

830.1

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

WHEREAS, it is declared to be the policy of the County of Hart, 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 disease and creation of nuisances; and,

WHEREAS, the Fiscal Court of the County of Hart is empowered, pursuant to the provisions of KRS 67.083, KRS 189, et. seq., and other applicable law, with the authority to abate any public nuisance and manage, exclusively, solid waste, by ordinance or contract; and,

WHEREAS, the Fiscal Court of the County of Hart, 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,

NOW THEREFORE, IT IS ORDAINED by the Fiscal Court of the County of Hart, Commonwealth of Kentucky;

SECTION ONE: No individual, partnership, corporation or any other group or entity shall operate or own a place of solid waste disposal of any size within the boundaries of Hart County, Kentucky, without first obtaining a solid waste disposal permit from Hart County.

SECTION TWO: To obtain such a permit application shall be made to the Hart County Fiscal Court and the granting of such a permit shall lie within the sound discretion of said Fiscal Court and shall only after the Fiscal Court is satisfied that the public will be protected in their health, creation of an nuisance and will not endanger the beauty or the quality of the environment within the County.

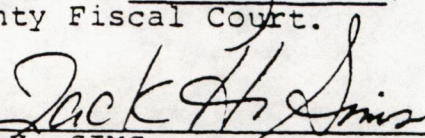
SECTION THREE: This Ordinance does not apply to household waste as defined in KRS 224.260 in that no provision of this Ordinance shall be construed so as to prevent a person from disposing of solid waste from his own household upon his own property as long as such disposal does not create a nuisance or a hazard to health.

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 dollars (\$25) nor more than one hundred dollars (\$100), 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 the 8th day of May, 1980, and thereafter. *Upon publication.*

ADOPTED AND APPROVED this the 6th day of May, 1980, in an open Court by the Hart County Fiscal Court.



JACK H. SIMS
HART COUNTY JUDGE/EXECUTIVE

ATTEST: _____