.) Continue to enforce bagging of residential trash.	Ongoing	1/2023	N/A
4.) Continue to apply for Litter Abatement grants	Ongoing	8/2023	N/A

### 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."

KOC-99-830-190 was adopted to: define solid waste facility permits; set minimum siting standards for all solid waste facilities; define the application and maintenance requirements; define permit infractions and corresponding penalties.

2. 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."

The Oldham County siting procedures are incorporated in the Comprehensive Zoning Ordinance, Division 220 SWF-1 Solid Waste Facilities District. The initiation of a zoning amendment must be done so by application and be filed with the Planning Commission. Prior to consideration by the Planning Commission, the applicant must: 1) hold a pre-application conference with Solid Waste, Planning & Development, and Engineering staff; 2) hold a neighborhood meeting; 3) present technical requirements to the Technical Review Committee; 4) submit a development plan. Once these requirements are met, the application is considered by the Planning Commission. If approved by the Planning Commission, the zoning amendment is then referred to the Fiscal Court for a public hearing. Once a zoning amendment for a solid waste facility is approved, it is restricted to the original purpose provided in the development plan. Any change in solid waste activity must be approved by the Planning Commission. See Appendix 6.2.

3 List any planned modifications to your existing siting ordinance(s), siting procedures, planning and zoning requirements and/or land use regulations. If your SWMA does not have a siting ordinance, planning and zoning and/or land use regulations, what steps are planned for developing and enacting an ordinance or other local policy to regulate the use of land for solid waste facilities within your area?

None at this time.

4. Selection of a site for a solid waste facility can be very controversial and the public must be given an opportunity to understand and participate in the process. What steps are taken by the SWMA to ensure the public is informed and involved in the decision-making process for siting solid waste facilities within your area?

A neighborhood meeting is required during the pre-application phase and prior to the Technical Review Committee meeting. Properties with structures within 1000 feet of the proposed facility are notified of the meeting. All subsequent meetings are advertised and open to the public.

5. The siting process at the local level and the permitting process at the state level are mutually supportive and share the same objective for solid waste facilities to meet environmental, engineering and operational standards, as well as be acceptable to the public. Describe how your SWMA coordinates local siting procedures with state permitting procedures for solid waste facilities.

Local siting procedures originate from state regulations and are more restrictive.

## B. Facility Siting Strengths

Describe the strengths of your existing siting ordinance:

The Solid Waste Facilities District portion of the Comprehensive Zoning Ordinance calls for the collaboration of Solid Waste, Planning & Development, and Engineering staff when a solid waste facility is being proposed.

The ordinance requires scrutiny by the public, the Technical Review Committee, the Planning Commission, and the Fiscal Court.

The ordinance places rigid requirements on the operators of the proposed facility. Through the zoning change procedure and the solid waste permitting that is required, the facility will be subject to any and all inspections to insure compliance to the Planning and Zoning regulations and the solid waste ordinances.

The zoning regulations require more than sufficient setbacks from residential structures, school and church property lines, public parks, institutional and industrial structures.

## C. Facility Siting Weaknesses

Describe the weaknesses of your existing siting ordinance:

County needs to review siting ordinances periodically to see if they are up-to-date.

## 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.) The County's Planning and Zoning staff with the SWC will continue to review the current ordinances and propose changes as certain portions may become outdated.	Ongoing	N/A	N/A

## 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."**

Residents and commercial establishments that are not in compliance with the current franchise agreement are sent a letter from the SWC notifying them of the infraction, how to fix it, what will happen if they don't, and what recourse they have. In cases that involve a hauler other than the current contractor, the non-franchise hauler is told to discontinue service. In cases that involve user behavior, such as not bagging trash or blocking the flow of traffic, the consequence can be suspension of curbside service.

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."**

Solid waste violations are enforced by the Code Enforcement Officer under the purview of the Planning and Development Department. Most violators are first sent a Courtesy Notice which allows the property owner &/or perpetrator to remedy the situation and avoid further action. Notices of Violation are sent to the property owner &/or perpetrator after the courtesy notice has expired or if the violation warrants immediate



action. The NOV gives violators 15 days to abate the nuisance or contact the CEO to agree on a plan. If the offense is not remedied to the CEO's specifications, a citation is issued and the case is referred to the Code Enforcement Board which has the authority to levy fines. Code Enforcement activities are complaint driven. The SWC does refer solid waste violations to the CEO. Code Enforcement possesses surveillance cameras and has used them for enforcement activities.

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: March 19, 2002

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 Code Enforcement Board hears any violations of Planning & Zoning regulations, Soil and Erosion ordinances, and Solid Waste ordinances that are not resolved. The CEB has the authority to levy fines and to extend the time frame for the remediation. It also has the power to impose binding elements to prevent future violations, such as erecting barriers &/or signs at dump sites.

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:

The Open Dumping Ordinance either needs to be amended or procedures must be put in place to comply with it. The Implementation Schedule in Section D addresses this.

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:

In collaboration with law enforcement, contact the individual informing them of the offense. Cleanup is the standard remediation action. Further enforcement action is citation for criminal littering. In cases that someone has dumped on private property, the perpetrator, if known, and the property owner are notified or cited.

## 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:

Litter abatement activities have reduced tolerance for litter throughout the community.

The process of notifications allows offenders ample time to comply and avoid further legal action.

The Code Enforcement Board has the authority during their public meetings to apply liens and impose restrictions to prevent further violations.

The consequences of non-participation are sufficient to bring about compliance.

## 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:

There is only one Code Enforcement Officer to cover the entire County causing some delay in response time.

Code Enforcement Board decisions are not final and can be appealed to the District Court. This can prolong the time it takes to clean up a site.

Because residential trash service is universal and not mandatory, the CEO does not have the authority to require that a resident obtain trash service.

## 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.) Continue to promote community education about littering, dumping and trash service.	Ongoing	N/A	N/A
2.) Investigate the ability of the CEO to require that residents or businesses acquire trash service if that is an appropriate solution to those code violations.	Once	1/2023	12/2023

**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): Grants and donations

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.

Franchise fee from garbage collection contractor's gross revenues at 3.5% per quarter under the current contract.

Waste hauler permit fee @ \$50 per hauler collected annually.

Burn permit fee @ \$50 per season

Sale of recyclables fluctuates with market changes and volume of materials dropped off.

Type of Fees/Revenue:	Anticipated Amounts Collected				
	1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year
License Fee (per KRS 68.178 for Off-Site Waste Management Facilities)	\$0	\$0	\$0	\$0	\$0
Municipal Garbage Collection (city and/or county)	\$0	\$0	\$0	\$0	\$0
Franchise fee	\$135120	\$139170	\$143345	\$147645	\$152070
Permit fee	\$1500	\$1500	\$1500	\$1500	\$1500
Transfer station	\$0	\$0	\$0	\$0	\$0
Convenience center	\$0	\$0	\$0	\$0	\$0
109 or other tax	\$0	\$0	\$0	\$0	\$0
Proceeds from sale of recyclables	\$50000	\$50000	\$50000	\$50000	\$50000
Landfill user fees	\$0	\$0	\$0	\$0	\$0
Host agreement	\$0	\$0	\$0	\$0	\$0
General revenue	\$85660	\$97860	\$103600	\$110465	\$116360
Eastern Kentucky PRIDE	\$0	\$0	\$0	\$0	\$0
Grants, Conservation Service	\$0	\$0	\$0	\$0	\$0
Grants, State illegal dump	\$20000	\$20000	\$20000	\$20000	\$20000
Grants, State litter abatement	\$72000	\$72000	\$72000	\$72000	\$72000
Grants, State Crumb Rubber	\$0	\$0	\$0	\$0	\$0
Grants, State HHW Collection Grant	\$41000	\$41000	\$41000	\$41000	\$41000
Grants, State Waste Tire	\$4000	\$4000	\$4000	\$4000	\$4000
Grants, State Recycling	\$50000	\$50000	\$50000	\$50000	\$50000

Other (specify): Donations	\$1000	\$1000	\$1000	\$1000	\$1000
Other (specify):	\$	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$	\$
<b>TOTAL AMOUNT ANTICIPATED</b>	<b>\$460280</b>	<b>\$473530</b>	<b>\$486445</b>	<b>\$497610</b>	<b>\$507930</b>

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

Type of Expenditures:	Anticipated Expenditures/Budget				
	1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year	5 <sup>th</sup> Year
Capital Expenditures	\$40000	\$40000	\$40000	\$40000	\$40000
Personnel	\$163580	\$166850	\$170190	\$173600	\$177070
Collection	\$0	\$0	\$0	\$0	\$0
Disposal	\$0	\$0	\$0	\$0	\$0
Enforcement	\$0	\$0	\$0	\$0	\$0
Open Dump Cleanups	\$20000	\$20000	\$20000	\$20000	\$20000
Litter Cleanups	\$65000	\$65000	\$65000	\$65000	\$65000
Education Activities	\$12000	\$12000	\$12000	\$12000	\$12000
Recycling Costs/Expenses	\$109700	\$119680	\$129255	\$137010	\$143860
Other (specify): HHW Collection	\$46000	\$46000	\$46000	\$46000	\$46000
Other (specify): Waste Tire Disposal	\$4000	\$4000	\$4000	\$4000	\$4000
Other (specify):	\$	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$	\$
<b>TOTAL COSTS ANTICIPATED</b>	<b>\$460280</b>	<b>\$473530</b>	<b>\$486445</b>	<b>\$497610</b>	<b>\$507930</b>

# **CHAPTER ONE**

## **ATTACHMENTS**

# **APPENDIX 1.1**

## **FISCAL COURT RESOLUTION**

OLDHAM COUNTY FISCAL COURT  
OLDHAM COUNTY KENTUCKY  
RESOLUTION NO. 01-09-20-22

\* \* \* \* \*

A RESOLUTION ADOPTING THE OLDHAM COUNTY SOLID WASTE  
MANAGEMENT PLAN 2023-2027 UPDATE

WHEREAS, Oldham County Fiscal Court is required by KRS 224.43-340 and KRS 224.43-345 to submit an update of the area solid waste management plan, and

WHEREAS, the Oldham County Solid Waste Management Area is governed by the Oldham County Fiscal Court; and

WHEREAS, the Oldham County Solid Waste Management Plan 2023-2027 Update sets the agenda for implementation of solid waste reduction and management for the years inclusive of 2023-2027; and

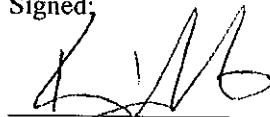
WHEREAS, a Public Comment period on the Oldham County Solid Waste Management Plan 2023-2027 Update was conducted in the County.

NOW, THEREFORE, BE IT RESOLVED BY THE FISCAL COURT, COUNTY OF OLDHAM, COMMONWEALTH OF KENTUCKY THAT:

The Oldham County Fiscal Court hereby adopts the Oldham County Solid Waste Management Plan 2023-2027 Update and supports its Action Plan, Implementation Plan and associated activities.

This is the 20<sup>th</sup> day of September 2022, said resolution adopted and approved at a meeting of the Oldham County Fiscal Court.

Signed:



KEVIN NUSS

Oldham County Deputy Judge/Executive

ATTEST:



Denise Clark

Oldham County Fiscal Court Clerk

September 20, 2022

The Oldham County Fiscal Court convened at a regular meeting at 2 p.m. with County Attorney John Carter, and the following magistrates in attendance: Brent Likins, Wayne Theiss, Kevin Woosley, Steve Greenwell, Chris Haunz, Stephanie Hawkins, Bob Dye, and Michael Logsdon.

**APPROVAL OF AGENDA:**

Motion made by Magistrate Dye and seconded by Magistrate Haunz to approve the agenda as submitted. Motion carried unanimously.

**APPROVAL OF MINUTES:**

Motion made by Magistrate Woosley and seconded by Magistrate Dye to approve the meeting minutes from September 6, 2022, as submitted. Motion carried unanimously.

**PUBLIC COMMENT:**

Solid Waste, Recycling, & Grants Coordinator Becky Zocklein made the following announcement:

- The Household Hazardous Waste event scheduled for October 1, 2022, will be in a new location at the rear parking lot of Oldham County High School with an entrance at Buckner Center Drive. Details for the event can be found at [oldhamcountyny.gov](http://oldhamcountyny.gov). **Exhibit #1 9/20/22**

**EXTENSION DISTRICT BUDGET & TAX RATE PRESENTATION:**

Extension District Board Vice President Ken Hepperman presented information relating to the Extension District FY 22/23 budget and ad valorem tax rate which will all be kept at the same rate:

- 1.36 cents per \$100 real property
- 1.45 cents per \$100 personal property
- 1.50 cents per \$100 motor vehicle
- 1.50 cents per \$100 watercraft
- 1.45 cents per \$100 inventory

Agriculture and Natural Resources Agent Traci Missun, and Family & Consumer Sciences Agent Heather Toombs presented information regarding the programs at the Oldham County Cooperative Extension Service.

The representatives from the Extension District responded to questions from the court. **Exhibit #2 9/20/22**

**BID OPENINGS:**

**HVAC Unit Replacements**

The following sealed bids were opened and read aloud for *HVAC Units*: **Exhibit #3 9/20/22**

<u>Company</u>	<u>Bid Amount</u>
Alpha Mechanical	\$161,000.00
Glanz Buffat	\$127,991.00
Intertech Mechanical	\$169,544.00
Schaefer Mechanical	\$147,900.00
Thompson Heating & Cooling	\$137,271.00
United Mechanical	\$136,961.00

The bids were provided to the Maintenance Director for review and recommendation.

### **Sports Complex Feasibility Study**

The following companies responded to the Request for Qualifications for the *Sports Complex Feasibility Study* were opened and read aloud: **Exhibit #4 9/20/22**

#### **Company**

CH Johnson Consulting – Chicago, IL  
 Hunden Strategic Partners – Chicago, IL  
 HVS Convention, Sports & Entertainment Facilities Consulting – River Forest, IL  
 Legacy Sports Group – Fishers, IN  
 SF Companies – Clearwater, FL  
 Victus Advisors – Park City, UT

The RFQs were provided to Economic Development Committee Chairman Magistrate Theiss for review and recommendation.

### **COUNTY ADMINISTRATION:**

#### **Payables**

Motion made by Magistrate Haunz and seconded by Magistrate Woosley to authorize the payment of the payables as submitted. **Exhibit #5 9/20/22** Motion carried unanimously.

### **CONTRACTS / RESOLUTIONS:**

#### **Bid Award – Engineering Pickup Truck**

Motion made by Magistrate Haunz and seconded by Magistrate Dye to award the bid for the engineering pickup truck (2022 Chevrolet Colorado) to Champion Chevrolet in the amount of \$26,656.00, as submitted. **Exhibit #6 9/20/22** Discussion followed. Motion carried unanimously.

#### **Bid Award – Emergency Management SUV**

Motion made by Magistrate Haunz and seconded by Magistrate Woosley to award the bid for the Emergency Management SUV (2023 Chevrolet Traverse) to Champion Chevrolet in the amount of \$35,060.00, as submitted. **Exhibit #7 9/20/22** Discussion followed. Motion carried 7 to 1, with Magistrate Theiss voting in opposition.

#### **Kentucky Public Employees' Deferred Compensation Authority – Joinder Agreement**

Motion made by Magistrate Likins and seconded by Magistrate Woosley to authorize Judge Voegelé to sign the joinder agreement with Kentucky Public Employees' Deferred Compensation Authority and to pass the accompanying resolution as submitted. **Exhibit #8 9/6/22** Motion carried unanimously.

### **COMMUNITY BUSINESS:**

#### **1<sup>st</sup> Reading – Proposed Forest Park Drive Speed Limit Reduction**

Upon recommendation from the Road Committee, County Engineer Jim Silliman introduced and summarized a first reading of the Proposed Forest Park Drive Speed Limit Reduction as submitted. **Exhibit #9 9/20/22** The second reading/public hearing will take place after the ordinance is advertised.

#### **Solid Waste 5-Year Plan – Public Hearing & Resolution**

Solid Waste/Recycling & Grants Coordinator Becky Zocklein presented information regarding the proposed update to the Solid Waste Management Five Year Plan which has been available for public notice since August 19, 2022.

Magistrate Greenwell opened the floor to public comment. There being none, the public hearing was closed. Discussion followed.



Motion made by Magistrate Hawkins and seconded by Magistrate Dye to authorize Judge Voegele to sign Resolution Number 01-09-20-22 to adopt the proposed plan update, which has been available for public notice since 8/19/2022, for solid waste management in Oldham County from January 1, 2023 through December 31, 2027, as submitted. **Exhibit #10 9/20/22** Discussion followed. Motion carried unanimously.

## **2<sup>nd</sup> Reading / Public Hearing – Golf Cart Ordinance**

Magistrate Haunz presented for second reading/public hearing proposed Ordinance No. KOC 22-520-312, repealing and replacing Ordinance No. KOC 16-520-211, relating to the operation of golf carts on county roads. There being no public comment, the public hearing was closed.

Motion made by Magistrate Haunz and seconded by Magistrate Woosley to adopt Ordinance No. KOC 22-520-312, repealing and replacing Ordinance No. KOC 16-520-211, relating to the operation of golf carts on county roads as submitted. **Exhibit #11 9/20/22** Discussion followed. Motion carried 6 to 2, with magistrates Theiss and Hawkins voting in opposition.

Motion made by Magistrate Haunz and seconded by Magistrate Likins to adopt Resolution No. 02-09-20-22, adopting the Oldham County Sheriff Fee Proposal as it relates to the operation of golf carts on county roads as submitted. **Exhibit #12 9/20/22**, as submitted. Motion carried 6 to 2, with magistrate Theiss and Hawkins voting in opposition.

## **PERSONNEL ACTIONS:**

### **Parks & Recreation**

Motion made by Magistrate Hawkins and seconded by Magistrate Theiss to hire Karen Parsons as Building Monitor at \$10.20/hour effective 9/21/2022, as submitted. **Exhibit #13 9/20/22** Motion carried unanimously.

Judge Voegele announced the resignation of Matt Perdue from the Police Department effective 9/29/2022.

## **BOARD APPOINTMENTS:**

### **Police Merit Board**

Motion made by Magistrate Greenwell and seconded by Magistrate Theiss to appoint Jim Zimmerman to the Police Merit Board with a term to expire 9/6/2026, as submitted. **Exhibit #14 9/20/22** Motion carried unanimously.

### **Oldham County Environmental Authority**

Motion made by Magistrate Greenwell and seconded by Magistrate Haunz to reappoint Art Henson to the Oldham County Environmental Authority with a term to expire 9/16/2026, as submitted. **Exhibit #14 9/20/22** Motion carried unanimously.

## **RECESS:**

Motion made by Magistrate Hawkins and seconded by Magistrate Haunz to take a short recess beginning at 3:38 p.m. Motion carried unanimously. The meeting resumed at 4:11 p.m.

## **APPEAL OF CITATIONS PUBLIC HEARING – HUMANE SOCIETY OF OLDHAM COUNTY & DON HEDGES EXCAVATING:**

Mr. Moore, an attorney representing Don Hedges stated that Mr. Hedges agreed to withdraw the appeal of citations and paid the \$750 by Don Hedges on behalf of Hedges Excavating to Oldham County Fiscal Court. Per an agreement with Assistant County Attorney Matt Hudson, this payment of citation voids an identical fine to Humane Society of Oldham County.

Motion made by Magistrate Greenwell and seconded by Magistrate Woosley to dissolve or remove Citation No. 636 against the Humane Society of Oldham County. Motion carried unanimously.

No public hearing was necessary due to the removal of the appeal of the citation from Oldham County Fiscal Court, and the resolution of both citations: Citation No. 636 issued to the Humane Society of Oldham County and Citation No. 637 issued to the Hedges Excavating.

Don Hedges, 3201 W. Hwy. 146, La Grange, made a public statement agreeing to have the debris cleaned in 180 days.

#### **PUBLIC COMMENT:**

John Lackner, 1704 Mahogany Run Drive, La Grange, inquired on the status of the pool renovation. Magistrate Hawkins reported the RFP bids will be opened at the fiscal court meeting on October 18, 2022, and the pool is on track to reopen summer 2023.

County Engineer Jim Silliman noted the second reading/public hearing for the proposed Forest Park Drive speed limit reduction will take place at the fiscal court meeting on October 18, 2022.

#### **ANNOUNCEMENTS:**

Magistrate Likins made the following announcements:

- Haunted Hike event scheduled for October 2 from 3 – 7 pm at Creasey Mahan Nature Preserve. Tickets can be purchased online for \$7. Also, candy can be donated. For more information visit [KyNaturePreserve.com](http://KyNaturePreserve.com).
- Rollin' on the River food truck and music festival at Schamback Park in Westport is scheduled for October 1.

Magistrate Theiss made the following announcements:

- Rollin' on the River festival on October 1 will have bouncy houses and large toys for the children, while live music is set to begin at 11 a.m. and end at 6 p.m.
- The Skeleton 5K is scheduled for 8 a.m. starting from Wendell Moore Park.
- The Spooktacular trunk-or-treat event will take place at Wendell Moore Park from 11 a.m. – 1 p.m.

Magistrate Woosley asked for Oldham County Fiscal Court to revisit the traffic study for Hwy. 146 in Buckner.

