

Be it ordained by the Fiscal Court of the County of Harlan, Commonwealth of Kentucky, pursuant to KRS, Chapter 67 that in order to clean up the County of solid waste and litter which has and is creating unhealthy and unsightly conditions in the County pursuant to KRS Chapter 224 do enact the following:

**820.2 (ALTERNATE: SOLID WASTE REGULATION AND COLLECTION)**

BE IT ORDAINED BY HARLAN COUNTY FISCAL COURT:

**Section I:** Definitions as used in this ordinance, the words "garbage" and "refuse" have the following meanings:

- (a) "Garbage": Wastes resulting from the handling, preparation, cooking and consumption of food, wastes from the handling storage and sale of produce.
- (b) "Refuse": Combustible trash, including, but not limited to, paper, cartons, boxes, barrels, wood, excelsior, tree branches, yard trimmings, wood furniture, bedding, noncombustible trash, including, but not limited to metals, tin cans, metal furniture, dirt, small quantities of rock and pieces of concrete, glass, crockery, other mineral waste, street rubbish, including, but not limited to street sweepings, dirt, leaves, catch basin dirt, contents of litter receptacles. Provided, refuse shall not include solid waste resulting from industrial processes and manufacturing operations such as food processing wastes, boiler-house cinders, lumber, scraps and shavings.

**SECTION II: Regulations**

- (a) No person shall accumulate or permit the accumulation of garbage or trash upon any property owned, occupied or otherwise controlled by such person in Harlan County.
- (b) No person shall burn, bury, or otherwise dispose of any garbage or trash upon any property within Harlan County unless they have a legal permit, or dump such garbage or trash upon any property in the County, except designated landfills.
- (c) Garbage shall be kept in proper receptacles and shall be placed in a convenient location on such day as it specified for pickup on the respective area. Trash shall be placed in a receptacle or bundled for pickup.
- (d) It shall be unlawful to deposit or permit to fall from any vehicle any garbage or refuse on any public street or alley in the county; provided, that this section shall not be construed to prohibit placing garbage or refuse in a container complying with provisions of this ordinance preparatory to having such material collected and disposed of in the manner provided herein.
- (e) It shall be unlawful to dump or place any garbage or refuse on any premises in Harlan County without consent of the owner of such premises.
- (f) The owners - operators of multi-unit mobile home courts or apartment buildings shall be liable for collection from individual unit occupants for refuse collection on the subject premises. Each rental unit shall be charged the regular monthly service charged provided in the collection contracts executed between the county and the contracting hauler.

### **Section III: Administration**

- (a) The County shall designate and employ such persons or corporations as may be necessary to collect all garbage and trash within Harlan County. The County may purchase, lease, and/or rent such equipment to carry out ordinance.
- (b) Garbage shall be collected from each residence or place of business not less than once each week, except in such designated areas.
- (c) The chief administrative officer in charge of solid waste regulation and collection shall charge with enforcement of this ordinance and shall make any inspection necessary to that end including collection of service charges, the fixing of service charges for businesses, exemptions from payment of the service charge for any dwelling unit, dates of collection, approval of disposal device and the promulgation of such rules and guidelines as may appear necessary for the efficient performance of the service.
- (d) There is hereby created a Harlan County Solid Waste Board, consisting of five citizens of Harlan County, to be appointed by the Judge Executive with approval of Fiscal Court. Appointment term shall be one year; appointees may succeed themselves for a three year period, upon confirmation of the Judge Executive and Fiscal Court. The board shall advise and assist the Administrator of the Solid Waste Program and act as liaison advisory board to the Fiscal Court.
- (e) An appeal board is created consisting of five persons appointed by the County Judge with the consent of the Fiscal Court. Members of the board shall reside within the County or operate a business within the County. Any person who is adversely affected by any act or decision of the chief administrative officer in the enforcement of this ordinance may appeal such act or decision. The board shall hear all evidence concerning the act or decision and any reason therefore and within one week there after shall issue a decision in writing confirming, modifying, or invalidating the act or decision.

