

BOYD COUNTY
ORDINANCE NO. 50

AN ORDINANCE ESTABLISHING A LICENSE REQUIREMENT
AND LICENSE FEE FOR SOLID WASTE LANDFILLS AND
OFFSITE WASTE MANAGEMENT FACILITIES LOCATED
WITHIN BOYD COUNTY, KENTUCKY, PURSUANT
TO KRS 68.178, AND OTHER APPLICABLE LAW.

THE FISCAL COURT OF BOYD COUNTY, KENTUCKY, DOES HEREBY ORDAIN
AS FOLLOWS, TO WIT:

SECTION ONE. In order for any solid waste landfill or off site solid waste management facility to operate within Boyd County, Kentucky, the solid waste landfill or any solid waste related facilities must first obtain a license from the County of Boyd, Kentucky, by making application and purchasing same from this County in the Office of the County Judge Executive. The license may be renewable from year to year provided the license applicant is in good standing with Kentucky Cabinet for Natural Resources and Environmental Protection and possesses all necessary operating permits, licenses and other legal authority to operate a solid waste landfill and/or offsite waste management facility within this County, and provided further, that the applicant remains in good standing with the County of Boyd, Kentucky, for the payment of license fees required pursuant to this Ordinance, as amended from time to time.

This Ordinance does not apply to any solid waste landfills or offsite waste management facilities where the waste stored, processed, transferred, and/or disposed of at such solid waste

landfill, or offsite waste management facility is generated by the person, corporation or partnership which is the permitted owner or operator of said solid waste landfill, or offsite waste management facility.

This ordinance does not apply to solid waste landfills that contain less than 5 acres of permitted landfill area.

SECTION TWO. That the operator of any solid waste landfill and/or offsite waste management facilities within Boyd County, Kentucky, shall pay license fee pursuant to the license issued as provided by this ordinance to the County in a sum of FIFTY CENTS (.50) per ton of waste received by the solid waste landfill which is collected from the management plan area of Boyd County, Kentucky filed with the Cabinet; and the applicant shall pay the sum of seventy-five cents (.75) per ton for all waste received by the solid waste landfill which originates from outside the waste management planning area. Offsite waste management facilities shall not exceed 2% of the annual gross receipts of such offsite waste management facilities. That the license fee shall be paid on a monthly basis and the license fee required of all waste received by the solid waste landfill or offsite waste management facility for a month shall be paid on, or before, the 20th of the month following the month of collection.

SECTION THREE. That the operator of any solid waste landfill shall provide the County with documentation of the tonnage received by the facility with Boyd County, Kentucky; Off site waste management facilities shall provide the county with gross receipt records needed under Section Six of this ordinance. The solid

waste landfill, or offsite waste management facility shall be subject, without notice, to inspection by any solid waste management inspectors appointed or authorized by Boyd County, Kentucky, for the purpose of determining compliance by the operator with this ordinance and other applicable law. That the operator shall also be subject to requests for supporting data and more detailed documentation of the tonnage or gross receipt of waste received by the solid waste landfill, or offsite waste management facility, and the points and places of origination of said waste received by the solid waste landfill or solid waste management facility.

SECTION FOUR. That the differential charged for waste originating outside of the waste management and planning area (Boyd County, KY) is related to, additional government services which must be provided because of the receiving of waste by local solid waste landfills, or offsite waste management facilities from outside the waste management planning area. These additional services include, but are not limited to, the more rapid reduction in waste disposal capacity within the waste management planning area for the residents of this County and, in addition, the detrimental impact on roads within waste management planning area of Boyd County, Kentucky, due to the transportation of additional solid waste to be received by solid waste landfills; and the increased necessity of inspection of the solid waste landfill and litter control along the routes to the solid waste landfill or solid waste management facility; and for general governmental services which will be increased by the impact of additional waste

brought into the local planning area. The differential charged is further necessary for the increase inspection of the waste to insure that the local facility is not receiving unauthorized hazardous or toxic waste which would be detrimental to land, air and water of the waste management planning area and (Boyd County, Ky.).

SECTION FIVE. That the proceeds of the license fee generated by this ordinance shall be used to defray the cost of the government services provided to the solid waste landfill or offsite waste management facility; in related areas, the necessary clean-up operations or emergency responses related to transportation of material to the landfills or related facilities; the inspection of the solid waste landfill or offsite waste management facility and related areas; the necessary clean-up operations or emergency responses related to the operation of the solid waste landfill or related to the transportation of material to the solid waste landfills or offsite waste management facilities; the necessary maintenance, improvement and development of roads within Boyd County; the administrative costs of regulating the solid waste landfill, or offsite waste management facility; and the clean-up of illegally disposed waste within Boyd County. Additionally said license fee shall be used for the general revenue requirements of Boyd County.

SECTION SIX. That any operator, including an individual corporation, partnership, association or business group, who shall operate a solid waste landfill or offsite waste management facility within Boyd County, Kentucky, without having first procured a

license pursuant to this ordinance, or who operates a solid waste landfill or offsite waste management facility in violation of this ordinance or without paying the appropriate license fees as set out herein, shall be subject to injunctive relief in Boyd Circuit Court enjoining the operation of the solid waste landfill, or offsite waste management facility in violation of this ordinance. Additionally, any said operator who shall operate a solid waste landfill or off site waste management facility within Boyd County without paying the full license fees as required herein or by failing to pay the license fee timely or in excess of the grace period shall result in an assessment of civil penalties by jurisdiction of the Boyd Circuit Court which penalties shall be in the sum of \$1,000.00 per day for each day of operation of the solid waste landfill, or offsite waste management facility in violation of this ordinance. That all payments as mentioned hereinabove shall be due and owing on the 20th day of each month following the month of receipt of the waste, and a grace period shall be provided before the imposition of the liability for civil penalties as provided herein; that the grace period shall be for a period of fifteen (15) days; that any payments made within the grace period, however, shall bear interest at the rate of twelve (12) percent per annum on all funds due from the date the payment was due to and including the date of payment.

SECTION SEVEN. That if any provision of this ordinance shall be determined to be invalid or unconstitutional by any valid Court of Law, or any other legal authority, the remainder of this ordinance and the application of such provisions remaining in this

ordinance shall not be affected by the decision holding any particular part of this ordinance invalid.

SECTION EIGHT. That any ordinance, resolution, rule or regulation previously adopted by the Boyd County Fiscal Court which may be in conflict with this ordinance is repealed only to the extent of such express conflict, if any.

SECTION NINE. That this ordinance shall have full force and effect upon its adoption and publication as required by law.


BILL SCOTT, JUDGE/EXECUTIVE
BOYD COUNTY, KENTUCKY

ATTEST;


CLERK, BOYD FISCAL COURT

FIRST READING

June 6, 1990

VOTED: COUNTY COMMISSIONERS

DATE

Charlie Pelfrey

YES

Bill F. Scott

YES

COUNTY JUDGE EXECUTIVE

Bob Reynolds

YES

Billy Joe Ross

YES

SECOND READING

June 20, 1990

DATE

VOTED: COUNTY COMMISSIONERS

Charlie Pelfrey

YES

Bill F. Scott

YES

Bob Reynolds

YES

Billy Joe Ross

YES

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