

830.2

AN ORDINANCE REGULATING SOLID WASTE MANAGEMENT

(Storage, Collection, Transportation, Processing and Disposal)

Grayson County Fiscal Court Ordinance No. 830.2

AN ORDINANCE pertaining to public health, safety, and welfare; regulating storage, collection, processing, transportation, and disposal of solid waste; providing a penalty for the violation of the provisions of this ordinance and repealing all ordinances in conflict herewith.

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

NOW, THEREFORE, be it ordained by the Fiscal Court, Grayson County, Kentucky, that this ordinance shall be known as the Solid Waste Management Ordinance. The County Judge/Executive shall be responsible for the administrative management of this ordinance and the promulgation of the rules and regulations authorized in Section 8.

SECTION 1: DEFINITIONS

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

Agricultural Use: Operations for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers, or ornamental plants, including provision for dwelling for persons and their families who are engaged in the above agricultural use on their tract.

Agricultural Waste: Any non-hazardous waste resulting from the production and processing of on-the-farm agricultural products, including manures, prunings and crop residues.

Approved Incinerator: An incinerator which complies with all current regulations of the responsible local, state and federal air pollution control agencies.

Bulky Waste: Non-putrescible solid wastes consisting of combustible and/or noncombustible 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: The Natural Resources and Environmental Protection Cabinet.

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

Commercial Solid Waste: Solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment.

Convenience Center: A self-contained facility that is manned during operating hours for the collection and subsequent transportation of municipal solid wastes.

County: The County of Grayson, Kentucky.

Demolition and Construction Waste: Materials resulting from the construction or destruction of residential or commercial structures.

Director: The director of the Solid Waste Management Program of the County shall be the County Judge/Executive.

Disposal: The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment, be emitted into the air or be discharged into any water, including groundwaters.

Disposable Solid Waste Container: Disposable plastic or paper sacks with a capacity of 10 to 35 gallons specifically designated 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, sleeping, cooking and eating.

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.

Multi-family Residential Unit: 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 any other improved real property, either as an owner or as a tenant.

Open Burning: Burning of any matter in such manner that the combustion resulting from burning are emitted directly into the outdoor atmosphere without passing through a stack or chimney.

Open Dump: Any facility or site for the disposal of solid waste which does not have a valid permit issued by the Cabinet and/or the Director does not meet the environmental performance standards for a sanitary landfill under regulations promulgated by the Cabinet.

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 of Kentucky, or any interstate body.

Processing: Incinerating, composting, baling, shredding, salvaging, compacting and other process whereby solid waste containers are modified or solid waste quantity is reduced.

Public Nuisance: Illegal waste disposal practices that include but are not limited to open burning, open dumps, or littering which are deemed to be a nuisance under applicable law.

Residential Dwelling Visit: A building or portion thereof, providing complete housekeeping facilities for one (1) person or one (1) family.

Residential Solid Waste: Solid waste resulting from the maintenance of dwelling units.

Sanitary Landfill: A permitted facility for the disposal of solid waste which complies with the "environmental performance standards" specified in 401 KAR 47:030.

Sludge: Any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant or any other such waste having similar characteristics and effects.

Solid Waste: Any garbage, litter, 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) and agricultural operations and from community activities, but does not include solid or dissolved material in irrigation return flows or industrial discharges.

Solid Waste Management: The administration of solid waste activities: source reduction, collection, source separation, store, transportation, transfer, processing, treatment and disposal, which shall be in accordance with a county or multi-county area solid waste management plan approved by the Cabinet.

Solid Waste Management Area or "Area": Means any county or group of counties so designated by the Cabinet upon approval of the local solid waste management plan.

Solid Waste Management Plan: The document submitted by a county or multi-county district as required under KRS 224.887 and approved by the Cabinet.

Solid Waste Site or Facility: Any place at which solid waste is managed, stored, treated, processed or disposed.

Solid Waste Storage/Container: Receptacle used by any person to store solid waste during the interval between solid waste generation and collection. A solid waste container is made out of plastic, vinyl or metal, ranging in size from about 10 gallons to 42 cubic yards in size.

Storage: Keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

Transfer: The placement of solid waste from smaller collection vehicles into larger vehicles for transportation to intermediate or final disposal facilities.

Transfer Facility: Any transportation related facility including loading docks, compaction equipment parking areas, and other similar facilities where shipments of solid waste are held or transferred during the normal course of transportation.

Transportation: The transporting of solid waste from the place of collection or processing to a solid waste processing facility or permitted solid waste disposal site.

