

AN ORDINANCE
RELATING TO THE EFFECTIVE MANAGEMENT OF SOLID
WASTE IN GRAYSON COUNTY, KENTUCKY

WHEREAS, it is declared to be the policy of the County of Grayson, Commonwealth of Kentucky, to provide for the storage and/or disposal of waste in a manner that will protect the public health and welfare, prevent the spread of disease and creation of nuisances, conserve natural resources, and enhance the beauty and quality of the environment; and

WHEREAS, the public health and welfare as well as the environment are endangered by the possibility of uncontrolled usage of land for landfills or waste management facilities; and

WHEREAS, such uncontrolled usage of land for landfills or waste management facilities increases the chances for the spreading of diseases and creation of nuisances; and

WHEREAS, an emergency is therefore declared, pursuant to the provisions of KRS 67.078 and other applicable law; and

WHEREAS, the Fiscal Court of the County of Grayson, may, by statute, carry out governmental functions necessary for the operation of the County by enacting ordinances in the performance of a public function; and

WHEREAS, for the purpose of this Ordinance, the following definitions apply:

(1) "Person" means any individual, group of individuals, firm, business, association, company, or corporation who transports solid waste, as defined below, from within or without the geographical boundaries of the County of Grayson to a point within the boundaries of said governmental jurisdiction.

(2) "Sanitary landfill" means a facility for the disposal of solid waste consistent with and pursuant to criteria established by the Solid Waste Disposal Act (42 USC 3251) and the Resource Conservation and Recovery Act of 1976, Public Law 94-580.

(3) "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control, as amended (86 Stat. 880), or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923).

(4) "Solid waste management" means any and all processes by which solid waste is collected, transported, stored, separated, processed or disposed or in any manner according to an orderly and planned program of a county or multi-county solid waste management area duly approved by the State.

(5) "Solid waste management area" or "area" means any county or group of counties designated by the state for the purpose of solid waste management.

(6) "Solid Waste management facility" means any solid waste treatment and handling or disposal facility, interim holding or transfer facility or volume reduction plant consisting of, but not limited to, structure, incinerators, pulverizers, heat transferral units, steam and energy generating units, and other related facilities which accept and process solid waste.

NOW, THEREFORE, BE IT ORDAINED by the Fiscal Court of the County of Grayson, Commonwealth of Kentucky, that from and after the passage and approval of this Ordinance, it shall be unlawful to transport solid waste to or dispose of any solid waste, as defined above, at any site or facility within the geographical boundaries of the County of Grayson except as designated by the Fiscal Court, permission to use sites or facilities not so designated shall require a written request to and written consent from the Fiscal Court; that upon written request, any person shall receive from the Fiscal Court a current list of permitted disposal sites or facilities; and that the use of open dumps is strictly and specifically prohibited in all cases.

BE IT FURTHER ORDAINED that any person who shall violate or refuse to comply with any of the provisions of this Ordinance shall be guilty of a misdemeanor punishable by a fine of not less than twenty-five (\$25.00) nor more than one hundred dollars (\$100.00), and when such violation is of a continuing nature, each day upon which a violation occurs shall be deemed a separate offense.

In the event that any section or sections of the Ordinance is, for any reason, declared unconstitutional or unenforceable, then neither said unconstitutionality or unenforceability shall, in any way, affect the remaining sections of this Ordinance.

This Ordinance shall be of full force and effect on May 13, 1980, 1980 and thereafter.

ADOPTED AND APPROVED this 13~~th~~ day of May, 1980 in an open court by the Grayson County Fiscal Court.



E.R. GLENN, Grayson County Judge Executive

200-218

No. 830.1

COUNTY DUMPING ORDINANCE

BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF GRAYSON,
COMMONWEALTH OF KENTUCKY AS FOLLOWS:

SECTION 1:

That within the County of Grayson, Commonwealth of Kentucky, no person shall directly or indirectly cause any solid waste material including but not limited to any garbage, refuse, sludge, or other discarded material to be dropped, thrown, dumped, discharged, or otherwise disposed of by any other means upon any public or private property or in any public or private water without written permission from the landowner or other appropriate authority.