### **Section IV: Service or User Charge**

- (a) A service charge shall be made at the rate of \$5.00 per month for each dwelling unit occupied as a residence, including house, duplex, apartment, mobile home and any other dwelling unit, within the County. A service charge shall be made for each place of business, based on the amount of refuse to be collected and other relevant factors, provided the same weighting of such factors is applied uniformly to all businesses.
- (b) The services shall be collected by Harlan County. A late charge equal to 10% of the amount due shall be added to any garbage collection charge which is not paid by the tenth of the month.
- (c) The County may waive part or all the service charge for low income and/or elderly persons as circumstances indicate the full payment will cause a hardship.

**Section V: Enforcement**

- (a) Any arrearage in the service charge established by Section Four of this ordinance shall constitute a lien against the real property which was served; and at the end of each Fiscal year the chief administrative officer shall deliver to the County Attorney a list of all property which is in arrears, together with the amount of arrearage, and the County Attorney shall cause a lien to be filed and enforced against said property.
- (b) A person who violates this ordinance may be fined the sum of \$1-\$250 and/or 1 to 90 days in jail for each offense, together with the court costs. Each day violation continues shall be considered a separate offense.
- (c) The Administrative Officer or County State Law Enforcement Officer responsible for enforcement of this ordinance shall charge any person with criminal littering in violation of KRS 512.070 whenever there is evidence to believe such Class B Misdemeanor has been committed.

**Section VI:** Any provisions in any other ordinance or regulation of the County in conflict with the provisions of this ordinance are expressly repealed.

**Section VII:** Each separate provision of the ordinance shall be deemed independent of all other provisions; and if any provision be declared invalid; it shall not affect the validity of the remaining provisions.

AN ORDINANCE RELATING TO AMENDMENT OF ORDINANCE 820.2, PERTAINING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE

BE IT ORDAINED BY HARLAN COUNTY FISCAL COURT THAT SECTION III OF ORDINANCE 820.2 IS HEREBY AMENDED TO READ AS FOLLOWS:

**820.2 (ALTERNATE: SOLID WASTE REGULATION AND COLLECTION)**

BE IT ORDAINED BY HARLAN COUNTY FISCAL COURT THAT SECTION III OF ORDINANCE 820.2 IS HEREBY AMENDED TO READ AS FOLLOWS:

- (a) The County shall designate and employ such persons or corporation as may be necessary to collect all garbage and trash within Harlan County. The County may purchase, Lease, and/or rent such equipment to carry ordinance.
- (b) Garbage shall be collected from each residence or place of business not less than once each week, except in designated areas.
- (c) The chief administrative officer in charge of solid waste regulation and collection shall be charged with enforcement of this ordinance and shall make any inspection necessary to that end including collection of service charges, the fixing of service charges for any dwelling unit, dates of collection, approval of disposal device and promulgation of such and guidelines as may appear necessary for the efficient performance of the service.
- (d) Any person who is adversely affected by any act or decision of the chief administrative officer in the enforcement of this ordinance may appeal such act or decision to the Harlan County Fiscal Court, by filing a petition for appeal with the Harlan County Judge Executive within thirty (30) days from the date of said adverse actor decision of said chief administrative officer. The Harlan County Fiscal Court shall conduct a hearing at its next regularly scheduled monthly meeting, after giving notice to all parties of said hearing, and at the hearing shall hear all evidence concerning the act or decision and any reason therefore, and within thirty (30) days thereafter, shall issue a decision in writing confirming modifying, or invalidating the act or decision.