Magistrate Haunz made the following announcements:

- Encouraged people to reach out to their magistrates to find out where a project stands. Visit [oldhamcountky.gov](http://oldhamcountky.gov) to obtain contact information for each magistrate.
- Encouraged each member of Oldham County Fiscal Court to take a tour of the animal control facility over the next two weeks to evaluate the condition of the building.

Magistrate Dye reported there is a lot of construction occurring on the county line where his district is and urged everyone to drive safely.

Magistrate Logsdon thanked Magistrate Greenwell for subbing for Judge Voegelé and let him know he did a great job.

Judge Voegelé made the following announcements:

- Regarding the Hwy. 146 traffic study, he has met with members of the Board of Education to come up with ideas to alleviate the traffic issues. He will continue to keep the pressure on the Board of Education and the Kentucky Transportation Cabinet to get the traffic situation in that area resolved.
- There is a meeting scheduled for Tuesday, September 27, to discuss the Hwy. 393 extension project. It will involve all utility parties to make sure everyone is on the same page.

**MEETING ADJOURNED:**

Motion was made by Magistrate Greenwell and seconded by Magistrate Hawkins to adjourn the meeting. Motion carried unanimously. The meeting adjourned at 4:47 p.m.

Respectfully Submitted,

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Denise Clark  
Fiscal Court Clerk  
September 20, 2022

# **APPENDIX 1.2**

## **PUBLIC NOTICE**



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**David Voegele**  
Judge Executive  
dvoegele@oldhamcountky.gov

**Kevin Nuss**  
Deputy Judge Executive  
knuss@oldhamcountky.gov



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**Rebecca Zocklein**  
Solid Waste/Recycling & Grants  
Coordinator  
[rzocklein@oldhamcountky.gov](mailto:rzocklein@oldhamcountky.gov)  
(502) 565-1007

## **PUBLIC NOTICE**

### **For Solid Waste Management Plan Update 2023 - 2027**

The Oldham County Fiscal Court proposes to adopt the county's Solid Waste Management Plan update per 401 KAR 49:011, Section 5. The plan, if approved, will serve as the basis for handling solid waste management issues in Oldham County for the years 2023 – 2027.

The proposed plan is available for public inspection beginning Friday, August 19, 2022, at the following locations during their normal business hours:

Oldham County Planning  
& Development Office  
Fiscal Court Building  
100 West Jefferson Street, Suite 3  
LaGrange, KY 40031

Oldham County Public Library  
Main Branch  
308 Yager Avenue  
LaGrange, KY 40031

Additional information about this plan is available from  
Rebecca Zocklein, Oldham County Solid Waste Coordinator  
502-565-1007

Anyone unable to review the plan at the above locations may call and request that a copy be mailed to them. The plan is also available on the Oldham County website at [www.oldhamcountky.gov](http://www.oldhamcountky.gov)

Any person wishing to comment on the plan may do so by providing comments no later than close of business on Monday, September 19, 2022, to the Oldham County Fiscal Court at 100 West Jefferson Street, LaGrange, KY, 40031. Any person wishing to be heard at a public hearing must make a request via telephone, fax, email, or written communication, to the governing body identified above, no later than close of business (COB) on the 30th day, which is September 19, 2022.

A public hearing is scheduled on September 20, 2022, at 2:00 p.m. to receive public comments on the plan. The hearing will be held in the Fiscal Court Meeting Room located on the second floor of the Fiscal Court Building at 100 West Jefferson Street, LaGrange, KY, 40031. However, if no request for a public hearing has been received by Monday, September 19, 2022, the hearing will be cancelled.

The Oldham County Fiscal Court will respond to written public comments within 15 days of the close of the public comment period and will consider the plan for passage at the September 20, 2022, Fiscal Court meeting. The plan, if approved, will then be submitted to the Kentucky Energy and Environment Cabinet for review and approval.

The Oldham Era / Thursday, August 25, 2022

**PUBLIC NOTICE**

**FOR SOLID WASTE MANAGEMENT PLAN UPDATE 2023 - 2027**

The Oldham County Fiscal Court proposes to adopt the county's Solid Waste Management Plan update per 401 KAR 49:011, Section 5. The plan, if approved, will serve as the basis for handling solid waste management issues in Oldham County for the years 2023 - 2027.

The proposed plan is available for public inspection beginning Friday, August 19, 2022, at the following locations during their normal business hours:

Oldham County Planning & Development Office  
Fiscal Court Building  
100 West Jefferson Street, Suite 3  
LaGrange, KY 40031

Oldham County Public Library  
Main Branch  
308 Yager Avenue  
LaGrange, KY 40031

Additional information about this plan is available from  
Rebecca Zocklein, Oldham County Solid Waste Coordinator  
502-565-1007

Anyone unable to review the plan at the above locations may call and request that a copy be mailed to them. The plan is also available on the Oldham County website at [www.oldhamcountyky.gov](http://www.oldhamcountyky.gov)

Any person wishing to comment on the plan may do so by providing comments no later than close of business on Monday, September 19, 2022, to the Oldham County Fiscal Court at 100 West Jefferson Street, LaGrange, KY, 40031. Any person wishing to be heard at a public hearing must make a request via telephone, fax, email, or written communication, to the governing body identified above, no later than close of business (COB) on the 30th day, which is September 19, 2022.

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**OLDHAM COUNTY FISCAL COURT**

**September 20, 2022**

**2:00 pm**

**2<sup>nd</sup> Floor, Fiscal Court Building**

**WELCOME**

**PLEDGE OF ALLEGIANCE**

**ROLL**

**APPROVAL OF AGENDA**

**APPROVAL OF MINUTES**

**PUBLIC COMMENT**

**EXTENSION DISTRICT BUDGET & TAX RATE PRESENTATION**

**BID OPENINGS**

- i. HVAC UNIT REPLACEMENTS
- ii. SPORTS COMPLEX FEASIBILITY STUDY

**COUNTY ADMINISTRATION**

- a. PAYABLES

**CONTRACTS / RESOLUTIONS**

- b. BID AWARD – ENGINEERING PICKUP TRUCK
- c. BID AWARD – EMERGENCY MANAGEMENT SUV
- d. KENTUCKY PUBLIC EMPLOYEES' DEFERRED COMPENSATION AUTHORITY – JOINDER AGREEMENT

**COMMUNITY BUSINESS**

- e. 1<sup>st</sup> READING - PROPOSED FOREST PARK DRIVE SPEED LIMIT REDUCTION
- f. **SOLID WASTE 5-YEAR PLAN PUBLIC HEARING & RESOLUTION**
- g. 2<sup>nd</sup> READING / PUBLIC HEARING - GOLF CART ORDINANCE

**PERSONNEL ACTIONS / BOARD APPOINTMENTS**

- h. PERSONNEL ACTIONS
  - 1. PARKS & RECREATION
  - 2. POLICE
- i. BOARD APPOINTMENTS
  - 1. POLICE MERIT BOARD
  - 2. OLDHAM COUNTY ENVIRONMENTAL AUTHORITY

**APPEAL OF CITATIONS PUBLIC HEARING – HUMANE SOCIETY OF OLDHAM COUNTY & DON HEDGES EXCAVATING**

**PUBLIC COMMENT**

**JUDGE-EXECUTIVE ANNOUNCEMENTS / UPDATES**

**ADJOURNMENT**

# **APPENDIX 1.3**

## **AREA DESIGNATION**



### Update of Area Designation

A solid waste management area may include a single county, multi-county region, waste management district, or any combination thereof. Name of the county (ies) and cities requesting designation as a solid waste management area:

<u>Oldham County</u>	
<u>City of LaGrange</u>	<u>City of Crestwood</u>
<u>City of Orchard Grass Hills</u>	<u>City of Pewee Valley</u>
<u>City of Goshen</u>	<u>City of River Bluff</u>
<u> </u>	

Are any of the agencies identified above a part of a Waste Management District established under KRS 109?

☐ Yes ☒ No

If yes, the following documentation must be attached:

- ☐ Agreement establishing district
- ☐ Rules, regulation, bylaws or other documents that govern the actions of the board of directors.
- ☐ List of members of the board of directors and their official titles.

Who will have overall responsibility for plan preparation?

- ☒ Fiscal Court/County Official/109 Board
- ☐ Consultant
- ☐ Advisory Committee
- ☐ Area Development District
- ☐ Other Please Specify:

Contact person responsible for plan preparation:

Name: Rebecca Zocklein


Title: Oldham County Solid Waste Coordinator

Address: 100 West Jefferson Street, LaGrange, KY 40031

Telephone: 502-565-1007

E-Mail: rzocklein@oldhamcountky.gov

Signature of the appropriate representative from the county and any city requesting designation as part of the solid waste management area:

	Signature(s)	Date(s)	County/City
1.		<u>06/29/2022</u>	<u>Oldham County</u>
2.			
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### Update of Area Designation

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Oldham County	
City of LaGrange	City of Crestwood
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City of Goshen	City of River Bluff

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- ☐ Consultant
- ☐ Advisory Committee
- ☐ Area Development District
- ☐ Other Please Specify: \_\_\_\_\_

Contact person responsible for plan preparation:

Name: Rebecca Zocklein

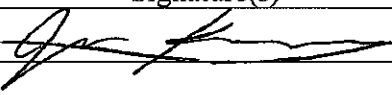
Title: Oldham County Solid Waste Coordinator

Address: 100 West Jefferson Street, LaGrange, KY 40031

Telephone: 502-222-1476

E-Mail: rzocklein@oldhamcountyky.gov

Signature of the appropriate representative from the county and any city requesting designation as part of the solid waste management area:

	Signature(s)	Date(s)	County/City
1.		6/29/2022	City of Crestwood
2.			
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<u>Oldham County</u>	
<u>City of LaGrange</u>	<u>City of Crestwood</u>
<u>City of Orchard Grass Hills</u>	<u>City of Pewee Valley</u>
<u>City of Goshen</u>	<u>City of River Bluff</u>
<u> </u>	

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- ☐ Consultant
- ☐ Advisory Committee
- ☐ Area Development District
- ☐ Other Please Specify: \_\_\_\_\_

Contact person responsible for plan preparation: \_\_\_\_\_

Name: Rebecca Zocklein

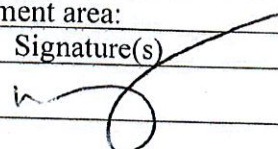
Title: Oldham County Solid Waste Coordinator

Address: 100 West Jefferson Street, LaGrange, KY 40031

Telephone: 502-222-1476

E-Mail: rzocklein@oldhamcountky.gov

Signature of the appropriate representative from the county and any city requesting designation as part of the solid waste management area:

	Signature(s)	Date(s)	County/City
1.		<u>5/16/22</u>	<u>City of Goshen</u>
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### Update of Area Designation

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<u>City of Orchard Grass Hills</u>	<u>City of Pewee Valley</u>
<u>City of Goshen</u>	<u>City of River Bluff</u>

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- ☐ Other Please Specify: \_\_\_\_\_

Contact person responsible for plan preparation:

Name: Rebecca Zocklein

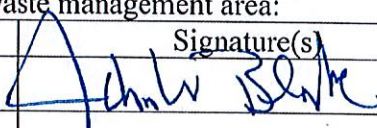
Title: Oldham County Solid Waste Coordinator

Address: 100 West Jefferson Street, LaGrange, KY 40031

Telephone: 502-565-1007

E-Mail: rzocklein@oldhamcountyky.gov

Signature of the appropriate representative from the county and any city requesting designation as part of the solid waste management area:

	Signature(s)	Date(s)	County/City
1.		<u>5/26/22</u>	<u>Oldham / LaGrange</u>
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### Update of Area Designation

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Oldham County	
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City of Orchard Grass Hills	City of Pewee Valley
City of Goshen	City of River Bluff

Are any of the agencies identified above a part of a Waste Management District established under KRS 109?

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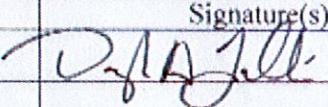
Who will have overall responsibility for plan preparation?

- ☒ Fiscal Court/County Official/109 Board
- ☐ Consultant
- ☐ Advisory Committee
- ☐ Area Development District
- ☐ Other Please Specify: \_\_\_\_\_

Contact person responsible for plan preparation:

Name: Rebecca Zocklein  
Title: Oldham County Solid Waste Coordinator  
Address: 100 West Jefferson Street, LaGrange, KY 40031  
Telephone: 502-222-1476  
E-Mail: rzocklein@oldhamcountyky.gov

Signature of the appropriate representative from the county and any city requesting designation as part of the solid waste management area:

	Signature(s)	Date(s)	County/City
1.		4-26-22	Orchard Grass Hills
2.			
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### Update of Area Designation

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<u>Oldham County</u>	
<u>City of LaGrange</u>	<u>City of Crestwood</u>
<u>City of Orchard Grass Hills</u>	<u>City of Pewee Valley</u>
<u>City of Goshen</u>	<u>City of River Bluff</u>

Are any of the agencies identified above a part of a Waste Management District established under KRS 109?

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- ☐ Rules, regulation, bylaws or other documents that govern the actions of the board of directors.
- ☐ List of members of the board of directors and their official titles.

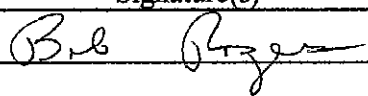
Who will have overall responsibility for plan preparation?

- ☒ Fiscal Court/County Official/109 Board
- ☐ Consultant
- ☐ Advisory Committee
- ☐ Area Development District
- ☐ Other Please Specify: \_\_\_\_\_

Contact person responsible for plan preparation:

Name: Rebecca Zocklein  
 Title: Oldham County Solid Waste Coordinator  
 Address: 100 West Jefferson Street, LaGrange, KY 40031  
 Telephone: 502-222-1476  
 E-Mail: rzocklein@oldhamcountky.gov

Signature of the appropriate representative from the county and any city requesting designation as part of the solid waste management area:

	Signature(s)	Date(s)	County/City
1.		<u>May 3, 2022</u>	<u>PEWEE VALLEY</u>
2.			
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### Update of Area Designation

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Oldham County

City of LaGrange

City of Crestwood

City of Orchard Grass Hills

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☐ Consultant

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☐ Area Development District

☐ Other Please Specify: \_\_\_\_\_

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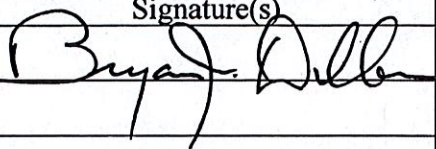
Title: Oldham County Solid Waste Coordinator

Address: 100 West Jefferson Street, LaGrange, KY 40031

Telephone: 502-222-1476

E-Mail: rzocklein@oldhamcountky.gov

Signature of the appropriate representative from the county and any city requesting designation as part of the solid waste management area: ^

	Signature(s)	Date(s)	County/City
1.		5-24-22	River Bluff
2.			
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# **CHAPTER TWO**

## **ATTACHMENTS**



# **APPENDIX 2.1**

## **SOLID WASTE MANAGEMENT ORDINANCES**

## CHAPTER 53.

### SOLID WASTE MANAGEMENT

#### GENERAL PROVISIONS

##### Sec. 53.01. Definitions.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*Bulk containers.* Solid waste containers one cubic yard or larger of the "dumpster" or "dumpmaster" type which are made of metal or other materials of proven durability and rigidity with functioning doors or covers; are capable of being transported intact as a unit; are capable of unloading by mechanical equipment without spillage, and meet tip-resistant requirements when empty and with the doors or covers in the most adverse position to effect tipping.

*Commercial solid waste.* All types of solid waste generated by stores, offices, restaurants, warehouses, and other service and nonmanufacturing activities, excluding household and industrial solid waste.

*Dumping.* Violations of this chapter involving improper disposal of waste in an amount greater than the capacity of a standard 20-gallon container.

*Garbage.* The animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

*Hazardous waste.* Any discarded material or material intended to be discarded or substance or combination of such substances intended to be discarded, in any form which 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, and recreational areas such as parks and playgrounds.

*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 224.50-760, 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 products, rubber and miscellaneous plastic products, stone, glass, clay and concrete products, textile manufacturing, transportation equipment, and water treatment.

*Littering.* Violations of this chapter involving improper disposal of waste in an amount less than or equal to the capacity of a standard 20-gallon container.

*Medical waste.* Those wastes which may cause disease or reasonably be suspected of harboring pathogenic organisms; included are wastes resulting from the operation of medical clinics, hospitals, and other facilities producing wastes which may consist of, but are not limited to, diseased human and animal parts, contaminated bandages, pathological specimens, hypodermic needles, contaminated clothing and surgical gloves.

*Municipal solid waste.* Household solid waste and commercial solid waste.

*Ordinary commercial solid waste.* The general and usual waste that accumulates in or on the land appurtenant to any retail grocery or meat store, restaurant, club, hotel, or any commercial enterprise, but not exceeding four standard 30 gallon containers of municipal solid waste for any single regular collection.

*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 Kentucky Natural Resources and Environmental Protection Cabinet, but does not include the incineration or combustion of materials for the recovery of energy.

*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 solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the federal Water Pollution Control Act, as amended, or source, special nuclear, or byproduct materials as defined by the Atomic Energy Act of 1954, as amended.

*Yard waste.* Any leaves, grass clippings, garden debris and brush, but not including stumps or roots.  
(Code 61, § 913.01; Ord. No. 332-1986, approved 11-5-86; Am Ord. No. 169-1990, approved 6-29-90; Repealed and reenacted by Ord. No. 118-1995, approved 7-27-95; Ord. No. 0025-2001, approved 3-6-2001)

**Secs. 53.02--53.09. Reserved.**

## **DIRECTOR OF SOLID WASTE AND MANAGEMENT SERVICES**

### **Sec. 53.10. Duties of director.**

(A) The Director of Solid Waste Management and Services (SWMS) shall supervise and control the proper collection and disposal of garbage and wastes as prescribed by this chapter. The Director shall have authority to establish procedures and to enforce regulations concerning:

- (1) days of collection;
- (2) location and types of containers for collection;
- (3) conveyance of garbage and waste;
- (4) disposal of garbage and waste collected; and
- (5) other matters pertaining to collection, disposal or fees to be charged therefor, in conformity with regulations of the Kentucky Natural Resources and Environmental Protection Cabinet and any other applicable law or regulation.

(B) Responsibilities of the Director shall include managing programs for waste reduction, recycling, transportation, collection and disposal, in such a manner as shall best promote public health and safety and preserve the natural environment. The Director shall oversee maintenance and operation of any mechanical equipment or plants used for the disposal of solid waste by or on behalf of the city including grounds and equipment. Copies of current regulations shall be available at the office of the Director. (Code 61, § 913.02; Ord. No. 118-1995, approved 7-27-95; Ord. No. 0025-2001, approved 3-6-2001)

**Cross-References:** Sanitation and health, see Ch. 97.

### **Sec. 53.11. Removal of dead animals.**

The Director of Solid Waste and Management Services is authorized to enter into contracts on behalf of the city with any person, commercial enterprise, or governmental agency requesting the removal of any dead animal from the property of the person, commercial enterprise, or governmental agency by the city to a proper disposal point. Any such contract shall provide the amount of the charges to be paid to the city for such services. Such charges shall be fixed by the Director of Solid Waste and Management Services in such sums as will cover the cost of the city in collecting and disposing of such animals.

(Code 61, § 913.23; Ord. No. 43-1971, approved 4-19-71; Am. Ord. No. 39-1976,

approved 3-15-76; Repealed and reenacted by Ord. No. 118-1995, approved 7-27-95)

**Sec. 53.12. Failure to obey regulations.**

It shall be a violation of this chapter for any person to willfully fail to obey the lawful regulations of the Director of Solid Waste and Management Services promulgated pursuant thereto concerning the collection and disposal of waste.

(Ord. No. 118-1995, approved 7-27-95)(Code 61, § 913.22)

Note: Penalty, see § 53.99.

**Secs. 53-13--53.19. Reserved.**

**DISPOSAL OF MUNICIPAL SOLID WASTE**

**Sec. 53.20. Disposal of ordinary commercial solid waste.**

(A) It shall be the duty of every person having ordinary commercial solid waste to remove it or cause it to be removed for proper disposal in conformity with local, state and federal law. All ordinary commercial solid waste must be disposed of at an approved disposal facility.

(B) The Director of Solid Waste and Management Services is authorized to enter into contracts on behalf of the city with any person having ordinary commercial solid waste in excess of four 30-gallon containers per collection for the removal thereof by the city. Any such contract shall provide the amount of the charges to be paid to the city for such services, and these charges shall be fixed by the Director in such sums as will cover the costs of the city in collecting and disposing of such waste.

(Ord. No. 118-1995, approved 7-27-95)(Code 61, § 913.03)

Note: Penalty, see § 53.99.

**Sec. 53.21. Disposal of industrial waste.**

It shall be the duty of persons having industrial waste to remove it or cause it to be removed for proper disposal in conformity with local, state and federal law. All industrial waste shall be disposed of at a state approved disposal facility at the expense of the person producing or accumulating such waste.

(Code 61, § 913.04; Ord. No. 77-1960, approved 4-27-60; repealed and reenacted by Ord. No. 118-1995, approved 7-27-95)

Note: Penalty, see § 53.99.

**Sec. 53.22. Waste containers.**

(A) It shall be unlawful for any person to place garbage and household solid waste for collection in the public streets and alleys in the city except in accordance with the terms of this Section, and violation of this Section shall be deemed a public nuisance

under KRS 381.770.