SECTION 2:

For purposes of this ordinance, any garbage, refuse, or other solid waste material found on public or private property or in any public or private water bearing the name or other identifying markings of an individual or individuals, shall be prima facie evidence that the individual or individuals who are identified, placed the garbage, refuse, or other solid waste material in the area in which it was found.

SECTION 3:

A person who violates this ordinance may be fined not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500) or be imprisoned in the county jail for not less than forty-eight (48) hours nor more than thirty (30) days, or both. Following sentencing, the defendant may apply to the judge for permission to enter a community labor program for not less than two (2) days nor more than thirty (30) days in lieu of fine or imprisonment, or both.

The foregoing ordinance was adopted on the 11th day of Oct, 1988, after first having been read on Sept 13, 1988, by a motion made by Boyd Cannon and seconded by Joe Sheer and adopted by a 6-0 vote which is a majority vote that was passed after having been read on two separate days and having been published pursuant to KRS Chapter 424.

Glenn Tilford
GLENN TILFORD

Grayson County Judge/Executive

Attested by:

Margaret Wooley
Grayson County Clerk

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

ORDINANCE NO. 830.2

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

BE IT ORDAINED by the GRAYSON COUNTY FISCAL COURT for the county of GRAYSON, KENTUCKY, that this ordinance shall be known as the Solid Waste Management Ordinance.

SECTION 1. DEFINITIONS

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

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

BULKY RUBBISH - non-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 in solid waste transportation vehicles by solid waste collectors, with the equipment available therefore.

COUNTY- The County of GRAYSON

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

DEMOLITION AND CONSTRUCTION WASTE- waste materials from the construction or destruction of residential, industrial or commercial structures.

DIRECTOR-the director of the Solid Waste Management Program of the County shall be the County Judge/Executive.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

YARD WASTES-grass clippings, leaves, tree trimmings.

SECTION 2. SOLID WASTE STORAGE

SECTION 2.1: Storage Containers Required.

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

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

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

SECTION 2.3: Standards for Residential Storage Containers.

Residential solid waste shall be stored in containers of not more than 35 gallons nor less than 10 gallons in nominal capacity. Containers shall be leakproof, waterproof, and fitted with a fly-tight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. The containers shall have handles, bails, or other suitable lifting devices or features. Containers shall be of a type originally manufactured for residential solid waste, with tapered sides for easy emptying. They shall be of light weight and sturdy construction. The weight of any individual container and contents shall not exceed 75 pounds. Galvanized metal containers, or rubber, fiberglass, or plastic containers which do not become brittle in cold weather, may be used. Disposable solid waste containers with suitable frames or containers as approved by the (Director) may be used for storage of residential solid waste.

SECTION 2.4: Standards for Commercial Storage Containers.

Commercial solid waste shall be stored in solid waste containers as approved by the (Director). The containers shall be waterproof, leakproof and shall meet all requirements as set forth by Section 7.

SECTION 2.5: Yard Wastes.

Tree limbs less than 4" in diameter, lumber and brush shall be securely tied in bundles not larger than 48" long and 18" in diameter

when not placed in storage containers. The weight of any individual bundle shall not exceed 75 pounds. Yard wastes shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises, or upon adjacent public rights of way. The weight of any individual container and contents shall not exceed 75 pounds.

SECTION 2.6: Air Tight Containers.

No owner, occupany, tenant or lessee of any building or dwelling may leave outside the dwelling or building, in a place accessible to children, any abandoned or unattended icebox, refrigerator or other receptacle that has an airtight door without first removing the door.

SECTION 2.7: Storage Containers Not in Compliance.

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

SECTION 3. COLLECTION OF SOLID WASTE

SECTION 3.1: City Responsibility Defined.

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

- (a) The County shall provide for the collection of all residential solid waste in the County, provided, however, that the County may provide the collection service by contracting with a person, county, or other city or a combination thereof, for the entire County or portions thereof, as deemed to be in the best interests of the County.
- (b) The County may, at its discretion, provide commercial solid waste collection services upon specific application of the owners or persons in charge thereof. However, in the event that such application is not made or approved it shall be the duty of such establishment to provide for collection of all solid waste produced upon any such premises.