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.

Yard Wastes: Grass clippings, leaves, tree trimmings.

SECTION 2: STORAGE OF SOLID WASTE

Section 2.1: Storage Containers Required

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

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

The occupant or owner of every residential dwelling unit, agricultural, commercial, business, institutional and industrial establishment shall place all solid waste to be collected in proper solid waste containers, 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 be kept free from insect and rodent infestation and will not create a fire hazard.

Section 2.3: Standards for Residential Storage Containers

Residential solid waste shall be stored in storage containers of not less than 10 gallons nor more than 35 gallons in nominal capacity. Storage 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 storage containers and contents shall not exceed 75 pounds. Galvanized metal containers, or rubber, fiberglass, plastic or vinyl containers, which do not become brittle in cold weather may be used. Disposable solid waste containers may also be used for storage of residential solid waste, subject to approval by the Director.

Section 2.4: Standards for Residential, Commercial, Institutional and Industrial Use Storage Containers

All uses which generate more than a volume of 2 cubic yards (i.e., approximately equivalent to 500 pounds or 1/4 ton or 400 gallons) of solid waste per week shall be required to provide bulk containers for storage as approved by the Director. The containers shall be water proof, leak proof and shall be covered at all times except when depositing waste therein or removing the contents thereof; and shall meet all requirements as referenced in Section 8. Gives ability to pass rules but won't necessarily include them.

Section 2.5: Air Tight Containers

No owner, occupant, tenant or lessee of any building or dwelling may leave outside the dwelling, in a place accessible particularly to children, any abandoned or unattended white goods (i.e., icebox, refrigerator, or other receptacle that has an airtight door) without first removing the door.

Section 2.6: Yard Wastes

Tree limbs less than 4" 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 2.7: Storage Containers Not in Compliance

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

SECTION 3: COLLECTION OF SOLID WASTE

Section 3.1: County Responsibility Defined

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

- a. The County shall provide for the collection of all residential solid waste in the county, provided, however, 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 interest of the County.
- b. The county may, at its discretion, provide commercial solid waste collection services.

Section 3.2: 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.

Section 3.3: Collection Points

Tree limbs and yard wastes, as described in Section 2.6, shall be placed at the curb, alley, or the rear of the building for collection. Points of collection of solid waste shall be from the roadside or curbside within public rights of way or other locations near buildings, parking lots, etc., on private property. In general, solid waste generated by residential or agricultural uses shall be placed along the roadside or curbside fronting the subject property not more than twelve (12) hours before collection. All reusable storage containers shall be removed from the roadside or curbside by the generator within twelve (12) hours after collection. Residential, agricultural, commercial, institutional and industrial uses required to provide bulk storage containers shall be located on private property in areas accessible to collection vehicles.

Section 3.4: Bulky Rubbish

The Director shall establish the procedures for collecting bulky rubbish from residential units within the County.

Section 3.5: Authority for Collectors to Enter Private Property

Solid waste collectors, employed by the County or a solid waste collection 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

All solid waste, other than bulky waste, shall be collected at least once weekly. Residential, agricultural, commercial, institutional, and industrial uses, generating large quantities of solid waste, may be required to provide collection at more frequent intervals (i.e., twice weekly or more) upon determination by the Director, as necessary for the protection of public health, safety and welfare. All collection shall be made between 7:00 a.m. and 6:00 p.m.

Section 3.7: Ownership of Solid Waste

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

Section 3.8: 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, provided solid waste is stored in compliance with provisions set forth in this ordinance. 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.

Section 3.9: 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 or by contract, franchise or permit with the private sector.

- b. Direct access to a manned convenience center or transfer facility within the solid waste management planning area. Residents may transport their waste directly to permitted manned conveniences centers or transfer facilities within the boundaries of the planning area which meet the environmental performance standards of 401 Kentucky Administrative Regulations 49:030.

Section 3.10: Prohibitions

The following wastes may not be deposited in solid waste containers or receptacles:

1. Hazardous wastes;
2. Liquid wastes;
3. Bulky wastes, major appliances, furniture;
4. Tires;
5. Construction and demolition wastes;
6. Dead animals;
7. Any burning or smoldering materials or any other materials that would create a fire hazard; or
8. Batteries.

No person may remove any item from a solid waste receptacle, climb on or into a container or receptacle or damage any container.

SECTION 4: TRANSPORTATION OF SOLID WASTE

Section 4.1: Collection Vehicle Standards

All transportation vehicles shall be maintained in a safe, clear 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 alternative, 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: Open Burning

Open burning of solid waste, hazardous waste or bulky waste is prohibited.

