

2-16-99

ORDINANCE NO. 50-1 (1999)

AN ORDINANCE AMENDING BOYD COUNTY ORDINANCE NO. 50 WITH REGARD TO LICENSE FEES PAYABLE BY SOLID WASTE LANDFILLS, OFF-SITE WASTE MANAGEMENT FACILITIES AND OTHER SUCH OPERATIONS LOCATED WITHIN THE CONFINES OF BOYD COUNTY, PURSUANT TO KRS CHAPTER 68 AND ALL OTHER APPLICABLE LAW.

WHEREAS, the Boyd County Fiscal Court previously adopted Boyd County Ordinance No. 50, a true and correct copy of which is attached hereto and incorporated herein by reference to the extent said Ordinance is not in conflict with nor otherwise amended by this Ordinance;

WHEREAS pursuant to Section Two of said Ordinance No. 50, operators of any solid waste land fill and /or off-site waste management facility within Boyd County, Kentucky are required to pay a license fee to the county based upon tonnage received or annual gross receipts;

WHEREAS, it has come to the attention of the current Boyd County Fiscal Court that said license fee with regard to waste received from outside the Boyd County Waste Management planning area exceeds that currently permitted by KRS Chapter 68;

WHEREAS, Section One of said Ordinance exempts certain landfills or off-site waste management facilities from the provisions of the licensing fee requirement;

WHEREAS, it is the intent of the current Boyd County Fiscal Court that the License Fee Ordinance be in compliance with KRS Chapter 68 and further that all persons engaged in, conducting or otherwise operating solid waste landfills, off-site waste management facilities or any other operation the principle purpose of which is the receipt, dumping, disposal or deposit of any waste be required to pay a license fee to the County of Boyd;

BE IT HEREBY ORDAINED BY THE FISCAL COURT OF THE COUNTY OF BOYD, KENTUCKY;

Section One of Boyd County Ordinance No. 50 be and hereby is amended to state that this Ordinance shall apply to all solid waste landfills, off-site waste management facilities or other persons, firms or corporations engaged in the business of receiving, depositing, disposing of or otherwise performing such functions within the confines of Boyd County, Kentucky..

That Section Two of Boyd County Ordinance No. 50 as presently enacted be and hereby is set aside and repealed in its entirety with the following substituted:

Section Two. The operator of any said waste landfill and/or off-site waste management facility or other person, firm or corporation engaged in the receipt, disposal and deposit of municipal, commercial or construction or demolition debris within the confines of Boyd County, Kentucky shall pay a license fee to the County of Boyd in the sum of .50 cents per ton of all waste or material received by such operator which is collected from the management plan area of Boyd County, Kentucky and the operator, person, firm or corporation shall further pay the sum of 62.5 cents per ton for all waste received by the operator, person, firm or operation which originates from outside the Boyd County Waste Management Planning Area. That the license fee shall be paid on a monthly basis and shall be applicable to all waste received, deposited or otherwise disposed of by the persons, firms, or entities subject to the terms and conditions of this Ordinance and every such operator shall provide to the Boyd County Fiscal Court a true and accurate report of all tonnage received and the places of origin for the material received and upon which the license fee is calculated and payable.

That the following sections are hereby added:

Section Ten. Construction and Demolition Debris, landfills (CDD's) shall, prior to commencing operation, obtain permits from the County of Boyd Solid Waste coordinator and the Commonwealth of Kentucky Department of Natural Resources. The county application fee in the sum of Five Hundred Dollars (\$500.00) shall accompany the permit application and be non-refundable.

Section Eleven. No person, firm or corporation subject to the terms hereof shall accumulate or otherwise store or stockpile recyclable material without possessing a valid, enforceable, executed contract for disposition or recycling said material and no amount of any particular recyclable shall remain upon the permitted premises in excess of thirty days.

Section Twelve. No CDD shall be located within 200 feet of any existing, proposed or anticipated CDD.

Section Thirteen. No person, firm or corporation subject to the provisions hereof shall accept any material not permitted.

Section Fourteen. All persons, firms or corporations subject to the provisions hereof shall post bond with good surety acceptable to the county in the amount of \$ 100,000.00 to assure full and Complete compliance with the terms hereof.

Section Fifteen. All records of any permitted facility shall be subject to inspection by the Boyd County Solid Waste Coordinator or Lawfully appointed representative of the Boyd Fiscal Court.

Section Sixteen. Changes, amendments or modifications to any permit issued hereunder may only be made in writing by the Boyd County Solid Waste coordinator.

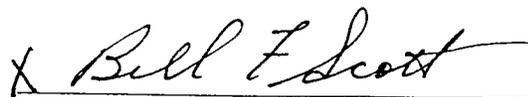
Penalty:

In addition to any other penalty prescribed hereunder or by law any person, firm or corporation who violates any of the terms and conditions hereof shall be subject to immediate and permanent revocation or suspension of the permit and/or a Financial Penalty of \$ 500.00 per day each and every day the violation continues.

This Ordinance shall be in full force and effect upon its adoption, readoption and publication according to law.

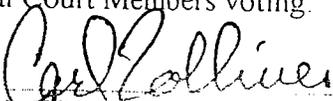
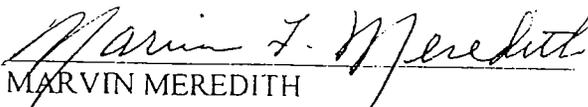
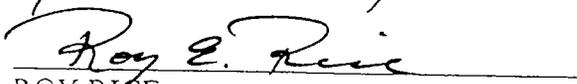
That any and all other Ordinances of the county of Boyd in conflict herewith be and hereby are repealed but only to the extent of said conflict, if any.

That should any part of this Ordinance be declared unconstitutional or otherwise held for naught or set aside then the remaining portions thereof not so declared unenforceable shall remain in full force and effect.



BILL F. SCOTT, BOYD COUNTY JUDGE EXECUTIVE

Fiscal Court Members voting:

  
CARL TOLLIVER  
MARVIN MEREDITH  
ROY RICE