- (1) Multifamily properties containing nine or more units. It shall be the duty of every owner of such property to provide bulk containers of sufficient volume for the frequency of collection and storage of garbage and household solid waste.
- (2) Multifamily properties containing eight or fewer units.
  - (a) It shall be the duty of every owner of such property to provide a minimum of two trash containers per unit of a durable grade of galvanized metal or plastic from 20 to 40 gallons capacity for the collection and storage of garbage and household solid waste. The waste container shall be provided with two lifting handles on opposite sides and a tightly fitting cover with a lifting handle. Refuse bags made of paper or plastic used for collection must be placed inside waste containers for collection. Multi-family property owners of eight or fewer units who receive three citations in a six-month period shall be required to provide a bulk container of sufficient volume for the frequency of collection and storage.
  - (b) It shall be the duty of every single family property owner to provide a minimum of one trash container of a durable grade of galvanized metal or plastic from 20 to 40 gallons capacity for the collection and storage of garbage and household solid waste. The waste container shall be provided with two lifting handles on opposite sides and a tightly fitting cover with a lifting handle. Refuse bags made of paper or plastic used for collection must be placed inside waste containers for collection.
  - (c) Garbage must be set at the curb or the alley no earlier than 4:00 p.m. on days prior to collection days and no later than 6:00 a.m. on collection days. All containers must be removed from the street or alley no later than 4:00 p.m. the day after collection and stored on the property.
- (3) Closed Containers Required. No household waste shall be placed out of doors awaiting pick-up in any container except in a closed container with a tight fitting lid; and all waste containers and bulk containers shall be kept in a clean and sanitary condition.
- (4) Appeal.
  - (a) If any owner or occupant believes that compliance with this Section would create a hardship by reason of physical handicap or medical condition; or because of impossibility due to the physical

conditions for waste collection at their or adjoining properties; he may apply for a variance, in writing, to the Director of Solid Waste and Management Services stating the basis for the hardship and the relief requested.

- (b) The Director upon a showing of physical handicap or medical condition by written documentation or sufficient proof as to physical conditions hindering compliance, may grant the relief requested or other appropriate relief.

(Code 61, § 913.09; Ord. No. 8-1971, approved 2-1-71; Repealed and reenacted by Ord. No. 118-1995, approved 7-27-95; Ord. No. 0025-2001, approved 3-6-2001)

**Note:** Penalty, see § 53.99.

#### **Sec. 53.23. Scattering waste prohibited.**

No person shall throw, place, or deposit garbage, yard waste or other refuse in any street or other public place or private property, except in proper waste containers. No person shall upset or overturn the contents of any waste container on any street, alley, or other public place.

(Code 61, § 913.10; Ord. No. 118-1995, approved 7-27-95)

**Note:** Penalty, see § 53.99.

**Cross-References:** Environmental nuisances, see § 93.30 et seq.

#### **Sec. 53.24. Removal, of waste set out for collection.**

No person, unless authorized by the Director of Solid Waste Management and Services, (SWMS), or a designee of the Director, shall remove, burn, overturn or tamper with any rubbish, garbage or the container therefor, when such rubbish, garbage or container is set out on the public street, highway, sidewalk, alley or on private premises when the rubbish, garbage or container is placed there pursuant to the regulations and ordinances of the city for the purpose of collection, either of recyclable materials or solid waste.

(Ord. No. 107-1990, approved 4-27-90; repealed and reenacted by Ord. No. 118-1995, approved 7-27-95)

**Note:** Penalty, see § 53.99.

#### **Sec. 53.25. Dumping waste.**

It shall be unlawful for any person to dump any solid waste on any public or private property. All disposal of solid waste shall be done under the laws of the Commonwealth of Kentucky.

(Code 61, § 913.12; Ord. No. 118-1995, approved 7-27-95)

**Note:** Penalty, see § 53.99.

#### **Sec. 53.26. Transportation of certain wastes.**

- (A) It shall be unlawful for any person to transport any waste paper, rags or



excelsior on or over the streets or other public ways of the city unless such waste paper, rags, or excelsior is transported in accordance with any one of the following approved methods:

- (1) In a totally enclosed vehicle;
- (2) In crates totally enclosed or lined with either cardboard, corrugated or heavy paper, plywood, or hardware cloth, and with the open side of such crates covered with one of such materials, tied so that no loose paper, rags, or excelsior may sift or leak out of the crates, and loaded on trucks or trailers in such manner that the open side of the crates face the inside of the trucks or trailers; or
- (3) The truck or trailer covered with a tarpaulin or tarpaulins, tied down in such manner as to prevent littering or scattering of the waste paper, rags, or excelsior. However, materials consisting exclusively of corrugated or cardboard paper may be transported in unlined crates or compressed bales.

(B) It shall be unlawful for any person to transport any waste paper, rags, or excelsior on or over the streets or other public ways of the city unless the person has registered the vehicle used with the Director of Solid Waste and Management Services, giving the number of vehicles to be registered and the license number of each.

(C) The Director of Solid Waste and Management Services on the regulations will issue to each hauler a registration number which, with the name of the registered hauler, shall be printed in letters and figures not less than three inches in height in a conspicuous place on both sides of each vehicle used for such transportation.

(D) The registration shall expire June 30 following its issuance, and shall be renewed annually prior to July 1.

(Code 61, § 913.18)

Note: Penalty, see § 53.99.

**Sec. 53.27. Bringing waste from outside city. (Repealed)**

(Code 61, § 913.13; Ord. No. 106-1971, approved 7-27-71; Repealed by Ord. No. 118-1995, approved 7-27-95)

**Sec. 53.28. Rates for processing wastes. (Repealed)**

(Code 61, § 913.19; Ord. No. 106-1971, approved 7-27-71; Am. Ord. No. 107-1972, approved 7-17-72; Am. Ord. No. 159-1980, approved 10-24-80; Am. Ord. No. 194-1982, approved 11-1-82; Am. Ord. No. 9-1983, approved 2-1-83; Am. Ord. No. 153-1984, approved 6-29-84; Am. Ord. No. 87-1994, approved 7-5-94; Repealed by Ord. No. 118-1995, approved 7-27-95)

**Sec. 53.29. Collection in central business district.**

- (A) (1)/Notwithstanding any other provision in this chapter, any

commercial business situated in the Central Business District as identified herein, may have its regular solid waste collected by the city at no charge, provided, the business acquires special 90-gallon containers that fit city-owned trucks designed especially for such bulk waste pick-up. Such containers shall be made available by the city only for use in the Central Business District by businesses situated there, in quantities that represent the business' actual needs, as determined by records of the Department of Solid Waste Management and Services.

- (2) Any commercial business situated in the Central Business District that chooses not to acquire the special containers that fit the city equipment shall contract with private collectors of solid waste or otherwise assure the proper and legal removal and disposal of solid waste from its premises.

(B) It shall be unlawful for any person or business to place containers of trash, garbage or refuse of any kind in or on the streets or sidewalks of the Central Business District between the hours of 8:00 a.m. and 3:00 p.m.

(C) For purposes of this section, the Central Business District shall be defined as all streets included within that section of the city bounded on the north by the Ohio River, on the east by the east line of Hancock Street, on the south by the south line of Broadway, and on the west by the west line of Fifteenth Street.

(D) In no case shall the city pick up or be responsible to dispose of any hazardous or medical wastes as defined in state law.  
(Ord. No. 195-1982, approved 11-1-82; Am. Ord. No. 90-1991, approved 4-29-91;  
Repealed and reenacted by Ord. No. 118-1995, approved 7-27-95)

## **PRIVATE COLLECTORS**

### **Sec. 53.30. Licensing. (Repealed)**

(Code 61, § 913.14; Repealed by Ord. No. 118-1995, approved 7-27-95)

### **Sec. 53.31. Permit and fee. (Repealed)**

(Code 61, § 913.15; Ord. No. 106-1971, approved 7-27-71; Am. Ord. No. 160-1990, approved 6-29-90; Repealed by Ord. No. 118-1995, approved 7-27-95)

### **Sec. 53.32. Vehicle requirements and markings. (Repealed)**

(Code 61, §§ 913.16, 913.17; Ord. No. 77-1960, approved 4-27-60; Repealed by Ord. No. 118-1995, approved 7-27-95)

### **Sec. 53.33. Control of dumps. (Repealed)**

(Code 61, § 913.20; Repealed by Ord. No. 118-1995, approved 7-27-95)

### **Sec. 53.34. Revocation of permits. (Repealed)**

(Code 61, § 913.21; Repealed by Ord. No. 118-1995, approved 7-27-95)

## **ENFORCEMENT OF ORDINANCES**

### **Sec. 53.35. Notification and abatement.**

(A) It shall be the duty of the Department of Solid Waste Management and Services to serve or cause to be served a notice on the owner, authorized agent, occupant, or person responsible of any premises on which there is kept or maintained any violations of this chapter. Such notice shall describe the violation so maintained and shall demand abatement of the violation within five days of notice, unless the violation constitutes an immediate danger to the health, safety, and well-being of the community in which case notice shall demand abatement within 24 hours of notice.

(B) Notice in writing shall be served on responsible persons as stated above by first-class mail. If the whereabouts of the owner is unknown and cannot be ascertained by the Director in the exercise of reasonable diligence, the Director shall proceed to abate the violation.

(C) If the owner or occupant so served does not abate the violation within the prescribed time, notice, in writing, shall be served on responsible persons as stated above by certified mail, return receipt requested, or by personal service.

(D) If the owner or occupant so served does not abate the violation within the prescribed time the city may proceed to abate the violation, keeping an account of the expense of the abatement, and the expense, including an administrative cost fee, shall be charged to and be paid by the owner or agent, occupant, or responsible person.

(E) After the abatement by the city, the Director shall cause to be prepared a demand for payment showing the cost and expense incurred for the work and the date and place or property on which the work was done. The Director of Finance shall bill the property owner or occupant of the premises at least once following abatement, and no notice of lien shall be filed against the property until two weeks have elapsed from the time the bill is sent.

(F) The city shall have a lien against the property for its cost incurred in such violation abatement. This lien shall be evidenced by a notice of lien claim filed with the clerk of the Jefferson County Court. This notice shall include an affidavit from the Director setting forth the property in question, the amount of the city's cost of abatement, and the date of abatement and stating that the notice provisions of this section were complied with before abatement.

(G) Property subject to a lien for unpaid violation abatement charges shall be sold for nonpayment of the same and proceeds of the sale shall be applied to pay the

charges after deducting costs as is in the case of foreclosure of statutory liens. Such foreclosure shall be in equity in the name of the city.

(H) The Director of the Department of Law is authorized and directed to institute such proceedings in the name of the city and any court having jurisdiction over such matter against any property for which such bill has remained unpaid 60 days after it has been rendered.

(Ord. No. 118-1995, approved 7-27-95)

#### **Sec. 53.36. Hearing.**

Any person affected by any notice which has been issued in connection with the enforcement of this chapter or of any rule or regulation adopted pursuant thereto shall have the right to request and shall be granted a hearing on the matter, in accordance with the provisions set forth in Codified General Ordinances 32.335 through 32.339; provided that such person shall notify the Director of Solid Waste Management and Services, or his designee, by telephone or in writing, of such request within two days after the day the notice was served.

(Ord. No. 118-1995, approved 7-27-95)

#### **Secs. 53.37--53.98. Reserved.**

#### **Sec. 53.99. Penalty.**

(A) Any person who violates any provision of this chapter such that the violation constitutes littering as defined in Section 53.01 of this chapter shall be fined not less than \$25.00 nor more than \$250.00 for each offense. Each day's continued violation shall constitute a separate offense.

(B) Any person who violates any provisions of this chapter such that the violation constitutes dumping as defined in Section 53.01 of this chapter shall be fined not less than \$250.00 nor more than \$1,000.00, or imprisoned for not more than 50 days, or both, for each offense. Each day's continued violation shall constitute a separate offense.

(C) Any person who violates any other provision of this chapter shall be fined not less than \$10.00 nor more than \$50.00 for each offense. In addition, any person found in the act of removing recyclable material in violation of Section 53.24, shall be subject to confiscation of all recyclable materials in the possession of that person.

(D) These penalty provisions are in addition to the remedies and the abatement procedures as set out in §53.35.

(Code 61, § 913.99; Ord. No. 341-1986, approved 11-5-86; Am. Ord. No. 161-1987, approved 6-12-87; Am. Ord. No. 107-1990, approved 4-27-90; Repealed and reenacted by Ord. No. 118-1995, approved 7-27-95)

COMMONWEALTH OF KENTUCKY  
OLDHAM COUNTY  
ORDINANCE NO. KOC-04- 830-181AN ORDINANCE RELATING TO THE AMENDMENT OF THE EXISTING OLDHAM  
COUNTY SOLID WASTE ORDINANCES, KOC-94-800-846,  
KOC 97-830-53 & 99-830-199 COMBINED DOCUMENT

WHEREAS, the Oldham County Fiscal Court has the authority pursuant to the provisions of KRS Chapters 67 and 109, and other applicable law, to enact an ordinance regulating the management of solid waste within the county; and,

WHEREAS, the Oldham County Fiscal Court did advertise and conduct a public hearing on the recommended ordinance amending the Oldham County Solid Waste Ordinances KOC-94-800-846, KOC-97-830-53 & 99-830-199 Combined Document, and the said Fiscal Court having voted to adopt the proposed changes at its regular meeting conducted on November 2, 2004.

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

- (1) Section 1 is amended to delete and add language as follows:

Cabinet: Environmental and Public Protection Cabinet [~~The Natural Resources and Environmental Protection Cabinet.~~]

Commercial solid waste: All types of solid waste generated by stores, offices, restaurants, warehouses, farms and other services and non-manufacturing activities, excluding household and industrial solid waste.

County: Oldham County

Court: Oldham County Fiscal Court

Franchise contract: A contract entered into between the County and a private contractor for the collection, transportation and disposal of solid waste within an established franchise area.

- (2) Section 2.1 is amended as follows:

Effective February 1, 2005, no person shall engage in the collection of solid waste in the county without obtaining a permit from the Solid Waste Coordinator. The County shall provide coordination for the collection of all [residential] solid waste in the county from all private residences, apartment dwellings, and other dwelling units and from all professional, business or commercial activities. The type of collection system provided shall conform to Section 2.4 herein. Coordination of collection shall include, but not be limited to, the



issuance of franchises pursuant to Section 2.5, and the permitting of persons pursuant to Section 5 to provide solid waste collection in a manner that provides access to a collection service to all households and solid waste generators in the county.

- (3) Section 2 is amended as follows:


Section 2.5: Franchising

- (A) Subject to the exemptions of Section 2.5.C., effective February 1, 2005 no person may engage in the business of solid waste collection in the county unless they hold a franchise issued by the Court authorizing them to collect, transport, and dispose of solid waste and describing the area for which the franchise is issued. The Court shall determine the area for which a franchise is granted.
- (B) The Court shall advertise and seek proposals to serve a franchise area established by the county. A franchise contract shall be awarded in accordance with bid specifications developed by the Court. Bid specifications and the terms and conditions of awarded contracts shall be consistent with this ordinance. The Court may grant a franchise contract only upon finding that the contractor will render prompt, efficient, and continuing service to the area for which the franchise is granted and the contractor has sufficient equipment and personnel to render services to all persons generating solid waste within the service area.
- (C) Any city or subdivision within the county obligated by a solid waste collection contract in existence on July 1, 2004 may maintain their current contract until it expires. At that time, the city or subdivision may join in the franchise contract or extend or re-bid with another contractor. When a city or subdivision's contract with a non-franchise contractor expires and is not extended, the city or subdivision must obtain any solid waste collection for which they contract from the county's contractor.
- (D) Any commercial solid waste generator within the franchise area obligated by a solid waste collection contract in existence on July 1, 2004 may join in the franchise contract, maintain their current contract or re-bid with another contractor, but in no event shall the contract extend beyond September 30, 2009.
- (E) The franchise shall be granted for a specific term of years, and may be renewed. A franchise shall not be assignable.
- (F) The contractor shall pay the county a franchise fee as set forth in the franchise contract.

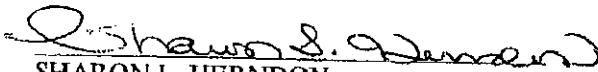
- (G) No later than January 15<sup>th</sup> of each year, the contractor shall submit to the county's Solid Waste Coordinator a current permit from the appropriate federal and/or state agency permitting the operation of the solid waste disposal facility to which the solid waste collected by the contractor will delivered to for disposal. The contractor must obtain all permits required by this ordinance before engaging in the collection and transportation of solid waste.
- (H) The Court shall require the contractor to maintain insurance coverage by insurers acceptable to the county and with limits of liability specified by the Court. The county shall be named an additional insured on all policies.
- (I) Placement of solid waste containers in a proper location for collection shall be the responsibility of the customer. If the contractor and the customer cannot agree on the proper container location, the county's solid waste coordinator will determine proper placement.
- (J) Persons using the collection services of the county's contractor shall place all of their solid waste for collection in containers that satisfy the container requirements set forth in the franchise contract.

This ordinance shall become effective upon its passage and advertisement according to law.

Dated this 2nd day of November, 2004.

  
MARY ELLEN KINSER  
Oldham County Judge Executive

ATTEST:

  
SHARON L. HERNDON  
Oldham County Fiscal Court Clerk

# **CHAPTER THREE**

## **ATTACHMENTS**

# **APPENDIX 3.1**

## **CAPACITY ASSURANCE**

# ENVIRONMENTAL PROTECTION

CLARK-FLOYD LANDFILL WEBSITE

The landfill implements a four point environmental protection program which:

1

Meets Federally and State mandated siting criteria for this type of facility.

3

Being outfitted with engineered subsurface impermeable cut-off wall and perimeter leachate collection system as required by IDEM's approved Federal subtitle D regulations.

2

Monitoring the performance of the engineered components by utilizing groundwater monitoring wells; groundwater piezometers, perimeter gas migration probes, stormwater quality monitoring, and construction quality control and assurance and regulatory inspections during construction.

4

Implemented management controls including routine employee training management certification required by IDEM, landfill gas extraction, leachate (wastewater) collection and treatment, stormwater collection and treatment, fugitive dust management, and emissions management.

A recycling company conducts material recovery operations to salvage metals, paper, cardboard, and wood to defer reusable materials from disposal at the landfill.

## EXPANSION

The landfill recently received approval from Indiana Department of Environmental management (IDEM) to vertically expand the landfill. This landfill expansion provides airspace until 2030. The landfill has additional expansions planned which will extend the life of the landfill beyond 2050 for the region. The construction of the balance of the subsurface cut-off wall and perimeter collection system will be completed in the next few years which also includes the construction of an additional sedimentation basin to support the landfill operations within the next 4 to 7 years. The landfill will be maintained for a minimum of 30 years following final closure of the landfill as required by IDEM requirements. A general location map is attached which shows the existing landfill and the proposed expansion boundaries with respect to its surroundings.









Valley View Landfill  
9120 Sulphur Road, Sulphur, KY 40070  
O: 502.743.5426 republicservices.com

May 4, 2022

Rebecca Zocklein  
Oldham County Solid Waste Coordinator  
100 W. Jefferson Street  
LaGrange, KY 40031

RE: Capacity Assurance Letter for Valley View Landfill

Ms. Zocklein,

Valley View Landfill has approximately 11,661,958 cubic yards of permitted airspace remaining at our current rate of disposal and density. This will allow Valley View Landfill to meet Oldham County disposal needs for the next ten (10) years.

Should you have any additional questions or concerns, please do not hesitate to contact me at (812) 647-6156.

Sincerely,

Branham Lafferty  
Environmental Manager









Waste Management of KY, LLC  
7501 Grade Ln,  
Louisville, KY 40219

May 3, 2022

Rebecca Zocklein  
Solid Waste Coordinator  
Oldham County Solid Waste  
100 W. Jefferson St.  
LaGrange, KY 40031

Rebecca,

Waste Management of KY, LLC is the owner and operator of the Outer Loop Recycling and Disposal Facility ("OLRDF") located at 2673 Outer Loop, Louisville, KY 40219. The OLRDF currently has capacity for the next ten (10) years for the disposal of nonhazardous solid waste originating in Oldham County.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andy Reynolds'.