Section 5.2: Open Dumping

Open dumping of solid waste, including bulky waste, on all land (i.e., roadsides, hollows, rivers, streams, lakes, etc.) by an person is prohibited by KRS 224.835 and this ordinance.

Section 5.3: Disposal Sites

All solid waste, including bulky waste, shall be disposed of within a sanitary landfill having a valid permit issued by the Cabinet in compliance with KRS 224.830, 224.835 and 224.855 and this ordinance.

Section 5.4: Hazardous Waste

As defined within this ordinance, hazardous waste will require special handling and shall be disposed of only in a manner authorized by state and/or federal regulations.

SECTION 6: PERMITS

Section 6.1: Permit Requirements

No person shall engage in the business of collection, transporting or processing of solid waste within the county without a permit secured from the Director. In the event any one person engages in the collection, transportation and processing of solid waste, or any combination thereof, there shall be required of said person only one permit hereunder.

Section 6.2: Insurance Requirements

No such permit shall be issued until and unless the applicant therefore, in addition to all other requirements set forth, shall file and maintain with the Director evidence of a satisfactory public liability insurance policy including uninsured and underinsured motorists, 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 \$300,000.00 for each person injured or killed, and in the amount of not less than \$500,000.00 in the event of injury or death of two or more persons in any single accident, and in the amount of not less than \$100,000.00 for damage to property. Such policy may be written to allow the first \$1,000.00 of liability for damage to property to be deductible. Workmen's Compensation and employee's liability insurance to cover injury or death to any of the employees or workmen in an amount not less than the minimum amount required by law. Should any such policy be cancelled, the Director shall be notified of such cancellation by the insurance carrier in writing not less than ten (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 the following:

- a. the nature of the permit desired, as to collect, process or transport 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. 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; and
- g. by affidavit from the owner and all members of management including but not limited to the manager of permit applied for; if proprietorship, by affidavit from all partners, and all members of management, including, but not limited to the manager of permit applied for; if corporation, by affidavit from all stockholders of corporation that is not traded on the New York Stock Exchange, the American Stock Exchange or the Over the Counter Stock Exchange, and all directors and members or management, including manager of permit applied for, a statement as to whether or not the affiant has ever been convicted of a felony.
- h. permission for the Fiscal Court, and/or County/Judge Executive agent, to run criminal history checks on owner, partners, stockholders and/or management.
- i. other such information as required by the Director.

Section 6.4: Permit Issuance

If the application shows that the applicant will collect, transport and process solid waste without hazard to the public health or damage to the environment and in conformity with the laws of the State of Kentucky and this ordinance, the Director may issue the permit authorized by the ordinance. The Director shall have the authority to limit the number of permits issued under 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 (1) year, and each applicant shall pay a fee of \$20.00. If modifications can be made to the application regarding service, equipment or mode of operation so as to bring the application within the intent of this ordinance, the Director shall notify the applicant in writing setting forth the modifications to be made and the time in which it shall be done.

Section 6.5: Application Denial

If the applicant does not made the modifications pursuant to the notice in Section 6.4 within the time limit specified therein or if the application does not clearly show that the collection, processing, or transportation of solid waste will not create a public health hazard or be without harmful effects on the environment, the application shall be denied and the applicant notified by the Director, in writing, stating, the reason for such denial. Nothing in this section shall prejudice the right of the applicant to reapply after the rejection of his

application provided that all aspects of the reapplication comply with the provisions of this ordinance. Nothing in this section shall prevent the denial of a permit should the total number of annual permits have already been issued.

Section 6.6: Annual Fee

The permit may be renewed upon payment of the fee as required 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 7.3 and 7.4. No permits authorized by this ordinance shall be transferable from company to company or person to person.

Section 6.7: Inspections

In order to insure compliance with the laws of the State of Kentucky, this ordinance, and the rules and regulations authorized herein, the Director is authorized to inspect all phases of solid waste management in 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 such inspections reveal violation of this ordinance, the Director shall issue notice for each such violation stating therein the violation or violation found, 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.

Section 6.10: Appeal

Any person who feels aggrieved by any notice of violation or order issued pursuant thereto by the Director may within 30 days of the act for which redress is sought appeal directly to the County 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 to be clearly legible and not less than three (3) inches high. A copy of said permit shall be maintained in the vehicle. Each permit for processing or disposal facilities shall be prominently displayed at the facility.