SECTION 3.2: Compulsory Collection.

Collection of all solid waste from premises to which services are offer by the County is compulsory, except bulky rubbish as defined herein. Bulky rubbish will be collected in accordance with the rules and regulations as promulgated by the Director.

SECTION 3.3: Collection Points.

Tree limbs and yard wastes, as described in Sections 2.5, shall be places at the (curb, alley, or the rear of the building) for collection. Solid waste containers as required by this ordinance for the storage of other residential solid waste shall be placed (at the curb, alley, or the rear of the building)

for collection. Any solid waste containers, tree limbs, yard wastes, or other solid waste permitted by this ordinance to be placed at the curb or alley for collection shall be so placed not more than 2 hours before collection. All reusable containers shall be removed from the (curb,alley) 24 hours after collection.

SECTION 3.4: Bulky Rubbish.

The (Director) shall establish the procedures for collecting bulky rubbish from residential units within th County. Bulky rubbish shall be collected at least once monthly.

SECTION 3.5: Authority for Collectors to Enter Private Property.

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

SECTION 3.6: Collection Frequency.

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

All residential solid waste, other than bulky rubbish, shall be collected 1 times each week. At least 168 hours shall intervene between collections. All commercial solid waste shall be collected at such lesser intervals as may be fixed by the (Directors) or requested by the commercial establishment upon determination that such lesser intervals are necessary for the preservation of the health and/or safety of the public. All collections shall be made between 8 a.m. and 4 p.m.

SECTION 3.7: Ownership of Solid Waste.

All garbage and refuse placed in authorized storage containers and places at the point of collection defined in Section 3.3, shall become property of the County of Grayson and no person shall be allowed to separate, carry off or disposed of the same without the written permission of the Director.

SECTION 3.8: Collector's Responsibility Defined.

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

SECTION 4. TRANSPORTATION OF SOLID WASTE

SECTION 4.1: Collection Vehicle Standards.

All transportation vehicles shall be maintained in a safe, clean and sanitary condition, and shall be so constructed, maintained and operated as to prevent spillage of solid waste therefrom. All vehicles to be used for transportation of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste or as an alternate, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers. They shall be cleaned as often as necessary to prevent a nuisance and insect breeding and shall be maintained in good repair.

SECTION 5. DISPOSAL OF SOLID WASTE

SECTION 5.1: Disposal in Approved Sites.

Solid wastes shall be deposited at a processing facility or disposal area approved by the County and complying with all requirements of Kentucky revised statutes 224.830, 224.835, 224.855 and the rules and regulations adopted there under. The County may designate the processing or disposal facility to be utilized by persons operating under Section 6 of this ordinance.

SECTION 6.1: Permit Requirements.

No person shall engage in the business of collecting, transporting or processing of solid waste within the corporate limits of the County, without an annual permit therefor from the County; provided that this provision shall not be deemed to apply to employees of the holder of any such permit.

SECTION 6.2: Insurance Requirements.

No such permit shall be issued until and unless the applicant therefor, in addition to all other requirements set forth, shall file and maintain with the (Director) evidence of a satisfactory public liability insurance policy, covering all operations of such applicant, pertaining to such business and all vehicles to be operated in the conduct thereof, in the amount of not less than \$25,000 for each person injured or killed, and in the amount of not less than \$100,000 in the event of injury or death of two or more persons in any single accident, and in the amount of not less than \$250,000 for damage to property. Such policy may be written to allow the first \$1,000 of liability for damage to property to be deductible. Should any such policy be cancelled, th (Director) shall be notified of such cancellation by the insurance carrier in writing not less than (10) days prior to the effective date of such cancellation and provisions to that effect

shall be incorporated in such policy, which shall also place upon the company writing such policy the duty to give such notice.

SECTION 6.3 Permit Application.

Each applicant for any such permit shall state in his application therefor; (a) the nature of the permit desired as to collect, transport, or process of solid waste or any combination thereof; (b) name and address of the applicant and whether a sole proprietorship, corporation, or partnership with disclosure of the ownership interests; (c) the number of employees and solid waste collection vehicles to be operated thereunder; (d) schedule of fees the applicant plans to charge; (e) the precise location or locations of solid waste processing or disposal facilities to be used; (f) boundaries of the collection area; and (g) such other information as required by the (Director).