Andy Reynolds  
Government & Community Affairs Manager  
WM Mid-South







# **CHAPTER FIVE**

# **ATTACHMENTS**

# **APPENDIX 5.1**

## **OPEN DUMP ORDINANCES**

## CHAPTER 50: SOLID WASTE

### Section

#### *General Provisions*

50.001 Definitions

#### *Collection of Solid Waste*

50.015 County responsibility defined  
50.016 Universal collection  
50.017 Collector's responsibility defined  
50.018 Acceptable collection practices  
50.019 Franchising

#### *Transportation of Solid Waste*

50.030 Collection vehicle standards

#### *Disposal of Solid Waste*

50.045 Open burning  
50.046 Open dumping  
50.047 Disposal sites  
50.048 Hazardous waste

#### *Permits*

50.060 Permit requirements  
50.061 Permit application for collection and transportation of solid waste  
50.062 Permit issuance for collection and transportation of solid waste  
50.063 Application denial for collection and transportation of solid waste permit  
50.064 Permit display

#### *Debris Landfill*

50.075 Permit requirements  
50.076 Exemptions  
50.077 Permit application

**Oldham County - Public Works**

- 50.078 Permit issuance
- 50.079 Return of guarantee
- 50.080 Permit display
- 50.081 Guarantee

***Construction/Demolition Debris Landfill***

- 50.095 Permit requirements
- 50.096 Permit application
- 50.097 Application form
- 50.098 Site plan
- 50.099 Narrative report
- 50.100 Procedure of application and permit issuance
- 50.101 Permit extensions
- 50.102 Minimum siting standards
- 50.103 Minimum construction standards
- 50.104 Liners
- 50.105 Leachate collection system
- 50.106 Stormwater diversion system
- 50.107 Final cap specifications
- 50.108 Leachate collection system operation
- 50.109 General operating requirements
- 50.110 Closure requirements
- 50.111 Return of guarantee
- 50.112 Waiver of strict compliance
- 50.113 Permit modifications
- 50.114 Transfer of permits
- 50.115 Major and minor permit modifications
- 50.116 Permit modification applications
- 50.117 Inspections
- 50.118 Stop work order
- 50.119 Permit display
- 50.120 Guarantee

***Solid Waste Incinerators***

- 50.135 Operating requirements
- 50.136 Closure requirements
- 50.137 Bonding requirements

***Solid Waste Transfer Stations***

- 50.150 Siting requirements
- 50.151 Operating requirements

*Inspections and Enforcement*

- 50.165 Inspections
- 50.166 Permit suspension or revocation
- 50.167 Injunctive relief
- 50.168 Appeal
  
- 50.999 Penalty

**GENERAL PROVISIONS**

**§ 50.001 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**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.** Environmental and Public Protection Cabinet.

**CDD.** Construction/demolition debris.

**CDDL.** Construction/demolition debris landfill.

**COLLECTION.**

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

**COMMERCIAL SOLID WASTE.** All types of solid waste generated by stores, offices, restaurants, warehouses, farms and other services and non-manufacturing activities, excluding household and industrial solid waste

① **CONSTRUCTION/DEMOLITION DEBRIS.** Solid waste resulting from the construction, remodeling, repair and demolition of structures and roads and uncontaminated solid waste consisting of vegetation resulting from land clearing and grubbing, utility line maintenance and seasonal and storm related cleanup.

① **CONSTRUCTION/DEMOLITION DEBRIS LANDFILL.** Solid waste site or facility for the disposal of uncontaminated solid 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.

**CONTAMINATION.** The degradation of naturally occurring water, air or soil quality either directly or indirectly as a result of human activities.

**CONVENIENCE CENTER.** A facility that is staffed during operating hours for the collection and subsequent transportation of municipal solid wastes.

**COUNTY.** Oldham County.

**COURT.** Oldham County Fiscal Court.

② **DEMOLITION AND CONSTRUCTION WASTE.** Materials resulting from the construction or destruction of residential, industrial or commercial structures.

**DISPOSAL READY LOADS.** Construction/demolition debris that originates from a single source (i.e., a particular construction or demolition site) and is composed entirely of debris permissible for CDDL disposal.

**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 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 groundwaters.

**EPHEMERAL STREAM.** A stream which flows only in direct response to precipitation in the immediate watershed or in response to the melting of a cover of snow and ice and which has a channel bottom that is always above the local water table.

**FRANCHISE CONTRACT.** A contract entered into between the county and a private contractor for the collection, transportation and disposal of solid waste within an established franchise area.

**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.

**INTERIOR COLLECTION LINE.** A leachate collection line inside a waste cell.

**INTERMITTENT STREAM.** A stream or reach of stream that drains a watershed of one square mile or more but does not flow continuously during the calendar year.

**KAR.** Kentucky Administrative Regulations.

**KARST TERRAIN.** A type of topography where limestone, dolomite or gypsum is present and is characterized by naturally occurring closed topographic depressions or sinkholes, caves, disrupted surface drainage, and well developed underground solution channels formed by dissolution of these rocks by water moving underground.

**KRS.** Kentucky Revised Statutes.

**LANDFARMING FACILITY.** A facility for the land application of sludges or other solid waste by any method for purposes of disposal. It can be on any piece or pieces of land and may improve the physical and chemical qualities of the land for agricultural purposes, but does not alter the topography of the application area as revealed by contours and will not disturb the soil below three feet from the surface.

**LEACHATE.** Any liquid including any suspended components in the liquid that has percolated through or drained from waste.

**LINER.** Any continuous layer of natural or human-made material, beneath or on the sides of a waste site facility which restricts the movement of the wastes, waste constituents or leachate.

**LOC.** Letter of completeness.

**LOR.** Letter of review.

**MONITORING.** The act of systematically inspecting and collecting data on operational parameters or on the quality of the air, soil, groundwater or surface water.

**OCCUPANT.** Any person who, alone 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 DUMP.** Any facility or 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.

**PERENNIAL STREAM.** A stream or that part of a stream that flows continuously during all of the calendar year as a result of groundwater discharge or surface run-off. The term does not include intermittent stream or ephemeral stream.



**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 state or any interstate body.

**PROCESSING FACILITY.** A facility or part of facility using any method, technique or procedure, including neutralization, designed to change the physical, chemical or biological character or composition of any solid waste.

**RESIDENTIAL SOLID WASTE.** Solid waste resulting from the maintenance of dwelling units.

**SITE.** The land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the waste facility or activity.

**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), agriculture 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 state funds, recovered material, special wastes as designated by KRS 224.50-760, 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 § 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880) being 33 USC 1251 et seq., or source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923), being 42 USC 2011 et seq.

**SOLID WASTE COORDINATOR.** The Coordinator of the Solid Waste Management Program of the county as chosen by the County Judge-Executive and Fiscal Court.

**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 PLAN.** The document submitted by waste management districts, counties, or any combination thereof as required under KRS 224.43-340 and approved by the Cabinet.

**TANK.** A stationary device designed to contain an accumulation of leachate or liquid solid waste which is constructed primarily of nonearthen materials (for example, concrete, steel, fiberglass or plastic) which provide structural support.

**TOE-DRAIN.** A leachate collection line placed along the down slope border of a landfill. Called a **TOE-DRAIN** because it is usually placed at the landfill toe-of-slope.

**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, and any loading, unloading or storage incidental thereto.

**UNIVERSAL COLLECTION.** A municipal 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 CELL or CELL.** A portion of a landfill, which is isolated, usually by means of an approved barrier.

**WETLANDS.** Land that has a predominance of hydric soils and is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions.

(Ord. KOC 94-800-846, passed 6-21-1994; Ord. KOC 97-830-53, passed 9-2-1997; Ord. KOC 99-830-199, passed 6-1-1999; Ord. KOC 04-830-181, passed 11-2-2004)

### **COLLECTION OF SOLID WASTE**

#### **§ 50.015 COUNTY RESPONSIBILITY DEFINED.**

(A) Effective February 1, 2005, no person shall engage in the collection of solid waste in the county without obtaining a permit from the Solid Waste Coordinator. The county shall provide coordination for the collection of all solid waste in the county from all private residences, apartment dwellings and other dwelling units and from all professional, business or commercial activities.

(B) The type of collection system provided shall conform to § 50.018.

(C) Coordination of collection shall include, but not be limited to, the issuance of franchises pursuant to § 50.019 and the permitting of persons pursuant to §§ 50.060 through 50.064 to provide solid waste collection in a manner that provides access to a collection service to all households and solid waste generators in the county.

(Ord. KOC 94-800-846, passed 6-21-1994; Ord. KOC 99-830-199, passed 6-1-1999; Ord. KOC 04-830-181, passed 11-2-2004)

**§ 50.016 UNIVERSAL COLLECTION.**

The county shall provide that all households and solid waste generators in the county shall have access to a solid waste collection system as established under this subchapter.

(Ord. KOC 94-800-846, passed 6-21-1994)

**§ 50.017 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. 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 collector.

(Ord. KOC 94-800-846, passed 6-21-1994)

**§ 50.018 ACCEPTABLE COLLECTION PRACTICES.**

Collection practices which are deemed acceptable by the county are as follows.

(A) *Door-to-door household collection.* Collection service may be provided by the county, a city or by a private sector collector operating under a contract, franchise or permit with the county, a city or solid waste generator.

(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 KAR 49:060.

(Ord. KOC 94-800-846, passed 6-21-1994)

**§ 50.019 FRANCHISING.**

(A) Subject to the exemptions of division (C) below, effective February 1, 2005, no person may engage in the business of solid waste collection in the county unless they hold a franchise issued by the Court authorizing them to collect, transport and dispose of solid waste and describing the area for which the franchise is issued. The Court shall determine the area for which a franchise is granted.

(B) The Court shall advertise and seek proposals to serve a franchise area established by the county. A franchise contract shall be awarded in accordance with bid specifications developed by the Court. Bid specifications and the terms and conditions of awarded contracts shall be consistent with this section. The Court may grant a franchise contract only upon finding that the contractor will render prompt, efficient and continuing service to the area for which the franchise is granted and the contractor has sufficient equipment and personnel to render services to all persons generating solid waste within the service area.

(C) Any city or subdivision within the county obligated by a solid waste collection contract in existence on July 1, 2004 may maintain their current contract until it expires. At that time, the city or subdivision may join in the franchise contract or extend or re-bid with another contractor. When a city or subdivision's contract with a non-franchise contractor expires and is not extended, the city or subdivision must obtain any solid waste collection, for which they contract from the county's contractor.

(D) Any commercial solid waste generator within the franchise area obligated by a solid waste collection contract in existence on July 1, 2004 may join in the franchise contract, maintain their current contract or re-bid with another contractor, but in no event shall the contract extend beyond September 30, 2009.

(E) The franchise shall be granted for a specific term of years, and may be renewed. A franchise shall not be assignable.

(F) The contractor shall pay the county a franchise fee as set forth in the franchise contract.

(G) No later than January 15 of each year, the contractor shall submit to the county's Solid Waste Coordinator a current permit from the appropriate federal and/or state agency permitting the operation of the solid waste disposal facility to which the solid waste collected by the contractor will be delivered to for disposal. The contractor must obtain all permits required by this chapter before engaging in the collection and transportation of solid waste.

(H) The Court shall require the contractor to maintain insurance coverage by insurers acceptable to the county and with limits of liability specified by the Court. The county shall be named an additional insured on all policies.

(I) Placement of solid waste containers in a proper location for collection shall be the responsibility of the customer. If the contractor and the customer cannot agree on the proper container location, the county's Solid Waste Coordinator will determine proper placement.

(J) Persons using the collection services of the county's contractor shall place all of their solid waste for collection in containers that satisfy the container requirements set forth in the franchise contract.

(Ord. KOC 04-830-181, passed 11-2-2004)

#### ***TRANSPORTATION OF SOLID WASTE***

##### **§ 50.030 COLLECTION VEHICLE STANDARDS.**

No person shall engage in the transportation of solid waste without obtaining a permit from the Solid Waste Coordinator. 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 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. Vehicles shall be cleaned as often as necessary to prevent a nuisance and insect breeding and shall be maintained in good repair.

(Ord. KOC 94-800-846, passed 6-21-1994; Ord. KOC 99-830-199, passed 6-1-1999)

### ***DISPOSAL OF SOLID WASTE***

#### **§ 50.045 OPEN BURNING.**

Open burning of hazardous waste or bulky waste is prohibited.  
(Ord. KOC 94-800-846, passed 6-21-1994) Penalty, see § 50.999

#### **§ 50.046 OPEN DUMPING.**

Open dumping of solid waste, including bulky waste, on all lands (i.e., roadsides, hollows, rivers, streams, lakes and the like) by any person is prohibited by KRS 224.40-100 and this chapter.  
(Ord. KOC 94-800-846, passed 6-21-1994; Ord. KOC 99-830-199, passed 6-1-1999) Penalty, see § 50.999

#### **§ 50.047 DISPOSAL SITES.**

All solid waste, including bulky waste, shall be disposed of within a disposal facility having a valid permit issued by the Cabinet in compliance with KRS 224.40-305 - 224.40.340 and this chapter.  
(Ord. KOC 94-800-846, passed 6-21-1994; Ord. KOC 99-830-199, passed 6-1-1999)

#### **§ 50.048 HAZARDOUS WASTE.**

As defined within this chapter, hazardous waste will require special handling and shall be disposed of only in a manner authorized by state and/or federal regulations.  
(Ord. KOC 94-800-846, passed 6-21-1994)

**PERMITS****§ 50.060 PERMIT REQUIREMENTS.**

(A) No person shall engage in the management, processing or disposal of solid waste at a solid waste site or facility without first obtaining a permit from the Solid Waste Coordinator. Solid waste site or facility includes contained landfill; construction demolition debris landfill; residual landfill; land farming facility; commercial recycling centers; recycling facility; transfer facility; solid waste incinerators; convenience centers; commercial composting sites or facilities; sanitary landfills; automobile wrecking and salvage operations; and, any other solid waste site or facility for solid waste management, processing or disposal by landfilling, incineration, landfarming or any other method.

(B) In the case of a contained landfill, residual landfill, landfarming facility, commercial recycling center, recycling facility, transfer facility, solid waste incinerator, convenience center, commercial composting site or facility or sanitary landfill, the person will be deemed to have a permit from the Solid Waste Coordinator upon the submittal to the county's solid waste office a permit issued pursuant to KRS Chapter 224 and the regulations promulgated pursuant thereto. In addition, the person shall manage, process or dispose of the solid waste in compliance with any provision of this chapter applicable to the particular type of facility.

(Ord. KOC 94-800-846, passed 6-21-1994; Ord. KOC 99-830-199, passed 6-1-1999)

**§ 50.061 PERMIT APPLICATION FOR COLLECTION AND TRANSPORTATION OF SOLID WASTE.**

(A) All persons involved in the business of collecting and transporting of solid waste within the county shall file an annual application with the Solid Waste Coordinator.

(B) This reports shall:

- (1) Be due on February 1 of each year;
- (2) Be in conformance with the format and requirements set by the Solid Waste Coordinator;
- (3) Each applicant for this permit shall state in his or her application the following:
  - (a) The nature of the permit desired, as to collect or transport solid waste or any combination thereof;
  - (b) The name and address of the applicant, and whether the applicant is 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) Rates the applicant plans to charge customers;
- (e) Location or locations of solid waste processing or disposal facilities to be used;
- (f) Service routes and boundaries of collection area;
- (g) Number of households and other customers served;
- (h) Tax number of the business; and
- (i) Other information as required by the Solid Waste Coordinator.

(Ord. KOC 94-800-846, passed 6-21-1994; Ord. KOC 99-830-199, passed 6-1-1999)

#### **§ 50.062 PERMIT ISSUANCE FOR COLLECTION AND TRANSPORTATION OF SOLID WASTE.**

If the application shows that the applicant will collect and transport solid waste without hazard to the public health or damage to the environment and in conformity with the laws of the state and this chapter, the Solid Waste Coordinator may issue the permit authorized by this subchapter. The Solid Waste Coordinator shall have the authority to limit the number of permits issued to preserve the health, comfort, safety and welfare of the residents, to promote energy conservation and to provide for collection and disposal consistent with good solid waste management practices. The permit shall be issued for a period of one year, and each applicant shall pay a fee of \$50. If modifications can be made to the application regarding service, equipment or mode of operation as to bring the application within the intent of the chapter, the Solid Waste Coordinator shall notify the applicant in writing setting forth the modification to be made and the time in which it shall be done.

(Ord. KOC 94-800-846, passed 6-21-1994; Ord. KOC 99-830-199, passed 6-1-1999)

#### **§ 50.063 APPLICATION DENIAL FOR COLLECTION AND TRANSPORTATION OF SOLID WASTE PERMIT.**

If the applicant does not make the modification pursuant to the notice in § 50.062 within the time limit specified therein or if the application does not clearly show that the collection or transportation of solid waste will not create a public health hazard or be without harmful effects to the community or to the environment, the application shall be denied and the applicant notified by the Solid Waste Coordinator, in writing, stating the reason for the denial. Nothing in this section shall prejudice the right of the applicant to reapply after the rejection of his or her application provided that all aspects of the reapplication comply with the provisions of this subchapter. Nothing in this section shall prevent the denial of a permit should the total number of annual permits have already been issued.

(Ord. KOC 94-800-846, passed 6-21-1994; Ord. KOC 99-830-199, passed 6-1-1999)



**§ 50.064 PERMIT DISPLAY.**

All solid waste collectors operating under any permit required by this subchapter for the collection and transportation of solid waste shall maintain a copy of the permit in each collection vehicle. Any permit required by this subchapter for the management, processing or disposal of solid waste at a solid waste site or facility shall be prominently displayed at the facility.

(Ord. KOC 94-800-846, passed 6-21-1994; Ord. KOC 99-830-199, passed 6-1-1999)

**DEBRIS LANDFILL****§ 50.075 PERMIT REQUIREMENTS.**

(A) No person shall dispose of concrete, asphalt, branches, stumps, wood, materials declared a beneficial reuse by the Cabinet, or similar debris materials to be used as fill on any on-site or off-site property within the county without a permit under this section of the chapter from the Solid Waste Coordinator.

(B) Items not allowed for disposal include tires, appliances, machinery, vehicles, household solid waste, industrial solid waste, asbestos, furniture, light fixtures, electrical devices, buckets, cardboard, paper or any material considered to be a hazardous substance or are contaminated with a hazardous substance(s) as defined by state and federal law.

(C) Construction/demolition debris disposal shall fall under the permitting requirements of §§ 50.095 through 50.120.

(Ord. KOC 94-800-846, passed 6-21-1994; Ord. KOC 97-830-53, passed 9-2-1997)

**§ 50.076 EXEMPTIONS.**

(A) Fill operations exempt from this requirement include:

(1) Filling directly associated with agricultural, silvacultural, horticultural and landscaping practices;

(2) Filling associated with the preparation of a site for purposes of new construction; provided that the fill consists solely of dirt and rock; and

(3) Debris filling of 1,000 square feet or less.

(B) There is a one-time allowance for the 1,000 square foot debris fill exemption.

(C) Any additional debris fills shall require a permit in accordance with this section.  
(Ord. KOC 97-830-53, passed 9-2-1997)

**§ 50.077 PERMIT APPLICATION.**

(A) A person seeking a debris landfill permit shall file an application with the Solid Waste Coordinator setting forth the following information:

- (1) Name and address of the person seeking the permit;
- (2) Exact location and address of the property proposed to be filled, the parcel number and access to public streets;
- (3) Name and address of the owner of the property, and permission from the owner to conduct the fill operation if different from the applicant;
- (4) Statement of the exact nature and source of the materials to be used as fill on the subject property;
- (5) Letters, applications or approvals of the fill operation plans by the Cabinet, County Conservation District and any other applicable agency indicating prior review;
- (6) A site plan showing the following;
  - (a) The entire property, principal structures, accessory buildings, streams and location of fill;
  - (b) Methods employed to control surface drainage during and after completion of operations; and
  - (c) Name and address of person who prepared the site plan, approximate scale, northpoint and relationship of site to existing public streets.
- (7) Proof of notification for all property owners adjacent to the property. Notification must state the following; the applicant is applying for a solid waste permit to operate a debris landfill, the applicant's name and address, the property parcel number of the proposed fill site, the property owner's name, the materials being disposed, and shall include a map showing the location of the fill site in relation to surrounding properties and public roads;
- (8) Statement of procedures and safeguards the applicant proposes to use to ensure that adjoining properties and county residents will not be adversely affected by the proposed fill activity, including closure procedures the applicant proposes to use when the fill is complete. This closure must be conducted in a manner consistent with the best management practices promulgated by the County

Conservation District and must include a minimum of 18 inches of dirt cover, use of fertilizer, lime and seeding with annual and perennial grasses;

(9) Statement as to the length of time the applicant proposes to use the property as a debris landfill site; and

(10) For fill operations in excess of one-half acre, approval of a soil erosion and sediment control plan by the County Conservation District.

(B) The Solid Waste Coordinator shall make available for public review a copy of the permit application; and

(C) The Solid Waste Coordinator shall make pre-application conferences available to potential applicants. The purpose of the pre-application conference is to identify major issues early on in the planning process. These conferences will be voluntary and not binding.

(Ord. KOC 94-800-846, passed 6-21-1994; Ord. KOC 97-830-53, passed 9-2-1997)

#### **§ 50.078 PERMIT ISSUANCE.**

(A) If the application complies with the laws of the state and this chapter, the Solid Waste Coordinator shall issue the permit authorized by this chapter. The applicant shall pay a fee of \$250 for the permit and provide proof of the guarantee deposit in accordance with § 50.081. Any application that fails to comply with state, federal and local regulations shall be denied and the applicant notified in writing by the Solid Waste Coordinator stating reasons for denial.

(B) Permits will be valid for a period not to exceed two years. No extensions in time will be granted; however, new applications for on-going operations may be accepted.

(Ord. KOC 94-800-846, passed 6-21-1994; Ord. KOC 97-830-53, passed 9-2-1997)

#### **§ 50.079 RETURN OF GUARANTEE.**

The guarantee deposit shall be returned after the following have occurred:

(A) The debris landfill has been closed for one year; and

(B) There are no outstanding notices of violations of county, state or federal environmental laws applicable to the fill. This includes any outstanding notice of violation of the environmental performance standards outlined in 401 KAR 47:030.

(Ord. KOC 97-830-53, passed 9-2-1997)

**§ 50.080 PERMIT DISPLAY.**

Any person operating under a permit required by this section shall prominently display a copy of the permit, in a weatherproof manner, at that fill site.