SECTION 7: FRANCHISING

Section 7.1: Franchise Requirement

No person may engage in the business of solid waste collection unless he holds a franchise issued by the County Fiscal Court authorizing him to collect, transport, and dispose of solid wastes and describing the area for which the franchise is issued.

Section 7.2: Establishment of a Franchise

The County shall determine the area for which a franchise is granted.

Section 7.3: Granting a Franchise

The County shall advertise and seek proposals to serve each franchise area. Applications for franchises shall be filed with the court on forms prescribed by the Director. The board may grant a franchise only upon finding that the applicant will render prompt, efficient, and continuing service to the area for which the franchise is granted and that the applicant has sufficient equipment and personnel to render service to all persons generating solid waste within the service area. A franchise shall be granted for a term of five (5) years and may be renewable. No franchise shall be assignable.

Section 7.4: Free Approval

The Director shall approve all fees charged by solid waste collectors. Fee schedules may be requested annually.

Section 7.5: Termination of Franchise

A solid waste collector granted a franchise under this ordinance shall give 90 days written notice to the County before abandoning the franchise. The County may terminate or suspend all or any portion of a franchise for failure to comply with any provision of this ordinance, failure to render prompt and effective service, or failure to comply with authorized fee schedules.

SECTION 8: RULES AND REGULATION

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 and of the covers thereof, and of equipment thereto appertaining, if any.
- d. Weight limitations on the combined weight of solid waste containers and the content thereof and weight and size limitations on bundles of solid waste too large for solid waste containers.
- e. Storage of solid waste in solid waste containers.
- f. Sanitation, maintenance and replacement of solid waste containers.
- g. Schedules of and routes for collection and transportation of solid waste.
- h. Collection points of solid waste containers.
- i. Collection, transportation, processing and disposal of solid waste.
- j. Processing facilities and fees for the use thereof.
- k. Disposal facilities and fees for the use thereof.
- l. Records of quantity and type of wastes received at processing and/or disposal facilities.
- m. Handling of special wastes such as sludges, ashes, agricultural, construction, bulky items, tires, automobiles, oils, greases, etc.
- n. Reporting requirements of permittees.

SECTION 9: PROHIBITED PRACTICES

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;
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 and open 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 permitted by the Kentucky Department for Environmental Protection;
11. Engage in the business of collecting, transporting, processing or disposing of solid waste within the geographic boundaries of the County without a permit, contract or franchise agreement from the County, operate under an expired permit, or operate after a permit has been suspended or revoked or contract or franchise agreement cancelled; and,

12. Violate any section of this ordinance or any other rule or regulation promulgated under the authority of Section 8.

SECTION 10: SERVICE CHARGES

Section 10.1: 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 of record of the property served and shall be paid to the County or its designee at times set by the Fiscal Court.

Section 10.2: 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 18% per annum until paid. The County or its designee may enforce collection of delinquent bills by bringing property legal action against the owner or occupant of any dwelling unit or owner of any commercial establishment to recover any sums due plus a reasonable attorney's fee, court cost and any other costs involved such collection action.

Section 10.3: Uncollected Fees

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

Section 10.4: Unoccupied Residence 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.

SECTION 11: PUBLIC NUISANCES

Section 11.1: 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 11.2: 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 90 days after that has been rendered, the County may file a statement of lien claim against the property.

Section 11.3: 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) nor more than five-hundred (\$500), provide 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 Sheriff or any authorized police officer.

Section 11.4: Cost Recovery

When the County must clean up and remove an open dump to insure protection of the public health and safety and when the responsible party can be identified, the Director shall require these persons to reimburse the County for the actual costs incurred. Recoverable costs include but are not limited to costs for site assessment and evaluation, labor, equipment, disposal, and legal fees. Should other means of collection prove ineffective, the County may seek such reimbursement of funds ninety (90) days following the completion of the cleanup. Such cost recovery should not apply to property owners who are with victim of illegal dumping of solid waste without their knowledge or beyond their reasonable control.

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: SAVINGS CLAUSE

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

SECTION 14: SEVERABILITY CLAUSE

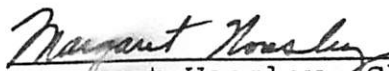
The provisions of this ordinance are severable and if any provisions or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of this ordinance.

This ordinance shall become effective upon May 24, 1991.

PASSED AND APPROVED THIS 24th day of May, 1991.


Glen Tilford, Judge/Executive
Grayson County

ATTEST:


Margaret Woosley, Clerk
Grayson County

Approved as to form and legality


THOMAS H. GOFF
Grayson County Attorney