AN ORDINANCE RELATING TO AMENDMENT OF ORDINANCE 820.2, PERTAINING TO THE  
COLLECTION AND DISPOSAL OF SOLID WASTE

BE IT ORDAINED BY HARLAN COUNTY FISCAL COURT THAT SECTION II, (e,f, and g) OF ORDINANCE  
820.2 IS HEREBY AMENDED TO READ AS FOLLOWS:

- (e) It shall be unlawful to dump or place garbage or refuse on any premises in Harlan County, whether occupied, public or private, without consent of the owner of such premises.
- (f) Each individual household and each place of business within Harlan County and not within the limits of an incorporated city that provides its own solid waste collection service shall be required to pay a monthly service charge as provided by county ordinance for solid waste collection, and such households and places of business shall not be permitted to decline solid waste disposal services for any reason.
- (g) The owner operator of multi-unit mobile home courts or apartment buildings shall be liable for the collection from individual unit occupants for refuse collection on the subject premises. Each rental until shall be charged the regular monthly service charge provided in the collection contracts executed between the county and the contracting haulers.

Motion by: Alvin Bailey, Jr.

Seconded by: Aldon Fox

AYES: All

NAYS: No

Dated: September 11, 1986

Delinda Belcher  
Delinda Belcher  
Harlan County Judge Executive

AN ORDINANCE RELATING TO AMENDMENT OF ORDINANCE  
820.2, PERTAINING TO THE COLLECTION AND DISPOSAL  
OF SOLID WASTE

BE IT ORDAINED BY HARLAN COUNTY FISCAL COURT THAT SECTION V (b) OF ORDINANCE 820.2 IS  
HEREBY AMENDED TO READ AS FOLLOWS:

- (b) A person who violates this ordinance shall be guilty of Class A Misdemeanor. Each day a  
violation continues shall be considered a separate offense.

Motion by:

Abe Bailey, Jr.

Seconded by:

Eldon Fox

AYTS:

All

NAYS:

None

Dated:

September 11, 1986

Melziana Belcher  
Melziana Belcher

Harlan County Judge Executive

HARLAN COUNTY  
SOLID WASTE ENFORCEMENT POLICY

The FOLLOING SHALL SERVE AS THE FORMAL POLICY FOR ENFORCEMENT OF Harlan County's Waste Program:

- I. In the case of delinquent accounts, the County Treasurer shall notify said party, in writing, of their delinquency after the account becomes 120 days old. The party shall be given 30 days to bring their account into compliance
- II. If no resolution is reached regarding the delinquent account after following the procedures outlined in section I, then the matter shall be referred to Solid Waste Enforcement Officer for collection.

The County Treasurer, in cooperation with Harlan County Attorney, shall be responsible for issuance of a Criminal Complaint of Theft of Services, under KRS 514.060. Account of up to \$300.00 shall be deemed a Class A Misdemeanor. Account delinquent above \$300.00 shall be deemed a Class D Felony.

- III. The Solid Waste Enforcement Officer shall work under the direct supervision of the Sheriff and shall be responsible for instituting collection of all accounts referred by County Treasurer. It shall also be the officer's responsibility to enforce the Criminal Littering Laws of the Commonwealth, under KRS 512.070, including covert surveillance of illegal dump sites. All prosecutions under these laws shall be a Class A Misdemeanors with penalties up to one (1) year in Jail, and up to a \$500.00 fine or both.
- IV. The County Treasurer shall publish for public inspection, the names of all delinquent account that are one year or more delinquent.

It is hereby noted by the Harlan County Fiscal Court that in the interest of maintaining and operating an efficient economical Solid Waste Program, responsibility just be shared equally by all affected parties. It is the intent of the Court to implement a strong collection system in order to guarantee that the costs of operating said Program shall be hold to a minimum.

Adopted this <u>3</u> days <u>March</u> , 1994.
Motion by <u>William DeLoach</u> Seconded by <u>Mike Bailey</u>
All yes.
<u>William DeLoach</u> William DeLoach Harlan County Fiscal Executive
ATTENST: <u>William DeLoach</u> Harlan County Fiscal Court Clerk