(Ord. KOC 94-800-846, passed 6-21-1994; Ord. KOC 97-830-53, passed 9-2-1997)

**§ 50.081 GUARANTEE.**

To insure the strict compliance with all of the above conditions and requirements for fill operations greater than one-half acre in size, the applicant shall deposit with the county cash or a certified check, or execute a bond with a corporate surety authorized to do a surety business in the state. The amount of cash, certified check or bond shall be fixed at the rate of \$5,000 per acre of fills or portion thereof.

(Ord. KOC 94-800-846, passed 6-21-1994; Ord. KOC 97-830-53, passed 9-2-1997)

***CONSTRUCTION/DEMOLITION DEBRIS LANDFILL*****§ 50.095 PERMIT REQUIREMENTS.**

No person shall dispose of on-site construction/demolition debris (CDD) in excess of 1,000 square feet, principal structure demolition debris or any off-site CDD of any size without a construction/demolition debris landfill (CDDL) permit from the Solid Waste Coordinator.

(Ord. KOC 97-830-53, passed 9-2-1997)

**§ 50.096 PERMIT APPLICATION.**

(A) A person seeking a permit shall file an application with the Solid Waste Coordinator setting forth the following information:

- (1) A permit application fee of \$500;
- (2) An original and three copies of the following:
  - (a) Completed application form;
  - (b) Site plan; and
  - (c) Narrative report.
- (3) (a) Proof of notification for all property owners adjacent to the property; and

(b) Notification must state the following:

1. The applicant is applying for a solid waste permit to operate a CDDL (or a permit extension if applicable);
2. The applicant's name and address, the property parcel number of the proposed CDDL site, the property owner's name; and
3. Shall include a map showing the location of the CDDL in relation to surrounding properties and public roads.

(B) In the case of larger than one acre CDDLs, the Solid Waste Coordinator may accept, at his or her discretion, reports and site plans prepared in accordance to the solid waste regulations of the Cabinet to satisfy divisions (B)(2) and (B)(3) above. The size of the CDDL shall be based on the footprint area of the waste cell.

(C) The Solid Waste Coordinator shall make pre-application conferences available to potential applicants. The purpose of the pre-application conference is to identify major issues early on in the planning process. These conferences will be voluntary and not binding.  
(Ord. KOC 97-830-53, passed 9-2-1997)

#### § 50.097 APPLICATION FORM.

- (A) The applicant must use an official application form produced by the Solid Waste Coordinator.
- (B) It will be the responsibility of the Solid Waste Coordinator to produce and maintain application forms within 45 days following the passage of this chapter.
- (C) The official application form shall include the following information:
- (1) Name and address of the person seeking the permit;
  - (2) Exact location and address of the property proposed to be filled, the parcel number and access to public streets;
  - (3) Name and address of the owner of the property and permission from the owner to conduct the CDDL operation if different from the applicant;
  - (4) Statement of the nature and county of origin of the materials to be used as fill on the subject property;
  - (5) Letters, applications or certificates of approval of the fill operation by the Cabinet and any other applicable agency indicating prior reviews;

(6) Statement as to the length of time the applicant proposes to use the property as a CDDL site; and

(7) Anticipated annual volume of disposed CDD material.  
(Ord. KOC 97-830-53, passed 9-2-1997)

**§ 50.098 SITE PLAN.**

Site plan requirements are as follows:

(A) Present and proposed use of land, the arrangement of all existing and proposed buildings, structures, roads, drives, parking areas, septic systems (tank, line and leachfield), underground utilities lines, wells, surface drainage, landscaping, fencing and all other features and facilities to be installed or used in connection with the proposed operation;

(B) All existing natural features on property including tree lines, surface water features, wetlands, 100-year floodplains and features of karst terrain. Known habitats of state or federally listed threatened or endangered species on property and within 500 feet of the property boundary. The use of remote sources of information such as aerial photography and published information may be employed;

(C) Existing and proposed contours of not less than two-foot intervals as follows:

(1) The present surface of all property within 250 feet of the CDDL footprint and all associated facilities by use of distinguished line types or colors;

(2) The ultimate depth elevations of the CDDL by use of distinguished line types or colors; and

(3) The ultimate finished surface of the site after all filling operations are completed by use of distinguished line types or colors.

(D) Structural or engineering details for the following;

(1) Final cap cover;

(2) Stormwater conveyance system and structures;

(3) Liner construction;

(4) Leachate collection system;

(5) Groundwater monitoring wells (if applicable);

(6) Truck tire cleaning facilities;

- (7) Soil erosion and sediment control measures;
  - (8) Excavation details including stockpile areas and borrow areas;
  - (9) Driveway construction;
  - (10) Profiles and cross-sections of the CDDL showing the CDD material, cap, extent of excavation, depth to seasonal high water table, depth to bedrock; and
  - (11) Location of soil boring(s).
- (E) Locations where filling operations will commence and the anticipated procedural sequence of operations;
- (F) The calculated volumes of materials to be filled for each location or waste cell on the site where operations are to take place;
- (G) Names and addresses of all adjoining property owners, scale, northpoint and relationship of site to existing public streets;
- (H) All site plans must be signed, sealed and prepared under the direction of a professional engineer licensed in the state; and
- (I) The title block of the site plan shall identify the name and address of the company or person who prepared the plans as well as the date of the last plan revision.  
(Ord. KOC 97-830-53, passed 9-2-1997)

#### § 50.099 NARRATIVE REPORT.

- (A) The applicant must submit a narrative report of the proposed CDDL site and property.
- (B) The report shall be outlined as follows:

<b>Introduction</b>
<b>Site Description</b>
Geology/hydrology/soils vegetation
Land forms (steep slopes, cliffs, waterfalls and the like)
Sensitive environmental areas (streams, wetlands, 100-year floodplain, karst terrain and the like)
Suitability of the property for CDDL development



## Oldham County - Public Works

<b>CDDL Construction</b>
Anticipated sequence of construction
Excavation and stockpiling
Liner construction
Leachate collection system
Groundwater monitoring system (if applicable)
Stormwater diversion system and maintenance
Driveway construction and maintenance
Truck tire cleaning facility and maintenance
Soil erosion and sediment control measures and maintenance
<b>CDDL Operation</b>
Waste separation
Municipal waste separation and disposal
Hazardous waste separation and disposal
Dumping and compaction
Temporary waste cover
Dirt, dust and litter control
Fire control
Daily logs
Leachate disposal
Leachate monitoring (if applicable)
Groundwater monitoring (if applicable)
<b>CDDL Closure Plan</b>
Final cap specifications
Intended post operational land use
<b>CDDL Post Closure Monitoring</b>
Leachate monitoring
Groundwater monitoring (if applicable)
Cap integrity monitoring
Stormwater diversion system monitoring

(C) The applicant is expected to produce substantive descriptions and explanations for each section of the narrative report as outlined above. The use of published information is allowable; however, on-site observations should also be included in the report. At least one test pit or boring must be submitted that describes the soils, determines the depth to seasonal high water table and determines the depth to bedrock. In describing the CDDL site and property, the applicant is expected to conduct professional investigations to demonstrate the ability of the property to support a CDDL. In describing the construction, operation, closure and post closure monitoring of the CDDL, the applicant is expected to demonstrate planned compliance with the provisions and requirements of this chapter. For example, in discussing liner construction the applicant should demonstrate how the resident soils, or other materials, will be utilized to obtain the permeability standard stated in § 50.104.

(D) The major author(s) or firm authoring the narrative report must be identified on the cover or title page.

(Ord. KOC 97-830-53, passed 9-2-1997)

#### **§ 50.100 PROCEDURE OF APPLICATION AND PERMIT ISSUANCE.**

(A) Application for a CDDL shall be made to the Solid Waste Coordinator. Once received, the Solid Waste Coordinator will log-in the application and has ten business days to place a public notice in at least one local paper to solicit public comments and to determine the administrative completeness of the application. The Solid Waste Coordinator shall make available for public review a copy of the permit application. The public comment period shall end 30 days following the publication of the newspaper notice.

(B) An application shall be deemed administratively complete if it satisfies the requirements of § 50.099.

(C) The Solid Waste Coordinator shall issue a letter of completeness (LOC) to the applicant that either accepts the application as administratively complete or declares the application administratively deficient and entirely lists the items required to administratively complete the application. Once the LOC is issued, the Solid Waste Coordinator can identify no new administrative deficiencies.

(D) In the case of an administratively deficient determination, the applicant shall have 30 days from the date of the LOC to submit the required information. Failure of the applicant to respond to a LOC within the time restraints listed above may result in the return of the permit application without prejudice, minus a processing fee of \$125. A onetime 30-day extension may be granted by the SWC. Requests for an extension must be made in writing.

(E) (1) Once deemed administratively complete, the Solid Waste Coordinator shall, within five days, send a copy of the application to the County Conservation District for a technical review of the soil erosion and sediment control plan. The Conservation District shall have 25 days to return technical comments to the Solid Waste Coordinator.

(2) The Solid Waste Coordinator shall, within 45 days, review the application for its technical content and its compliance with this chapter. The Solid Waste Coordinator shall issue a letter of review (LOR) that will identify any technical issues and concerns that must be addressed by the applicant including those comments forwarded by the County Conservation District. The Solid Waste Coordinator may elect to issue a permit at this time in accordance with division (H) below.

(3) The LOR shall be issued based upon the information supplied in the application and comments received from the public and other agencies. Once issued, the Solid Waste Coordinator shall not raise additional technical issues unless new information is made available that warrants such an action.

(F) The applicant shall have 30 days, from the date of its issue, to respond to the LOR. Failure of the applicant to respond to a LOR within the time restraints listed above may result in the return of the permit application without prejudice; however, the entirety of the application fee will be forfeited. A one-time 30-day extension may be granted by the SWC. Requests for an extension must be made in writing.

(G) Once received, the Solid Waste Coordinator shall have ten business days to review the response to the LOR and either issue a CDDL permit or deny the CDDL permit application.

(H) The Solid Waste Coordinator shall issue a permit if the application conforms to regulations of this subchapter and the applicant has demonstrated compliance with local zoning regulations. The Solid Waste Coordinator shall consider outside agency and public comments in rendering a decision to approve, conditionally approve or deny the permit. Any conditional approvals shall be expressly stated in the CDDL permit which may include pre-operational conditions which are actions required of the applicant before the permit is considered active.

(I) Upon receipt of the permit, the applicant shall submit a letter from a sewage treatment plant or other disposal facility stating that it will accept the CDDL leachate, proof of a guarantee deposit in accordance with § 50.120 and a \$500 annual permit fee. In addition, a monthly operating fee shall be paid by the operator based on the monthly tonnage of disposed CDD material and shall be assessed at \$0.50 per ton. The applicant may demonstrate a conversion factor to determine tons by cubic yards and it will be used if accepted by the Solid Waste Coordinator. The monthly operating fee shall be submitted starting with the first monthly report and monthly reports thereafter. A late payment fee shall be assessed at \$0.10 per ton of disposed CDD material for every 30 days the monthly operating fee is delinquent.

(J) Filling operations may begin immediately upon receipt of the annual permit fee, issuance of the permit and satisfaction of all pre-operational conditions.

(K) Permits shall be valid for a period not to exceed ten years for CDDLs greater than one acre in size or two years for CDDLs of one acre or less in size.

(L) The annual permit fee shall be due on the anniversary of the permit issuance date. A late payment fee shall be assessed at \$100 for every 30 days the annual operating fee is delinquent.  
(Ord. KOC 97-830-53, passed 9-2-1997)

**§ 50.101 PERMIT EXTENSIONS.**

(A) A CDDL of less than one acre shall not be granted a permit extension.

(B) A CDDL of greater than one acre may apply for a permit extension under the following conditions.

(1) Application for a permit extension must be made 180 days prior to the expiration of the existing permit, unless permission is granted for a later date by the Solid Waste Coordinator.

(2) Applications for renewal must follow the application requirements outlined in § 50.096(A), (B)(1), (C) and (D).

(C) The Solid Waste Coordinator shall consider whether all conditions of the original permit and modifications of permit conditions were met. The Solid Waste Coordinator may request updated information necessary for reevaluating the permit's suitability for reissuance and impose additional or modified permit conditions when deemed appropriate.

(D) Permit renewals shall be issued for an additional ten-year period.  
(Ord. KOC 97-830-53, passed 9-2-1997)

**§ 50.102 MINIMUM SITING STANDARDS.**

(A) CDDLs and operations and activities associated with CDDLs may not be placed or occur in any type of intermittent stream, perennial stream, river, pond, lake, impoundment, wetland, 100-year floodplain, feature of karst terrain or habitat of state or federally listed threatened or endangered species. An exception to the above (barring habitat for state or federally listed threatened or endangered species) is allowed for linear development such as stormwater conveyance structures, access driveways, utility crossings and the like, so long as no other practicable alternative exists that would otherwise avoid the impact.

(B) CDDLs shall not be placed within:

(1) Two hundred and fifty feet of any unplugged well except monitoring wells;

(2) Fifty feet of a septic system leach field;

(3) Twenty-five feet of a septic system collection tank;

(4) Fifty feet of a gas, sewer or water line for a greater than one acre CDDL and 25 feet for a less than one acre CDDL;

(5) Two hundred and fifty feet of a feature of karst terrain;

(6) Two hundred and fifty feet of an intermittent or perennial stream; and

(7) Two hundred and fifty feet of a pond, lake, impoundment or wetland.

(C) Exceptions to divisions (A) and (B) above are as follows:

(1) Re-routing and piping of intermittent streams is allowable so long as the appropriate state or federal permits are obtained including a 401 water quality certificate pursuant to 401 KAR 5:029 through 401 KAR 5:031; and

(2) Filling of isolated ponds and impoundments of ephemeral or intermittent streams is allowable so long as the appropriate state or federal permits are obtained.  
(Ord. KOC 97-830-53, passed 9-2-1997)

#### **§ 50.103 MINIMUM CONSTRUCTION STANDARDS.**

(A) CDDLs must be constructed in accordance with the provisions of this chapter.

(B) General construction standards are as follows.

(1) Side slopes shall conform to state regulations and be mowable, but in no event shall exceed one foot vertical to four foot horizontal.

(B) The installation of roads, parking areas, buildings, structures and operation facilities and equipment shall be located on the site so that adjoining properties will not be adversely affected. At minimum, the roads and parking areas must be designed to withstand heavy truck and machinery traffic.

(C) All CDDLs must construct and maintain a truck tire cleaning facility in conformance with the approved permit design. Mechanical devices, such as gravel construction entrance pads, are encouraged.

(Ord. KOC 97-830-53, passed 9-2-1997)

#### **§ 50.104 LINERS.**

(A) All CDDLs must be constructed with a bottom and sidewall liner.

(B) Liners shall be constructed of soil with a minimum thickness of 24 inches. The low permeability soil component shall include a minimum of 12 contiguous inches of  $1 \times 10^{-7}$  centimeter per second maximum permeability material, or its equivalent. A professional engineer must certify that the completed liner complies with the permeability standard. The certification document shall include a minimum of four post construction tests per acre of constructed liner that supports the certification. All sampling, testing and certifications shall be performed by an independent entity(s). The test results shall be presented to the Solid Waste Coordinator before the liner inspection. (See § 50.117.)

(C) Liner construction may be staged in sections. Sections shall be no smaller than a quarter acre in size. The partial liner sections must possess sufficient edge to allow proper construction of a seam when the remaining portion of the liner is constructed. This edge must be protected from damage until a time that the seam is created. Each section shall be tested for liner permeability as outlined in division (B) above.

(D) The minimum bottom slope shall be 3% towards the leachate collection line and 1% along the leachate collection line.

(E) The lowest component of the CDDL liner shall be at least four feet above the seasonal high water table.

(F) The lowest component of the CDDL liner shall be at least two feet above the bedrock.

(G) A bearing layer of select CDD or other approved material, a minimum thickness of 24 inches, shall be deposited over the liner to protect it from damage caused by heavy machinery and/or other operational aspects. Bearing layer material shall be free from large objects or other debris that, when placed on the liner, could harm the integrity of the liner system. In addition, a professional engineer shall certify that the bearing layer possess enough permeability so as to not adversely affect the integrity of the leachate collection system. The bearing layer shall be installed prior to CDD disposal. This requirement can be superseded by a Cabinet approved drainage layer as per 401 KAR 48.060. (Ord. KOC 97-830-53, passed 9-2-1997)

#### § 50.105 LEACHATE COLLECTION SYSTEM.

(A) *Conveyance system.*

(1) All CDDLs shall have a leachate collection system in place prior to CDD disposal.

(2) At minimum, a leachate collection system shall consist of a toe-drain and a single interior collection line. The interior collection pipe will be, at minimum, an eight inch diameter perforated pipe, surrounded by two feet of crushed rock.

(3) The toe-drain will be constructed along the down gradient side of the CDDL.

(4) Extension of the toe-drain collection system around the perimeter of the CDDL or the construction of additional interior collection lines may be required if the shape of the CDDL or other site conditions is such that total leachate collection is uncertain. The Solid Waste Coordinator will maintain the right to require additional improvements at his or her discretion to ensure that leachate is collected.

(5) Staging of lateral line construction or activation in order to capture leachate from an active filling area and to avoid collecting stormwater that has not come in contact with CDD is permissible.

(B) *Collection tank.*

(1) All leachate collected by the leachate conveyance system must be discharged to the leachate collection tank.

(2) The tank may be made of fiberglass, steel or pre-casted concrete. A single tank or multiple tanks may be used; however, the total tank capacity shall be a minimum of 2,000 gallons.

(3) The construction of the tank may be similar to that used in standard septic system designs.

(4) The design of the tank must be such that standard laboratory sampling devices, such as bailers, can be employed to extract sufficient quantities of the leachate for testing.

(5) All pipe entrances to the tank must be sealed to be watertight.

(6) The top manhole port used to evacuate the internal product must be a minimum of ten inches in diameter and exposed for easy access.

(7) Any tools necessary for the removal of the port lid must be present on site at all times until closure of the CDDL.

(Ord. KOC 97-830-53, passed 9-2-1997)

**§ 50.106 STORMWATER DIVERSION SYSTEM.**

(A) All CDDLs shall have the permanent stormwater diversion system in place down gradient of the waste cell footprint before CDD disposal can commence. Construction of temporary ditches to divert stormwater to the permanent system during construction is required.

(B) Stormwater diversion systems will be designed to reduce leachate production during construction of the CDDL, divert all stormwater around and away from the CDDL, divert stream flows and to protect the CDDL from erosion.

(C) The permanent system must have the design capacity to handle a 25-year storm event and be hydrologically connected to a surface water feature (i.e., ditch, stream, pond and the like).

(D) At minimum, the permanent system shall consist of a two-foot wide ditch or swale that extends around the perimeter of the CDDL. The permanent conveyance structure shall be lined with a minimum of six inches of rip-rap or geo-textile fabrics.

(E) The Solid Waste Coordinator shall maintain the right to require additional stormwater diversion structures or facilities at his or her discretion in order to protect the CDDL from erosion or to reduce leachate production. This includes, but is not limited to, requiring the installation of scour-holes, berms, revetments, headwalls and detention ponds.

(Ord. KOC 97-830-53, passed 9-2-1997)

**§ 50.107 FINAL CAP SPECIFICATIONS.**

(A) The CDDL shall be capped with at least two feet of compacted soil graded with sufficient slope to allow run-off of stormwater. Acceptable soils for use in constructing the CDDL cap include clay and silty clay as defined by the Unified Soil Classification System.

(B) Soil shall be conditioned to properly take to seeding. Therefore, liming and fertilizing is required as well as a thick seed cover of two legumes, one perennial grass and one annual grass.

(C) Lime shall be applied at a rate of two tons per acre.

(D) Fertilizer, 10-10-10, shall be applied at a rate of 100 pounds per acre.

(E) Straw mulch shall be applied at a rate of 70 bales per acre.

(F) Other mulching, seeding and conditioning options may be employed such as hydro seeding and use of topsoil with prior approval from the Solid Waste Coordinator.  
(Ord. KOC 97-830-53, passed 9-2-1997)

**§ 50.108 LEACHATE COLLECTION SYSTEM OPERATION.**

(A) The operator shall maintain the leachate collection system in working order at all times. The leachate collection system shall be visually inspected every week and the quantity of leachate in the collection tank recorded in a log. In addition, the leachate collection log shall reflect when leachate is removed, the volume removed, the disposal company employed and the ultimate method of disposal.

(B) Any damage to the leachate collection system shall be corrected within 48 hours of its occurrence. These events shall be recorded and reported to the Solid Waste Coordinator during the monthly status report.

(C) Any failures of the leachate collection system shall be recorded and reported to the Solid Waste Coordinator within 48 hours of its occurrence and noted in the monthly status report.

(D) Leachate shall be properly disposed at a wastewater treatment plant or through a licensed disposal facility.

(E) Leachate shall be pumped out of the collection tank and properly disposed when the tank reaches 90% capacity.

(F) Waste characterization (sampling analysis) of the leachate shall be performed in accordance with the requirements of the leachate disposal facility. Results of all characterization analyses shall be sent to the Solid Waste Coordinator with the monthly report.



(G) Leachate shall be sampled every two months during operation of the CDDL and quarterly after the CDDL is capped. Monitoring shall continue two years following closure of the CDDL. All sampling and testing shall be conducted by an independent laboratory.