SECTION 6.4: Permit Insurance

If the application shows that the applicant will collect, transport, and process of solid wastes without hazard to the public health or damage to the environment and in conformity with the laws of the Commonwealth of Kentucky and this ordinance, the (Director) may issue the permit authorized by this ordinance. The (Director) shall have the authority to limit the number of annual permits issued under this section in order to preserve the health, comfort, safety and welfare of the 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 therefor a fee of \$250⁰⁰. If modifications can be made to the application regarding service, equipment, or mode of operation, so as to bring the application within the intent of this ordinance, the (Director) shall notify the applicant in writing setting forth the modification to be made and the time in which it shall be done.

SECTION 6.5 Application Denial.

If the applicant does not make the modifications pursuant to the notice in 6.4 within the time limit specified therein, or if the application does not clearly show that the collection, transportation, or processing of solid wastes will create no public health hazard or be without harmful effects on the environment, the application shall be denied and the applicant notified by the (Director), in writing, stating the reason for such denial. Nothing in this section shall prevent the denial of a permit should the total number permits have already been issued.

SECTION 6.6 Annual Fee.

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

SECTION 6.7 Inspections.

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

SECTION 6.8: Permit Suspension.

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

SECTION 6.9: Injunctive Relief.

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

SECTION 6.10: Appeal.

Any person who feels aggrieved by any notice of violation or order issued pursuant thereto of the (Director) may, within 7 (days) of the act for which redress is sought appeal directly to the Court of Grayson Co. in writing, setting forth in a concise statement the act being appealed and the grounds for its reversal.

SECTION 6.11: Permit Display

All motor vehicles operating under any permit required by this ordinance shall display the number or numbers on each side in colors which contrast with that of the vehicle, such numbers clearly legible and not less than 12 in. high. Each permit for processing or disposal facilities shall be prominently displayed at the facility.

SECTION 7. RULES AND REGULATIONS

The (Director) shall make, amend, revoke, and enforce reasonable rules and regulations, governing, but not limited to:

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

- (c) Identification of solid waste containers, including the type, composition, equipment, size and shape thereof.
- (d) Weight limitations on the combined weight of solid waste containers and the containers and the contents thereof, and weight and size limitations on bundles of solid waste too large for solid waste containers.
- (e) Storage of solid waste in solid waste containers.
- (f) Sanitation, maintenance and replacement of solid waste containers.
- (g) Schedules of and routes for collection and transportation of solid waste.
- (h) Collection points or solid waste containers.
- (i) Collection, transportation, processing and disposal of solid waste.
- (j) Processing facilities and fees for the use thereof.
- (k) Disposal facilities and fees for the use thereof.
- (l) Records of quantity and type of wastes received at processing and/or disposal facilities.
- (m) Handling of special wastes such as sludges, ashes, agriculture, construction, bulky items, tires, automobiles, oils, greases, etc.

The County Clerk or such other County official who is responsible for preparing utility and other service charge billings for the County, is hereby authorized to make and promulgate reasonable and necessary rules and regulations for the billing and collection of solid waste collection and/or disposal service charges, as hereinafter provided for.

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

SECTION 8. PROHIBITED PRATICES

It shall be unlawful for any person to: (1) dispose of garbage, refuse, rubbish or debris by dumping same on any premises in the County with or without the consent of the owner of the premises (2) dump or permit the dumping of garbage, refuse, rubbish, and debris on any property within the County limits, (3) deposit solid waste in any solid waste container other than his own, without the written consent of the owner of such container and/or, with the intent of avoiding payment of the service charge hereinafter provided for solid waste collection and disposal; (4) fail to have solid waste collected as provided in this ordinance; (5) interfere in any manner with solid waste collection and transportation equipment, or with solid waste collectors in the

lawful performance of their duties as such, whether such equipment or collectors shall be those of the County, or those of a solid waste collection agency operating under contract with the County; (6) burn solid waste unless an approved incinerator is provided or unless a variance has been obtained from the appropriate air pollution control agency; (7) dispose of dead animals in any container to be collected by the County; (8) own or operate a dump; (9) to engage in the feeding of food waste to animals for commercial purposes; (10) dispose of solid waste at any facility or location which is not approved by the County and the Kentucky Department for Environmental Protection Protection: (11) engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the County without a permit from the County, or operate under an expired permit, or operate after a permit has been suspended or revoked; (12) violate any section of this ordinance or any other rule or regulation promulgated under the authority of Section 7.