(H) Leachate shall be tested for the following parameters:

- (1) pH;
- (2) Total nitrogen (TN);
- (3) Total organic carbon (TOC);
- (4) Sulfates;
- (5) Suspended solids;
- (6) Volatile organic compounds (VOC);
- (7) Semivolatile organic compounds (SVOC);
- (8) Priority pollutant and sludge metals; and
- (9) Polychlorinated biphenyls (PCBs).

(I) Monitoring requirements may be relaxed at the discretion of the Solid Waste Coordinator whereby the frequency of testing, the duration of sampling or the tested parameters may be reduced if it can be demonstrated by the operator that human health and safety and environmental protection are not compromised.

(J) The requirement for leachate monitoring shall be waived if a Cabinet approved groundwater monitoring plan is implemented.

(Ord. KOC 97-830-53, passed 9-2-1997)

#### **§ 50.109 GENERAL OPERATING REQUIREMENTS.**

(A) CDDLs may operate during daylight hours Monday through Saturday. The Solid Waste Coordinator has the authority to restrict hours of operation when warranted for public safety reasons. Restrictions on the hours of operation may be warranted when the CDDL is in close proximity to residential areas or when CDDL heavy truck traffic must travel through a residential area.

(B) The operation shall be conducted so as not to create a nuisance or cause undue noise, vibration, dust or odor to adjacent properties. The premises shall be kept in a neat and clean condition at all times. Loose paper or debris shall be controlled on the site. Dusty conditions shall be corrected by sprinkling with water or other methods meeting current state standards.

(C) Debris is to be spread and compacted over the site by the end of the working day following disposal.

(D) No burning of any material is to occur at the CDDL. Any smoldering flame or spontaneous combustion shall be immediately extinguished. Any fires at the CDDL must be reported in the status report.

(E) Only construction/demolition debris allowed by the Cabinet shall be disposed in the CDDL. Substances deemed hazardous by state and/or federal law, or any other non-construction/demolition debris material shall not be disposed in the CDDL.

(F) (1) All CDD loads shall first be sent to a permitted transfer facility before they are diverted to a less than one acre CDDL. All loads for a less than one acre CDDL shall be inspected at the transfer facility. All loads for a greater than one acre CDDL shall be inspected at the facility gate. All non-CDD is to be extracted from the load. Extracted waste shall be properly disposed. Non-hazardous waste not allowed in the CDDL shall be transported to a contained landfill. A licensed hauler shall transport hazardous waste to a properly permitted hazardous waste disposal facility.

(2) Recyclable materials may be extracted at this time. The remaining CDD shall then be transferred directly to the working face of the CDDL or first reduced in volume by mechanical means.

(3) Diversions of disposal ready loads of CDD directly to the CDDL is permitted with prior approval from the Solid Waste Coordinator.

(G) Roads accessing the property of the CDDL site must be kept cleared of mud, dirt and other debris associated with the construction, operation and closure of the CDDL.

(H) Two sets of daily logs of the CDDL use shall be generated by the operator. The first set of logs shall be maintained at the place of business of the operator, and within the county, and shall include the date, origin of the debris (to include the name, address and phone number of the responsible party), number of truckloads and the total cubic yards disposed. This set of logs will be available to the Solid Waste Coordinator with a minimum of 24 hours prior notice. The information concerning the origin of the debris shall be maintained as confidential, except as necessary to establish a violation pursuant to §§ 50.167 or 50.999, or in an appeal pursuant to § 50.168. The operator shall have the right to seek confidential treatment of the information concerning the origin of the debris in any proceeding conducted pursuant to §§ 50.167, 50.168 or 50.999. The second set of daily logs shall be submitted as part of the monthly status report and shall include the date, number of truckloads and the total cubic yards disposed at the CDDL.

(I) A monthly status report detailing the daily log summary, leachate monitoring results, leachate characterization results, leachate collection log, groundwater monitoring results (if applicable), any incidents, corrective measures and any other reporting requirements of this chapter must be submitted to the Solid Waste Coordinator by the twentieth day of the following month.

(J) CDDL must have a sign at the driveway entrance in accordance with state and county regulations.

(K) A landfill operator, certified by the Cabinet, shall be on duty or available any time the CDDL is open for use. The use of an interim operator is permissible as long as the Solid Waste Coordinator is notified.

(L) The operator shall obtain and maintain, in good standing order, all other local and state permits and requirements.

(M) (1) An unlit sign shall be installed at the CDDL driveway entrance with the public street.

(2) The sign shall contain the following information:

(a) Statement that this is a facility for the disposal of construction demolition debris and is not open for unsupervised dumping:

1. Name and telephone number of the county's Solid Waste Coordinator and police dispatch's non-emergency telephone number; and

2. Name and business telephone number of CDDL operator.

(b) The size of the sign shall be adequate to make it readily legible from the public right-of-way. The sign shall be maintained in a readable condition during the CDDL operation and remain in place until the CDDL has been properly closed in accordance with this subchapter. (Ord. KOC 97-830-53, passed 9-2-1997; Ord. KOC 99-830-199, passed 6-1-1999)

#### § 50.110 CLOSURE REQUIREMENTS.

A CDDL shall be considered closed after the following have occurred:

(A) The CDDL does not accept any additional quantities of waste;

(B) The CDDL is properly capped, mulched, seeded and fertilized;

(C) The CDDL cap and all disturbed areas associated with the CDDL construction have obtained 90% vegetative ground coverage;

(D) Leachate production has ceased or tested parameters are below the appropriate state groundwater or surface water standards for two testing periods;

(E) The operator has submitted an as-built survey and site plan of the CDDL showing the final elevation contours of the CDDL cap. The site plan shall show the final volume of the landfill with and without the cap material. The site plan shall also follow the specification outlined in § 50.098; and

(F) The Solid Waste Coordinator has conducted the final inspection of the CDDL.  
(Ord. KOC 97-830-53, passed 9-2-1997)

**§ 50.111 RETURN OF GUARANTEE.**

The guarantee deposit shall be returned after the following have occurred:

(A) The CDDL has been closed for two years; and

(B) There are no outstanding notices of violations of county, state or federal environmental laws applicable to the CDDL. This includes any outstanding violations of the environmental performance standards outlined in 401 KAR 47:030.

(Ord. KOC 97-830-53, passed 9-2-1997)

**§ 50.112 WAIVER OF STRICT COMPLIANCE.**

(A) The applicant may apply for a waiver of strict compliance with §§ 50.102, 50.108(J), 50.109(F) and 50.110. Waivers of strict compliance must state the nature of the waiver requested and the reasons why this will not cause a measurable impact to the health, safety and welfare of the public, integrity of the environment and the ability of the Solid Waste Coordinator to enforce this chapter.

(B) It will be at the discretion of the Solid Waste Coordinator to issue a waiver of strict compliance to the CDDL permit. The Solid Waste Coordinator decision shall be based upon the potential impact of the waiver to the health safety and welfare of the public and the potential to pollute or otherwise degrade the environment. The Solid Waste Coordinator, under the following conditions, may issue waivers of strict compliance.

(1) Waivers of strict compliance are to be made in writing with an original and three copies of all information submitted.

(2) Applications for a waiver of strict compliance shall include:

(a) A non-refundable fee of \$500 if the waiver application is made outside of the initial CDDL permit application. No permit fee shall be assessed if the waiver application is made with the initial CDDL permit application; and

(b) Proof of notification for all property owners adjacent to the property that states the applicant is applying for a waiver of strict compliance and the nature of the waiver, the applicant's name and address, the property parcel number of the CDDL property, the property owner's name and must include a map showing the location of the of the CDDL in relation to surrounding properties and public roads.

(3) Provisions of the waiver approval shall be incorporated as conditions to the CDDL permit and shall be relevant to that permit only.

(4) Waivers of strict compliance shall not be entertained after a permit application has been denied.

(5) No waiver may be issued that would violate state or federal law.

(6) The Solid Waste Coordinator shall place a public notice in at least one local paper to solicit public comments on the waiver of strict compliance. The Solid Waste Coordinator shall make available for public review a copy of the waiver application. A 30-day public comment period shall be observed before a decision is rendered.

(7) The Solid Waste Coordinator may place a time limit on the waiver.  
(Ord. KOC 97-830-53, passed 9-2-1997)

#### **§ 50.113 PERMIT MODIFICATIONS.**

Sections 50.114 through 50.116 set forth the requirements for changes to permits.  
(Ord. KOC 97-830-53, passed 9-2-1997)

#### **§ 50.114 TRANSFER OF PERMITS.**

A permit is not transferable without approval by the Solid Waste Coordinator. New owners or operators shall provide the Solid Waste Coordinator with the appropriate information such as name, address and phone number and revised bonding (if appropriate). The Solid Waste Coordinator shall issue a new permit to incorporate the new owners or operators. Transfer of ownership shall be considered a major permit modification.

(Ord. KOC 97-830-53, passed 9-2-1997)

#### **§ 50.115 MAJOR AND MINOR PERMIT MODIFICATIONS.**

(A) The Solid Waste Coordinator may, upon review of submitted information, which sufficiently describes the requested action, issue a permit modification to the operator or owner. Any permit not processed as a major modification shall be deemed a minor modification and shall be exempt from the public notification requirements prior to approval. A major modification shall be deemed to exist if the proposed change is of the scope and nature that the Solid Waste Coordinator determines that public notice is necessary to allow participation in the county's decision by persons who have an interest which may be adversely affected by the proposed change.

(B) Major modifications shall include, but shall not be limited to:

(1) An increase in the area authorized for waste disposal of any unit as represented by the waste boundary in the original application and permit. This type of action is a horizontal expansion;

(2) An increase in the CDDL capacity that extends the life of the facility by more than two years and is not a horizontal expansion. This type of action is a vertical expansion;

(3) Transfer of ownership to a person other than that named on the permit; and

(4) Implementation of a corrective action plan required by the Cabinet under 401 KAR 48:300, § 8(9). The public notice requirements shall not hamper corrective action activities in situations where there is an immediate threat to human health or the environment.  
(Ord. KOC 97-830-53, passed 9-2-1997)

#### § 50.116 PERMIT MODIFICATION APPLICATIONS.

(A) Permit modifications are to be made in writing with an original and three copies of all information submitted.

(B) Applications for a permit modification shall include:

(1) A non-refundable fee of \$250 for a minor permit modification or a non-refundable fee of \$500 for a major permit modification; and

(2) For a major permit modification: proof of notification for all property owners adjacent to the property that states the applicant is applying for a major permit modification, the nature of the modification, the applicant's name and address, the property parcel number of the CDDL property, the property owner's name, and must include a map showing the location of the of the CDDL in relation to surrounding properties and public roads.

(C) For a major permit modification, the Solid Waste Coordinator shall place a public notice in at least one local paper to solicit public comments. The Solid Waste Coordinator shall make available for public review a copy of the major permit modification. A 30-day public comment period shall be observed before a decision is rendered.

(D) Provisions of the permit modification shall be incorporated as conditions to the CDDL permit and shall be relevant to that permit only.

(E) No permit modification may be issued that would violate state or federal law.  
(Ord. KOC 97-830-53, passed 9-2-1997)

**§ 50.117 INSPECTIONS.**

(A) Any construction/demolition debris landfill, whether permitted or not, may be inspected by the Solid Waste Coordinator in accordance with § 50.165.

(B) In addition, the following mandatory inspection criteria will apply.

(1) *Liner.* The Solid Waste Coordinator shall inspect the liner, testing data and bearing layer when it is completed. The liner shall be inspected for completeness and permeability. The Solid Waste Coordinator shall respond to a request for an inspection of the liner system within two working days of the request. If the Solid Waste Coordinator fails to inspect within two working days, the permittee may proceed to the next phase of construction, after submitting certification from a registered professional engineer that construction has been completed in accordance with the applicable requirements of this chapter and permit conditions. In addition, the permittee must provide proof of guarantee as per § 50.120.

(2) *Leachate collection system.* The Solid Waste Coordinator shall inspect the leachate collection system when it is completed. The leachate collection system shall be inspected for completeness and workmanship. The inspection shall take place before trenches and excavations are backfilled. The Solid Waste Coordinator shall respond to a request for an inspection of the leachate collection system within two working days of the request. If the Solid Waste Coordinator fails to inspect within two working days, the permittee may proceed to the next phase of construction, after submitting certification from a registered professional engineer that construction has been completed in accordance with the applicable requirements of this chapter and permit conditions.

(3) *Final inspection.* The Solid Waste Coordinator shall inspect the CDDL when it is completed. The inspection will focus on the integrity of the cap and stormwater diversion system as well as any other feature associated with the CDDL. The CDDL shall be considered closed following approval of the final inspection.

(4) *Post closure inspection.* The Solid Waste Coordinator shall inspect the CDDL no less than two years following closure of the facility. The inspection will focus on the integrity of the cap and stormwater diversion system as well as any other feature associated with the CDDL. This inspection approval is required before the guarantee deposit can be released.

(Ord. KOC 97-830-53, passed 9-2-1997; Ord. KOC 99-830-199, passed 6-1-1999)

**§ 50.118 STOP WORK ORDER.**

In instances where continued operation or construction of the CDDL in violation of this chapter will pose an immediate risk to the human safety or the environment, or repeated violations have been made by the operator, the Solid Waste Coordinator shall have the right to impose a stop work order. Issuance of a stop work order shall be made in writing and given to the operator of the CDDL and the landowner.

The stop work order shall stipulate the corrective actions that must take place in order to resume operations at the CDDL.

(Ord. KOC 97-830-53, passed 9-2-1997)

#### **§ 50.119 PERMIT DISPLAY.**

Any person operating under a permit required by this subchapter shall prominently display a copy of the permit, in a weatherproof manner, at the fill site.

(Ord. KOC 97-830-53, passed 9-2-1997)

#### **§ 50.120 GUARANTEE.**

To insure the strict compliance with all of the above conditions, the applicant shall deposit with the county cash or a certified check, or execute a bond with a corporate surety authorized to do a surety business in the state. The amount of cash, certified check or bond shall be fixed at the rate of \$5,000 per acre of liner constructed or portion thereof. Initial applications for a CDDL must submit a minimum guarantee to cover one acre of constructed liner, or \$5,000.

(Ord. KOC 97-830-53, passed 9-2-1997)

### ***SOLID WASTE INCINERATORS***

#### **§ 50.135 OPERATING REQUIREMENTS.**

(A) Incineration of solid waste must be in accordance with an approved state permit for the facility. Incineration of solid waste must take place in an enclosed device using controlled flame combustion.

(B) The hauling of burned refuse and ash to disposal sites, if along a public road, must be in covered vehicles or containers.

(C) The area of the incinerator shall be so fenced as to prevent rubbish from spreading to adjacent properties.

(D) Incinerated material must be disposed of in accordance with an approved state permit. A soil cover must be maintained over incinerated material disposed of on site to prevent the spreading of refuse and ash to adjacent properties.

(E) A source of water of sufficient quantity to combat fires shall be available at the incinerator location at all times.

(Ord. KOC 99-830-199, passed 6-1-1999)



**§ 50.136 CLOSURE REQUIREMENTS.**

The Solid Waste Coordinator shall approve the finished land elevation to be attained at the disposal site for the incinerated material, if the incinerated material is disposed of in a fill. There shall be a minimum of two feet of soil cover over the final filling operation.

(Ord. KOC 99-830-199, passed 6-1-1999)

**§ 50.137 BONDING REQUIREMENTS.**

A performance bond amounting to \$1,000 per acre of the incinerator and disposal site shall be filed with the county or city to ensure proper finishing of the fill area.

(Ord. KOC 99-830-199, passed 6-1-1999)

***SOLID WASTE TRANSFER STATIONS*****§ 50.150 SITING REQUIREMENTS.**

All stations shall have a minimum site area of ten acres with security provisions to prevent unauthorized access.

(Ord. KOC 99-830-199, passed 6-1-1999)

**§ 50.151 OPERATING REQUIREMENTS.**

(A) All transfer operations shall be conducted in fully enclosed buildings, none of which shall be located closer than 1,000 feet to any residential or commercial use or zoning district.

(B) No waste material shall be stored on-site for longer than 12 hours.

(C) A list of all sources of solid waste to be received by the facility shall be required to be submitted to the Solid Waste Coordinator prior to the beginning operations at the facility. No waste shall be received from a source that is not on the submitted list.

(D) An engineer appropriately registered in the state shall be on site at all times that waste is being transferred from one mode of transportation to another (for example, from rail to truck) to confirm the receipt of only non-hazardous waste from approved sources. A daily certification report from the engineer listing all waste sources, types and amounts received in each month shall be submitted to the Solid Waste Coordinator no later than the tenth day of the following month.

(E) Stations shall provide suitable containers for the recycling of waste materials by the public unless a waiver of this requirement is approved by the Solid Waste Coordinator. Recycled materials shall

include, but not be limited to, newspaper, aluminum, glass and other materials that can be economically recycled. The facility shall be responsible for the proper reclamation of these materials.

(F) Any receipt of hazardous waste, waste not listed on the submittal to the county, or waste not permitted by the state, shall be considered grounds for the Solid Waste Coordinator to impose a stop work order. The stop work order shall be in writing and given to the owner or operator of the solid waste transfer station and shall order the operator or owner of the facility to immediately stop accepting the unpermitted waste. The stop work order shall set forth any corrective actions necessary to properly dispose of the unpermitted waste.

(Ord. KOC 99-830-199, passed 6-1-1999)

### ***INSPECTIONS AND ENFORCEMENT***

#### **§ 50.165 INSPECTIONS.**

In order to ensure compliance with the laws of the state, this chapter and the rules and regulations authorized herein, the Solid Waste Coordinator is authorized to inspect all phases of management, processing or disposal of solid waste at a solid waste site or facility within the county, whether or not the site or facility is permitted by the state or the county. No inspection shall be made in any residential unit unless authorized by the occupant or by due process of law. In all instances where these inspections reveal a violation of this chapter, the Solid Waste Coordinator shall issue a notice for each violation stating therein the violation or violations found, the corrective measures to be taken and a deadline for completing the corrective measures.

(Ord. KOC 99-830-199, passed 6-1-1999)

#### **§ 50.166 PERMIT SUSPENSION OR REVOCATION.**

In all cases, when the corrective measures have not been taken within the time specified, the Solid Waste Coordinator shall suspend or revoke any county permit or permits for the site or facility where the violations have occurred. However, in those cases where an extension of time will permit correction and there is no public health hazard created by the delay, one extension of time not exceeding the original period may be given. In the case of those sites or facilities where only a state permit has been obtained, the suspension or revocation of the state permit shall be considered the suspension or revocation of the county's approval of any solid waste management, processing or disposal activities at the site, for purposes of enforcing this chapter.

(Ord. KOC 99-830-199, passed 6-1-1999)

**§ 50.167 INJUNCTIVE RELIEF.**

The Solid Waste Coordinator may request the action of a court of law to enjoin any violations of this chapter or any rule or regulation promulgated thereunder. In the event a solid waste permit is revoked by the state or the county, and the person continues to operate, the Solid Waste Coordinator may request the action of a court of law to enjoin the continued operation of the site or facility.

(Ord. KOC 99-830-199, passed 6-1-1999)

**§ 50.168 APPEAL.**

Any person who feels aggrieved by any final determination made pursuant to this chapter, or notice of violation or order issued pursuant thereto by the Solid Waste Coordinator, may within 30 days of the final determination or order for which redress is sought appeal directly to the County Fiscal Court in writing, setting forth in a concise statement the final determination or order being appealed and the grounds for its reversal. An appeal does not stay the effectiveness of the determination or order.

(Ord. KOC 99-830-199, passed 6-1-1999)

**§ 50.999 PENALTY.**

(A) *Criminal penalties.* Any person violating any provisions of this chapter, with the exception of §§ 50.095 through 50.120, or any conditions of issued permits, upon conviction, shall be punished by a fine of not less than \$25 nor more than \$500. Any person violating provisions of §§ 50.095 through 50.120, or any conditions of issued permits, upon conviction, shall be punished by a fine of not less than \$25 nor more than \$15,000. Any authorized Enforcement Officer may issue violators of this chapter a citation.

(B) *Civil enforcement.* Notwithstanding any other provision for enforcement of this chapter, civil enforcement of any provision of this chapter may be undertaken before the County Code Enforcement Board pursuant to regulations, procedures and penalties established by the Code Enforcement Board and/or the County Code Enforcement Ordinance. Civil procedures and criminal procedures for any one violation of this chapter shall be mutually exclusive.

(C) *Separate offense.* Each day the nuisance is permitted to exist is a separate offense.  
(Ord. KOC 94-800-846, passed 6-21-1994; Ord. KOC 97-830-53, passed 9-2-1997; Ord. 02-830-91, passed 11-19-2002)

# **APPENDIX 5.2**

## **NUISANCE ORDINANCES**

COMMONWEALTH OF KENTUCKY

OLDHAM COUNTY

KOC 89-800-846

\* \* \* \* \*

AN ORDINANCE RELATING TO THE ABATEMENT OF NUISANCES IN  
OLDHAM COUNTY, KENTUCKY.

\* \* \* \* \*

WHEREAS, the Fiscal Court has the authority pursuant to  
KRS 67.083(3)(a), to enact ordinances to cause the abatement of  
nuisances; and,

WHEREAS, there exists in areas of Oldham County, Ken-  
tucky, privately owned properties whose condition or use causes  
or tends to cause substantial diminution in the value of nearby  
properties or tends to render such properties as dangerous or  
detrimental or adverse to the health and welfare or offensive to  
the senses of the residents of Oldham County, Kentucky;

NOW, THEREFORE, be it ordained by the Fiscal Court of  
Oldham County, Kentucky that:

(1) Definitions

(a) "Nuisance" means any condition or the use of  
premises or of building exteriors which is detrimental to the  
property of others or which causes or tends to cause substantial  
diminution in the value of other properties or which renders such  
properties as dangerous or detrimental or adverse to the health  
or welfare or offensive to the senses of the residents of Oldham  
County. This includes, but is not limited to, the keeping or the

depositing on or the scattering over the premises of any of the following:

(1) Lumber, junk, trash or debris;

(2) Abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers;

(3) Manure or compost piles or other material which is of such a nature as to spread or harbor disease, emit unpleasant odors or harmful gas, or attract rodents, vermin or other disease-carrying pests, animals or insects. This section shall not apply to farming and nursery operations where the matter is kept over 100 feet from the nearest property line.

(4) Keeping unsanitary matter on premises.

It shall be unlawful for any person to keep, or permit another to keep upon any property deleterious or septic material, unless such material is retained in containers or vessels which deny access to humans, flies, insects, rodents or animals. This section shall not apply to overflowing septic tanks and lateral lines as those items are subject to existing health department regulations or to farming and nursery operations where the matter is kept over 100 feet from the nearest property line.

(2) Duty of Maintenance of Private Property

No person owning, leasing, occupying or having charge of any property shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of other properties.

(3) Exterior Storage of Non-Operating Vehicles Prohibited

No person in charge of or in control of property, whether as owner, lessee, tenant, occupant or otherwise shall allow any partially dismantled, wrecked, junked, discarded or otherwise non-operating motor vehicle or machine to remain on such property longer than fifteen (15) days; except that this section shall not apply with regard to any vehicle in an enclosed building or so located upon the premises as not to be readily visible from any public place or from any surrounding private property. This section shall further not apply to a lawfully operated junk yard in the business of long term sale of parts approved by Planning & Zoning.

(4) Petition and Notice

This ordinance shall be enforced upon the filing of a petition before the Oldham County Zoning Enforcement officer by two (2) residents of the county alleging that an owner, lessee, or occupant of any property is maintaining or keeping a nuisance thereon or maintaining his premises in a manner causing substantial diminution in the value of other property or tends to render such properties as dangerous or detrimental or adverse to health and welfare or offensive to the senses of the residents of Oldham County, then the zoning enforcement authority shall visit the premises of the alleged nuisance and if a preliminary investigation by the zoning enforcement officer discloses a basis for such charges, the zoning enforcement authority shall serve notice-

on the property owner, lessee, occupant or person having charge of the premises directing said person(s) to abate the nuisance within ten (10) days of the date of the notice.

SEVERABILITY CLAUSE

If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

(5) Penalty

If the owner, lessee, occupant or person having charge of any property shall maintain or keep a nuisance thereon longer than 15 days after notice from the Oldham County Zoning Enforcement Officer, then each of them, upon conviction thereof, shall be fined not less than Fifty (\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars for each offense and separate offenses shall be deemed committed on each day the nuisance is permitted to exist.

This Ordinance shall become effective upon its passage and advertisement according to law.

Dated this September 5, 1989.

This Ordinance repeals Ordinance No. KOC800-841.

Wendell Moore  
WENDELL MOORE,  
Oldham County Judge/Executive

ATTEST:

Artha R. Davis  
ARTHA R. DAVIS  
Oldham County Fiscal Court Clerk



COMMONWEALTH OF KENTUCKY  
OLDHAM COUNTY  
ORDINANCE NO. 02-846-93

11-10-  
Book No. 4 page 93

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AN ORDINANCE RELATING TO AN AMENDMENT TO THE  
EXISTING ABATEMENT OF NUISANCES ORDINANCE.

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WHEREAS, Oldham Fiscal Court has the authority pursuant to the  
provisions of KRS Chapter 67.083(3)(a), to enact an ordinance to cause the abatement of  
nuisances within the county; and,

WHEREAS, Oldham Fiscal Court has the authority pursuant to the  
provisions of KRS Chapters, 67, 100, and other applicable law to amend ordinances; and,

WHEREAS, the Oldham County Fiscal Court did advertise and conduct a  
public hearing on the recommended ordinance amending the Oldham County Abatement  
of Nuisances Ordinance KOC 89-800-846, and the said Fiscal Court having voted to  
adopt the proposed changes at its regular meeting conducted 11-19, 2002.

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

(1) The following language is deleted:

(5) Penalty

If the owner, lessee, occupant or person having charge of any property shall  
maintain or keep a nuisance thereon longer than ten days after notice from the Oldham  
County Zoning Enforcement Officer, then each of them, upon conviction thereof, shall be  
fined not less than Fifty (\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars  
for each offense and separate offenses shall be deemed committed on each day the  
nuisance is permitted to exist.

(2) The following language is added:

(5) Criminal Penalty

If the owner, lessee, occupant or person having charge of any property shall maintain or keep a nuisance thereon longer than ten days after notice from the Oldham County Zoning Enforcement Officer, then each of them, upon conviction thereof, shall be fined not less than Fifty (\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars for each offense

(3) The following language is added after Section (5):

(6) Civil Enforcement

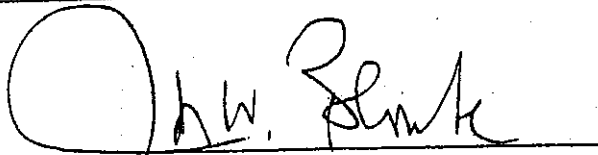
Notwithstanding any other provision for enforcement of this ordinance, civil enforcement of any provision of this ordinance may be undertaken before the Oldham County Code Enforcement Board pursuant to regulations, procedures and penalties established by the Code Enforcement Board and/or the Oldham County Code Enforcement Ordinance. Civil procedures and criminal procedures for any one violation of this ordinance shall be mutually exclusive.

(4) The following language is added after Section (6):

(7) Each day the nuisance is permitted to exist is a separate offense.

This ordinance shall become effective upon its passage and advertisement according to law.

Dated this 19 day of November 2002.

  
JOHN W. BLACK  
Oldham County Judge/Executive

# **CHAPTER SIX**

# **ATTACHMENTS**

# **APPENDIX 6.1**

## **SITING ORDINANCE**

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## **DIVISION 220 SWF-1 SOLID WASTE FACILITIES DISTRICT**

### **Sec. 220-010 Intent**

The primary purpose of the Solid Waste Facilities 1 (SWF-1) zoning district is to establish location and design standards that will:

1. Protect public health by preventing water pollution, air pollution, noise pollution, rodent infestation, or other health hazards that may occur as a result of the improper location, design, or operation of a solid waste facility.
2. Protect public safety and infrastructure by requiring proper design and construction of public streets and private driving facilities to accommodate the heavy equipment necessary for the collection, processing, transportation, and disposal of solid waste.
3. Promote compatibility with adjacent land uses by requiring adequate perimeter screening, activity setbacks, and careful review of subsequent land uses allowed on a properly closed solid waste facility site.
4. Promote public welfare by providing a suitable location for the disposal of solid waste.

### **Sec. 220-020 Permitted Uses**

Solid Waste or domestic septage site or facility, including any place at which solid waste or domestic septage is managed, processed or disposed, including:

1. Contained landfill
2. Construction Demolition Debris Landfill
3. Residual landfill
4. Landfarming or landspreading facility, including but not limited to any land application of domestic septage or sewage
5. Commercial recycling centers
6. Recycling facility
7. Transfer facility
8. Solid waste incinerators
9. Convenience centers
10. Commercial Composting
11. Sanitary Landfills
12. Vehicle wrecking and salvage operations
13. Any other solid waste site or facility for solid waste or domestic septage management, processing or disposal by landfilling, incineration, landfarming, landspreading or any other method.

#### **A. Accessory structures incident to any of the above uses.**

Any use which, in the opinion of the Commission, is of the same general character as those listed above.

### **Sec. 220-030 Required Lot Area**

There shall be no required minimum lot area in the SWF-1 Solid Waste Facilities District. The site must be of sufficient area to accommodate the required yard setbacks, structures, driving facilities, parking areas, storage areas, processing areas, disposal areas and any

**Oldham County Comprehensive Zoning Ordinance**  
**DIVISION 220 SWF-1 SOLID WASTE FACILITIES DISTRICT**

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minimum siting standards set forth in the Oldham County Solid Waste Ordinance Nos. KOC-94-800, KOC 97-830-53 and KOC-99-830-199.

**Sec. 220-040 Setbacks**

All structures, parking areas, and non-waste storage areas shall observe the following setbacks from property lines:

Front Yard Setback	100 Feet
Side Yard Setback	100 Feet
Rear Yard Setback	100 Feet

The driveway entrance road originating on the public street may encroach in the required yard setback area. Such driveway entrance road shall not consist of turnarounds, pulloffs, parking lanes or parking areas.

The required yard setback area shall remain undisturbed except for the installation of buffering provisions specified in Section 200-080.

All facility structures or land or water areas where solid waste management, processing or disposal is physically located or conducted shall observe the following setbacks from property lines, measured from the outside boundary of the structure or area:

Front Yard Setback	250 Feet
Side Yard Setback	250 Feet
Rear Yard Setback	250 Feet

**Sec. 220-050 Requirements When Adjacent to Specific Land Uses**

All facility structures or land or water areas where solid waste management, processing, or disposal is physically located or conducted shall observe the following minimum distances, measured from the outside boundary of the structure or area:

Residential Structure	1000 Feet
School or Church Property Line	1000 Feet
Public Park Property line	1000 Feet
Institutional Structure	1000 Feet
Industrial Structures	500 Feet

(Any structure or use listed above and located on the same property as the solid waste facility will not be required to observe the minimum distances.)

The Commission or Board of Adjustments may require greater minimum distances than set forth above if determined to be in the public's best interest.

The appropriate Board of Adjustments retains authority to grant a variance from the minimum distances in accordance with KRS Chapter 100 and Division 350 of this ordinance.

**Sec. 220-060 Access to Public Streets**

A transportation plan must be submitted to show the public street routes to be used for heavy truck traffic to and from the facility. Particular attention shall be given to the proper location



and design of vehicular access to the public street network. Attention shall be given to the adequacy of the public street network serving the SWF-1 District to insure safe heavy truck traffic. The plan must demonstrate that heavy truck traffic associated with the solid waste facility, particularly traffic traveling through residential areas, narrow streets or bridges (less than eighteen feet (18') in width), low underpasses, grade railroad crossings, steep grades on streets, and streets lacking shoulders, will not pose a hazard to public safety. Provisions for the safe design of driveway entrances, deceleration turn lanes, and signage shall be set forth in the plan.

Access to public streets shall observe the following minimum standards and must be properly permitted by the state:

Public Street Access Width

Twenty (20) Feet.

The requirement that any heavy truck traffic not pose a hazard to public safety may be addressed by obtaining written comment from the appropriate transportation agency responsible for the maintenance and improvement of the subject public street. These written comments must address the public safety issue of allowing heavy truck traffic on an inadequate road and may include specific construction measures to be undertaken to address the inadequacies.

#### **Sec. 220-070 Driving Facilities**

The minimum driving facilities shall be constructed:

1. Driveway entrance roads shall be paved with an all weather surface material and non-dusting material, such as asphalt, concrete or paver blocks, two hundred fifty feet (250') from its entrance with the public street.
2. Driveway entrance roads shall be of sufficient width to accommodate two-way heavy truck traffic as recommended by the county engineer or the State Transportation Cabinet.
3. Drop-off and sorting areas and pads shall be constructed of an all weather surface material and non-dusting material, such as asphalt, concrete or paver blocks.
4. All driveways, internal roads, and parking areas, with the exceptions listed above, shall be constructed with gravel or a non-dusting material such as asphalt, concrete or paver blocks. The construction standard and maintenance of driveways, internal roads, and parking areas shall be sufficient to prevent the tracking of mud or debris onto the public streets. If these conditions cannot be met or there is tracking of mud or debris onto the street, wheel washers shall be installed on site.

#### **Sec. 220-080 Buffering**

Particular attention shall be given to the installation and maintenance of buffering to adequately screen the SWF-1 District from adjoining properties and public rights-of-way. Buffering measures may include earthen berms, existing mature tree lines, evergreen plantings, screening fences, and ridges or slopes. A buffering measure or any combination of buffering measures must adequately screen the solid waste facility from the adjoining properties and public rights-of-way. Earthen berms shall not exceed four feet (4') in height

**Oldham County Comprehensive Zoning Ordinance**  
**DIVISION 220 SWF-1 SOLID WASTE FACILITIES DISTRICT**

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and be constructed in a manner to prevent slumpage and erosion. Earthen berms shall be seeded with a permanent grass cover and properly maintained.

The buffering measures are to be located within the setback areas specified in Section 200-040 and along the entire perimeter of the SWF-1 District.

**Sec. 220-090 Building Height**

No building or structure in the SWF-1 District shall exceed fifty feet (50') in height.

# **CHAPTER SEVEN**

## **ATTACHMENTS**

# **APPENDIX 7.1**

## **CODE ENFORCEMENT ORDINANCES**

AN ORDINANCE CREATING A CODE ENFORCEMENT BOARD

WHEREAS, it is the intent of KRS 65.8801 to 65.8839 to protect, promote, and improve the health, safety, and welfare of the citizens residing within the unincorporated area of Oldham County by authorizing the creation of an administrative board with the authority to issue remedial orders and impose fines in order to provide an equitable, expeditious, effective, and inexpensive method of ensuring compliance with the ordinances in force within that area of the County; and

WHEREAS, it is the desire of the Oldham County Fiscal Court to utilize the authority granted in KRS 65.8801 to 65.8839 by creating an Oldham County Code Enforcement Board.

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF OLDHAM, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:

**SECTION 1. Definitions.** The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning:

Code Enforcement Board shall mean an administrative body created and acting under the authority of the Local Government Code Enforcement Board Act (KRS 65.8801 to 65.8839).

Code Enforcement Officer shall mean an Oldham County police officer, sheriff, deputy sheriff, safety officer, citation officer, zoning enforcement officer, solid waste coordinator or other public law enforcement officer with the authority to issue a citation.

Ordinance shall mean an official action of the Oldham County Fiscal Court which is a regulation of a general and permanent nature and enforceable as a local law and shall include any provision of a code of ordinances adopted by the Oldham County Fiscal Court which embodies all or part of an ordinance.

**SECTION 2. Creation and Membership.** There is hereby created pursuant to KRS 65.8801 to KRS 65.8839 within the unincorporated area of Oldham County a Code Enforcement Board (the "Board") which shall be composed of five (5) members, all of whom shall be at least twenty-one (21) years of age and a resident of Oldham County for a period of at least one (1) year prior to the date of the member's appointment and shall reside there throughout the term in office.

**SECTION 3. Powers.**

- (a) The Board shall have the power to issue remedial orders and impose civil fines as a method of enforcing ordinances when a violation of the ordinance has been classified as a civil offense.
- (b) The Board shall not have the authority to enforce any ordinance the violation of which would also constitute a criminal offense or a moving motor vehicle offense under any provision of the Kentucky Revised Statutes.

**SECTION 4. Appointment of members; terms of office; removal from office; oath; and compensation.**

- (a) Members of the Board shall be appointed by the Oldham County Judge/Executive subject to approval of the Oldham County Fiscal Court.
- (b) The initial appointments to the Board shall be as follows: one (1) member appointed to a one (1) year term; two (2) members appointed to a two (2) year term; and two (2) members appointed to a three (3) year term. All subsequent appointments shall be for a term of three (3) years. A member may be reappointed subject to approval of the Oldham County Fiscal Court.
- (c) The Oldham County Judge/Executive may appoint, subject to the approval of the Oldham County Fiscal Court, two (2) alternate members to serve on the Board in the absence of regular members. Alternate members shall meet all of the qualifications and shall be subject to all of the requirements that apply to regular members of the Board.
- (d) Any vacancy on the Board shall be filled by the Oldham County Judge/Executive subject to approval of the Oldham County Fiscal Court within sixty (60) days of the vacancy. If the vacancy is not filled within that time period, the remaining Board members shall fill the vacancy. All vacancies shall be filled for the remainder of the unexpired term.
- (e) A Board member may be removed from office by the Oldham County Judge/Executive for misconduct, inefficiency, or willful neglect of duty. The Oldham County Judge/Executive must submit a written statement to the member and the Oldham County Fiscal Court setting forth the reasons for removal.
- (f) All members of the Board must, before entering upon the duties of their office, take the oath of office prescribed by Section 228 of the Kentucky Constitution.
- (g) Members of the Board shall be reimbursed for actual expenses and compensated in the amount of \$100.00 per meeting.



- (h) No member of the Board may hold any elected or appointed office, paid or unpaid, or any position of employment with the County.

#### SECTION 5. Organization of Board; Meetings, Quorum.

- (a) The Board shall annually elect a chair from among its members who shall be the presiding officer and a full voting member of the Board.
- (b) Regular meetings of the Board shall be held on the <sup>first Wednesday</sup> ~~second Tuesday~~ of each month. Meetings other than those regularly scheduled shall be special meetings held in accordance with the requirements of the Kentucky Open Meetings Act.
- (c) All meetings and hearings of the 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 shall constitute a quorum of the Board.
- (e) The affirmative vote of a majority of a quorum of the Board shall be necessary for any official action to be taken.
- (f) Minutes shall be kept for all proceedings of the Board and the vote of each member on any issue decided by the Board shall be recorded in the minutes.

**SECTION 6. Conflict of Interest.** Any member of the Board who has any direct or indirect financial or personal 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 and shall not be counted for purposes of establishing a quorum.

**SECTION 7. Jurisdiction.** The Board shall have jurisdiction to enforce and shall enforce those ordinances in effect in the unincorporated area of Oldham County and other Code provisions which specifically provide for enforcement by the Board.

#### SECTION 8. Powers of the Board.

The Board shall have the following powers and duties:

- (a) To adopt rules and regulations to govern its operations and the conduct of its hearings.
- (b) To conduct hearings to determine if there has been a violation of an ordinance over which it has jurisdiction.

- page 718
- (c) To subpoena alleged violators, witnesses and evidence to its hearings. Subpoenas issued by the Board may be served by any Code Enforcement Officer.
  - (d) To take testimony under oath. The chairman shall have the authority to administer oaths to witnesses prior to their testimony before the Board on any matter.
  - (e) To make findings and issue orders necessary to remedy any violation of an ordinance which the Board is authorized to enforce.
  - (f) To impose civil fines as authorized by ordinance on any person found to have violated an ordinance over which the Board has jurisdiction.

#### **SECTION 9. Enforcement Proceedings.**

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

- (a) Enforcement proceedings before the Board shall only be initiated by the issuance of a citation by a Code Enforcement Officer.
- (b) When a Code Enforcement Officer, based upon personal observation or investigation, has reasonable cause to believe that a person has violated an ordinance, 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 fine. If the offender fails or refuses to remedy the violation within the time specified, the Code Enforcement Officer is authorized to issue a citation.
- (c) The citation issued by the Code Enforcement 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 section of the code or the number of the ordinance violated;
  - 6. The name of the Code Enforcement Officer;
  - 7. The civil fine that will be 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; and

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 Board to contest the citation and that the determination that the violation was committed shall be final.

(d) After issuing a citation to an alleged violator, the Code Enforcement Officer shall notify the Board by delivering a copy of the citation to the administrative staff of the Board.

(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 civil fine set forth in the citation or requesting, in writing, a hearing before the Board to contest the citation. 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 violator does not contest the citation within the time prescribed, the Board shall enter a final order determining that the violation was committed and impose the civil fine set forth in the citation. A copy of the final order shall be served on the person guilty of the violation.

#### SECTION 10. ~~Hearing, Notice, and Final Order.~~

(a) When a hearing has been requested, the administrative staff of the Board shall schedule a hearing.

(b) Not less than seven (7) days before the date of the hearing, the administrative staff of the 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 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 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 the person guilty of the violation.

(d) All testimony shall be taken under oath and recorded. Testimony shall be taken from the Code Enforcement 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 Board shall, based on the evidence, determine whether a violation was committed. If it determines that no violation was committed, an order dismissing the citation shall be entered. If it determines that a violation was committed, an order shall be issued upholding the citation and either imposing a fine up to the maximum authorized by this or any other ordinance or requiring the offender to remedy a continuing violation within a specified time to avoid the imposition of a fine, or both.

(f) Every final order of the Board shall be reduced to writing, which shall include the date the order was issued. 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 subsection (b) above.

**SECTION 11. Legal Counsel.** Each case before the Board may be presented by an attorney selected by the County or by the Code Enforcement Officer. An attorney may either be counsel to the Board or may present cases before the Board but in no case serve in both capacities.

**SECTION 12. Appeals; Final Judgment.**

(a) An appeal from any final order of the Board may be taken to the Oldham County 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. The appeal shall be limited to a review of the record made before the Board.

(b) If no appeal from a final order of the Board is filed within the time period set in subsection (a) above, the Board's order shall be deemed final for all purposes.

**SECTION 13. Enforceable Ordinances and Fines.** The ordinances to be enforced and the civil fines to be imposed by the Board are listed on Schedule A attached hereto and incorporated herein by this reference.