SECTION 9. SERVICE CHARGES

SECTION 9.1: Fees

The Director shall establish service charges or fees for each dwelling unit and each commercial establishment for solid waste collection and disposal as are necessary to meet all costs of operation and maintaining the solid waste management system. All such fees, including subsequent revisions thereof, shall be paid by the resident or owner or record of the property served, and shall be paid to City of Lexington every Month.

SECTION 9.2: Delinquency.

All unpaid fees shall become delinquent if payment is not received within 30 days of the notice due, and shall result in the termination of all utility services provided by the County until payment is received. Delinquent bills shall bear interest at 10 % per annum until paid. The County may enforce collection of delinquent bills by bringing proper legal action against the occupant of any dwelling unit or owner of any commercial establishment to recover any sums due plus a reasonable attorney's fee, court costs and any other costs involved such collection action.

SECTION 9.3: Uncollected Fees.

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

SECTION 9.4: Unoccupied Residences and Buildings.

The service and service charge shall be terminated upon presentation of satisfactory proof to the (Director) that any such dwelling unit or establishment is unoccupied, and shall be commenced upon renewed occupancy thereof.

(More specific information should be provided here explaining how the individual County will collect the service charge, such as billing with the water bill, electric bill, sewer bill, combination, etc., and the frequency of billing. Also, a paragraph may be added in this section to reduce or waive the service charge for persons on a fixed income and meeting certain other qualifications set forth in the paragraph. Consideration should also be given to adding a charge to commercial establishments that have storage or collection conditions that require excessive collection time.)

SECTION 10. PUBLIC NUISANCES.

SECTION 10.1 Notification

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

SECTION 10.2 Non-Compliance.

If the person so served does not abate the nuisance within 30 days, the County may proceed to abate such nuisance. Keeping an account of the expense of the abatement, and such abatement shall be charged and paid by such owner or occupant. Whenever a bill for such charges remains unpaid for 60 days after that has been rendered, the County may file a statement of lien claim against the property.

SECTION 11. PENALTIES

Any person violating any of the provisions of this ordinance, or any lawful rules or regulations promulgated pursuant thereto, upon conviction, shall be punished by a fine of not less than twenty-five dollars (\$25.00) not more than five hundred dollars (\$500.00); provided, that each day's violation thereof shall be a separate offense for the purpose hereof. Violators of this ordinance may be issued a citation by the County police or any duly appointed agency.

SECTION 12. BONDS

(Bonds are suggested for permits to collect and transport solid waste and to operate processing or disposal facilities. The amounts and types should be determined by the County. Types of bonds which should be considered are performance bonds, and payment bonds.)

SECTION 13. REPEALS

The following ordinances are hereby repealed: (list specifically)

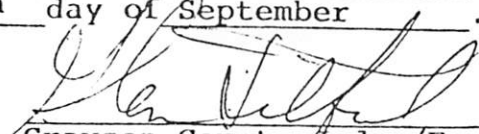
SECTION 14. SAVINGS CLAUSE

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

SECTION 15. SEVERABILITY CLAUSE

The provisions of this ordinance are severable and if any provisions or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of this ordinance.

This ordinance shall become effective upon September 12, 1989.
PASSED AND APPROVED THIS 12th day of September, 1989.



Grayson County Judge/Executive

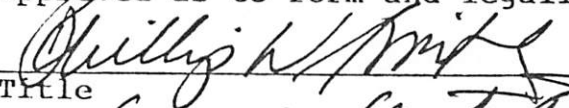
ATTEST:



County Clerk

Approved as to form and legality:

Title



Grayson County Attorney