**SECTION 14. Lien; Fines, Charges, and Fees.**

(a) The County shall possess a lien on property owned by the person found by a final, nonappealable order of the Board, or by a final judgment of the Court, to have committed a violation of an 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, county and school board taxes and may be enforced by judicial proceedings.

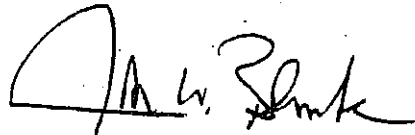
(d) In addition to the remedy prescribed in subsection (a), the person found to have committed the violation shall be personally responsible for the amount of all fines assessed for the violation and for all charges and fees incurred by the County in connection with the enforcement of the ordinance. 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 15. Immediate Action.** Nothing in this ordinance shall prohibit the County from taking immediate action to remedy a violation of its ordinances when there is reason to believe that the 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.

**SECTION 16.** All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby repealed insofar as same affect this ordinance.


**SECTION 17.** This ordinance shall become effective upon its passage and advertisement according to law.

Dated this 19 day of March, 2002.



John W. Black  
Oldham County Judge/Executive

ATTEST?



Ann B. Brown  
Oldham County Clerk

COMMONWEALTH OF KENTUCKY  
OLDHAM COUNTY  
ORDINANCE NO. KOC 02-230-88

Book No. 4 Page: 88

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AN ORDINANCE RELATING TO AN AMENDMENT TO THE  
EXISTING CODE ENFORCEMENT BOARD ORDINANCE TO ESTABLISH CIVIL  
FINES.

\*\*\*\*\*

WHEREAS, the Oldham Fiscal Court has the authority pursuant to the  
provisions of KRS Chapters 67, 100, and other applicable law to amend ordinances; and,

WHEREAS, Oldham County did adopt a Code Enforcement Board  
Ordinance on 3-19-02; and,

WHEREAS, Oldham Fiscal Court wishes to make changes to the Code  
Enforcement Board Ordinance to establish civil fines.

WHEREAS, Oldham Fiscal Court did advertise and conduct a hearing on  
the requested amendment to the Code Enforcement Board Ordinance, and said Fiscal  
Court having voted to grant requested amendment at it's regular meeting conducted  
October 15, 2002.

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

The following shall be added to the Code Enforcement Board Ordinance:

## SCHEDULE A

**SECTION 1.** If a citation for a violation of an ordinance is not contested by the person charged with the violation, the penalties set forth in this section shall apply;

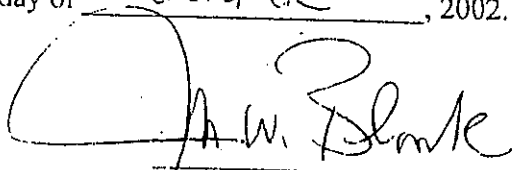
<u>Violation</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>All Others</u>
Nuisance	<u>\$ 75.00</u>	<u>\$ 200.00</u>	<u>\$ 400.00</u>
Construction/Demolition Debris	<u>\$ 500.00</u>	<u>\$4000.00</u>	<u>\$4000.00</u>
Other Solid Waste	<u>\$ 100.00</u>	<u>\$ 200.00</u>	<u>\$ 400.00</u>
Zoning Regulations	<u>\$ 75.00</u>	<u>\$ 200.00</u>	<u>\$ 400.00</u>

**SECTION 2.** If the citation is contested and a hearing before the Board is required, the maximum penalties set forth in this section may be imposed at the discretion of the Board. However, the Board may waive all or any portion of a penalty for a contested violation if, in its discretion, the Board determines that such waiver will promote compliance with the ordinance in issue.

<u>Violation</u>	<u>1st Offense</u>	<u>2nd Offense</u>	<u>All Others</u>
Nuisance	<u>\$ 150.00</u>	<u>\$ 300.00</u>	<u>\$ 500.00</u>
Construction/Demolition Debris	<u>\$1000.00</u>	<u>\$4000.00</u>	<u>\$4000.00</u>
Other Solid Waste	<u>\$ 200.00</u>	<u>\$ 300.00</u>	<u>\$ 500.00</u>
<u>Zoning Regulations</u>	<u>\$ 150.00</u>	<u>\$ 300.00</u>	<u>\$ 500.00</u>

This ordinance shall become effective upon its passage and advertisement according to law.

Dated this 5<sup>th</sup> day of October, 2002.

  
JOHN W. BLACK  
Oldham County Judge/Executive



(10) A party aggrieved by a final action of a planning commission under the provisions of KRS 100.985 to 100.987 may bring an action for review in any court of competent jurisdiction.

Effective: April 23, 2002

## PENALTIES

### 100.991. Penalties.

(1) Any person or entity who violates any of the provisions of KRS 100.201 to 100.347 or any of the regulations adopted pursuant thereto for which no other penalty is provided, shall upon conviction, be fined not less than ten dollars (\$10) but not more than five hundred dollars (\$500) for each conviction. Each day of violation shall constitute a separate offense.

(2) Any person, owner or agent who violates this chapter shall, upon conviction, be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each lot or parcel which was the subject of sale or transfer, or a contract for sale or transfer.

(3) Any person who intentionally violates any provision of KRS 100.3681 to 100.3684 shall be guilty of a misdemeanor punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500).

(4) A commission may appoint enforcement officers who shall have authority to issue citations for violations of this chapter which the officer has observed, but shall not have powers of peace officers to make arrests or carry deadly weapons. The defendant shall appear within a designated time pursuant to the citation.

(5) The procedure for citations issued by an enforcement officer shall be as provided in KRS 431.015.

## **CODE ENFORCEMENT BOARD OLDHAM COUNTY, KENTUCKY**

- The Oldham County Fiscal Court created the Code Enforcement Board ("Board") in order to provide a fast, fair, and effective method of ensuring compliance with County ordinances in the unincorporated area of Oldham County.
- A Board hearing allows parties to present testimony and witnesses to support their claims concerning any citation issued by a County Code Enforcement Officer.
- Board hearings are regularly scheduled for the first Wednesday of each month at 1:00 PM at the Oldham County Fiscal Court meeting room in LaGrange.
- In order to provide a fair hearing process for all parties, the Board has established these general procedures and order of presentation for hearings.

### **HEARING GENERAL PROCEDURES:**

- It is not necessary to have a lawyer represent you at a hearing but you may if you wish.
- You must be recognized by the Board Chairperson prior to speaking to ensure you have been properly sworn to testify and not more than one person is talking at a time.
- If you have someone testify on your behalf at a hearing, that person must remain for the entire hearing questioning period in order for their testimony to be a part of the official record and be used by the Board in the decision-making process.
- In order to maintain a fair and orderly hearing process, the Board requires that everyone be courteous and respectful during all testimony. Interrupting, name-calling, offensive remarks, and/or other poor behavior will not be tolerated.
- The Board will provide all parties the opportunity to express their own viewpoint.

### **HEARING ORDER OF PRESENTATION:**

1. Presentation by Code Enforcement Officer or representative.
2. Witness testimony supporting position of Code Enforcement Officer.
3. Presentation by Respondent or representative.
4. Witness testimony supporting position of Respondent.
5. Code Enforcement Officer Rebuttal.
6. Respondent Rebuttal.
7. Questions from the Board Members.
8. Closing statement from Respondent.
9. Closing statement from Code Enforcement Officer.
10. Board action.

**IMPORTANT:** Please remember that at any time during the hearing the Code Enforcement Board members or their designees have the authority to ask questions of anyone who has testified. Anyone giving testimony and is not available for questioning by the Board will have their testimony stricken from the record.

**61.823 Special meetings - Emergency meetings.**

- (1) Except as provided in subsection (5) of this section, special meetings shall be held in accordance with the provisions of subsections (2), (3), and (4) of this section.
- (2) The presiding officer or a majority of the members of the public agency may call a special meeting.
- (3) The public agency shall provide written notice of the special meeting. The notice shall consist of the date, time, and place of the special meeting and the agenda. Discussions and action at the meeting shall be limited to items listed on the agenda in the notice.
- (4)
  - (a) As soon as possible, written notice shall be delivered personally, transmitted by facsimile machine, or mailed to every member of the public agency as well as each media organization which has filed a written request, including a mailing address, to receive notice of special meetings. The notice shall be calculated so that it shall be received at least twenty-four (24) hours before the special meeting. The public agency may periodically, but no more often than once in a calendar year, inform media organizations that they will have to submit a new written request or no longer receive written notice of special meetings until a new written request is filed.
  - (b) As soon as possible, written notice shall also be posted in a conspicuous place in the building where the special meeting will take place and in a conspicuous place in the building which houses the headquarters of the agency. The notice shall be calculated so that it shall be posted at least twenty-four (24) hours before the special meeting.
- (5) In the case of an emergency which prevents compliance with subsections (3) and (4) of this section, this subsection shall govern a public agency's conduct of a special meeting. The special meeting shall be called pursuant to subsection (2) of this section. The public agency shall make a reasonable effort, under emergency circumstances, to notify the members of the agency, media organizations which have filed a written request pursuant to subsection (4)(a) of this section, and the public of the emergency meeting. At the beginning of the emergency meeting, the person chairing the meeting shall briefly describe for the record the emergency circumstances preventing compliance with subsections (3) and (4) of this section. These comments shall appear in the minutes. Discussions and action at the emergency meeting shall be limited to the emergency for which the meeting is called.

Effective: July 14, 1992

History: Created 1992 Ky. Acts ch. 162, sec. 6, effective July 14, 1992.

# **APPENDIX 7.2**

## **CODE ENFORCEMENT PROCEDURES**

DAVID VOEGELE

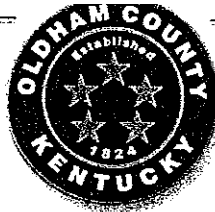
JUDGE-EXECUTIVE

[www.oldhamcountyky.gov](http://www.oldhamcountyky.gov)

JOHN BLACK

DEPUTY JUDGE-EXECUTIVE

[www.oldhamcountyky.gov](http://www.oldhamcountyky.gov)



JIM P. URBAN

DIRECTOR

[www.oldhamcountyky.gov](http://www.oldhamcountyky.gov)

AMY ALVEY

SENIOR PLANNER

[www.oldhamcountyky.gov](http://www.oldhamcountyky.gov)

OLDHAM COUNTY

PLANNING & DEVELOPMENT SERVICES

100 WEST JEFFERSON STREET, SUITE 3, LAGRANGE, KENTUCKY 40031

OFFICE 502-222-1476 • FAX 502-222-3213

[www.oldhamcountyky.gov](http://www.oldhamcountyky.gov)

June 20, 2017

[REDACTED]  
[REDACTED]  
[REDACTED]

Case Number: 17-0046

Parcel Number: [REDACTED]

Reference property: [REDACTED]

[REDACTED]

The Oldham County Code Enforcement Officer received a complaint regarding the condition of the property. On June 16, 2017 an inspection was conducted and found the grass and vegetation in the front and rear of the home was overgrown and in need of being cut, the front gutter was pulling away from the home, and an unlicensed, and what appeared to be inoperable, vehicle setting in the driveway of the home. Photographs were taken and are attached.

Code Section	Description	Comply By
OC Nuisance 89-800-846 Section 1 - Definitions	<p>(a) "Nuisance" means any condition or the use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of others properties or which renders such properties as dangerous or detrimental or adverse to the health or welfare or offensive to the senses of the residents of Oldham County. This includes, but is not limited to, the keeping or the depositing on or the scattering over the premises of any of the following:</p> <p>(1) Lumber, junk, trash or debris</p> <p>(2) Abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers:</p> <p>(3) Manure or compost piles or other material which is such a nature as to spread or harbor disease, emit unpleasant odors or harmful gas, or attract rodents, vermin or other disease-carrying pest, animals or insects. This section shall not apply to farming and nursery operations where the matter is kept over 100 feet from the</p>	7/4/2017

nearest property line.

(4) Keeping unsanitary matter on premises. It shall be unlawful for any person to keep, or permit another to keep upon any property deleterious or septic material, unless such material is retained in containers or vessels which deny access to humans, flies, insects, rodents or animals. This section shall not apply to overflowing septic tanks and lateral lines as those items are subject to existing health department regulations

OC Nuisance 89-800-846 Section 2 - Maintaining a Nuisance Causing a Diminution in Property Values of Other Properties	The named person is the owner, leasee or occupant of property that is maintaining or keeping a nuisance in a manner that is causing a substantial diminution in value of other property.	7/4/2017
OC Nuisance 89-800-846 Section 3 - Non-Operating Motor Vehicles Not Allowed to Remain on Property	The named person is the owner, leasee or occupant of property that allowed a partially dismantled, wrecked, junked, discarded or otherwise non-operating motor vehicle or machine to remain as such property longer than fifteen (15) days.	7/4/2017
OC Zoning 280-100(a) - Keeping Unlicensed Vehicle Outside a Garage in a Residential Zone Illegal	The named person has kept an unlicensed auto, truck, trailer, or boat in a residentially zoned area outside a garage.	7/4/2017

This is a courtesy letter to give you the opportunity to take corrective action on these issues. Please contact this office at your earliest convenience in order to coordinate a schedule for the needed repairs and clean-up of the property. Failure to take corrective action or provide the schedule by the dates set out above, may result in a notice of violation being issued and a possible citation along with civil fines imposed.

Please feel free to contact the Code Enforcement Office at (502) 222-1476 during normal business hours 8 am – 4:30 pm, for further information or if you have questions regarding this matter. I can also be reached by email at [dtownsend@oldhamcountyny.gov](mailto:dtownsend@oldhamcountyny.gov).

Respectfully,

Darrell Townsend  
Code Enforcement Officer

PC: File

DAVID VOEGELE  
JUDGE-EXECUTIVE

CLERK OF COURTS - OLDHAM COUNTY, KY

JOHN BLACK

CLERK OF COURTS - OLDHAM COUNTY, KY  
CLERK OF COURTS - OLDHAM COUNTY, KY



JIM P. URBAN  
DIRECTOR

CLERK OF COURTS - OLDHAM COUNTY, KY

AMY ALVEY  
SENIOR PLANNER

CLERK OF COURTS - OLDHAM COUNTY, KY

OLDHAM COUNTY  
PLANNING & DEVELOPMENT SERVICES  
100 WEST JEFFERSON STREET, SUITE 3, LAGRANGE, KENTUCKY 40031  
OFFICE 502-222-1476 • FAX 502-222-3213  
[WWW.OLDHAMCOUNTYKY.GOV](http://WWW.OLDHAMCOUNTYKY.GOV)

## NOTICE OF VIOLATION

June 09, 2017

[REDACTED]  
[REDACTED]  
[REDACTED]

Case Number: 17-0037  
Parcel Number: [REDACTED]  
Reference property: [REDACTED]

[REDACTED]

On this date a follow up inspection was conducted on the above referenced property. Although it was observed that there had been a great deal of progress made in addressing the issues listed in the May 26<sup>th</sup> letter, it was also observed that not all of the issues had been abated. As of this date there remained some overgrown vegetation, building materials scattered in the front yard, debris/household items stacked on the front deck and at the rear of the driveway. Photographs were taken and are attached. Therefore, this Notice of Violation is being issued with a compliance date of June 23, 2017. If you do not feel as though all of the issues can be addressed by this compliance date, please feel free to contact this office so as to allow for more time, if it is needed.

Code Section	Description	Comply By
OC Nuisance 89-800-846 Section 1 - Definitions	(a) "Nuisance" means any condition or the use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of others properties or which renders such properties as dangerous or detrimental or adverse to the health or welfare or offensive to the senses of the residents of Oldham County. This includes, but is not limited to, the keeping or the depositing on or the scattering over the premises of any of the following: (1) Lumber, junk, trash or debris (2) Abandoned, discarded or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans or containers: (3) Manure or compost piles or other material which is such a nature as to spread or harbor disease, emit unpleasant odors or harmful gas, or attract rodents, vermin or other disease-carrying pest, animals or insects. This section shall not apply to farming and nursery operations where the matter is	6/23/2017



kept over 100 feet from the nearest property line.

(4) Keeping unsanitary matter on premises. It shall be unlawful for any person to keep, or permit another to keep upon any property deleterious or septic material, unless such material is retained in containers or vessels which deny access to humans, flies, insects, rodents or animals. This section shall not apply to overflowing septic tanks and lateral lines as those items are subject to existing health department regulations

This correspondence will serve as official notification to you that the above-stated violations must be abated by the dates set out above. If you fail to comply by fully correcting the violation(s) and the waiver on or before the stated date, a citation for the violation(s) cited above will be issued and a civil fine will be imposed. The burden rests upon you, the respondent in this matter to correct the violation and request a re-inspection by the code enforcement office to determine whether the property is in full compliance. Each section of a Code or Ordinance violated shall be considered a separate finable offense. Each day that the violation exists shall be considered a separate offense.

Please feel free to contact the Code Enforcement Office at (502) 222-1476 during normal business hours 8 am – 4:30 pm, for further information or if you have questions regarding this matter. I can also be reached by email at [dtownsend@oldhamcountvky.gov](mailto:dtownsend@oldhamcountvky.gov).

Respectfully,

Darrell Townsend  
Code Enforcement Officer

PC: File

DAVID VOEGELE  
JUDGE-EXECUTIVE

JOHN BLACK  
COUNTY JUDGE-EXECUTIVE



JIM P. URBAN  
DIRECTOR

AMY ALVEY  
SENIOR PLANNER

OLDHAM COUNTY  
PLANNING & DEVELOPMENT SERVICES  
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[WWW.OLDHAMCOUNTYKY.GOV](http://WWW.OLDHAMCOUNTYKY.GOV)

## Citation #492

CERTIFIED MAIL: 7013 1090 0001 9697 8148

June 15, 2017

Case Number: 17-0017

Parcel Number: [REDACTED]

Reference property: [REDACTED]

On April 3, 2017 an initial inspection was conducted due to this office receiving a complaint on the above referenced property. On April 4, 2017 a Courtesy Letter was sent to you. Since that time this office has extended the compliance date several times in order to allow you more time to abate the issues.

On this date I conducted another inspection and found that the only visible improvement that has been made to the property is the removal of two (2) vehicles. Additionally, the grass and vegetation has become overgrown and needs to be addressed. Photographs were taken.

Therefore, Citation #492 is being issued to you.

Code Section	Description	Comply By
OC Nuisance 89-800-846 Section 3 - Non-Operating Motor Vehicles Not Allowed to Remain on Property	The named person is the owner, leasee or occupant of property that allowed a partially dismantled, wrecked, junked, discarded or otherwise non-operating motor vehicle or machine to remain as such property longer than fifteen (15) days.	
OC Nuisance 89-800-846 Section 2 - Maintaining a Nuisance Causing a Diminution in Property Values of	The named person is the owner, leasee or occupant of property that is maintaining or keeping a nuisance in a manner that is causing a substantial diminution in value of other property.	

A courtesy letter was sent on **Tuesday, April 04, 2017**. A Notice of Violation was issued on **Friday, June 2, 2017**; all violations should have been abated by **June 16, 2017**. **Citation #492** is being issued for the violation(s) cited above and a civil fine will be imposed for failure to comply. Each section of an ordinance violated shall be considered a separate finable offense. Each violation carries a monetary fine per day and compounds for every day each violation(s) remains unabated.

Pursuant to **Oldham County Ordinance Number: KOC 02-150-455**, and, **KY Revised Statute Chapter 65.8801 to Chapter 65.8839**:

**Citation Response.** You must respond to this citation within seven (7) days of the date you were issued this citation by requesting, in writing, a hearing before the Oldham County Code Enforcement Board to contest the citation. **Written request should be sent to:**

**OLDHAM COUNTY FISCAL COURT  
ATTENTION: CODE ENFORCEMENT OFFICER  
100 WEST JEFFERSON STREET, SUITE 3  
LAGRANGE, KENTUCKY 40031  
OFFICE (502) 222-1476 FAX (502) 222-3213.**

If you fail to respond to the citation within seven (7) days of the issuance of the citation, you will be deemed to have waived the right to a hearing to contest the citation and the determination that a violation was committed will be considered final and the Code Enforcement Board may enter a Final Order determining that the violation was committed and impose a civil fine.

If you do request a hearing, your case will be heard by the Code Enforcement Board on **Wednesday, August 2, 2017**, at the hour of 3:00 p.m. in the courtroom of the Oldham County Fiscal Court at 100 West Jefferson Street on the 2<sup>ND</sup> floor, LaGrange, Kentucky 40031.

**Appeals and Final Judgment.** An appeal of any final order of the Code Enforcement Board may be taken to the Oldham County District Court within thirty (30) days of the date the order is issued. The appeal shall be initiated by 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 a final order of the Board is filed within thirty (30) days of the date the order is issued, the Board's order shall be deemed final for all purposes.

**Liens, Fines, Charges, and Fees.** The County shall possess a lien on a 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 an 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. 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. The lien shall take precedence over all subsequent liens except state, county and school board taxes and may be enforced by judicial proceedings. In addition to the remedy prescribed 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.

Please feel free to contact the Code Enforcement Office at (502) 222-1476 during normal business hours 8 am – 4:30 pm, for further information or if you have questions regarding this matter. I can also be reached by email at [dtownsend@oldhamcountyky.gov](mailto:dtownsend@oldhamcountyky.gov).

Respectfully,

Darrell Townsend  
Code Enforcement Officer

PC: File