

TRIMBLE COUNTY SOLID WASTE ORDINANCE

NUMBER 830.22

AN ORDINANCE RELATING TO THE STORAGE, COLLECTION, TRANSPORTATION
AND DISPOSAL OF SOLID WASTE AND THE SITING OF LANDFILLS

RECEIVED
JERRY L. POWELL TRIMBLE CO.

AND SOLID WASTE MANAGEMENT FACILITIES

DATE 01/11/05
A.M. 1:02 P.M.
H. D. Wells D.C.

SUMMARY

AN ORDINANCE ESTABLISHING CRITERIA FOR THE COLLECTION, STORAGE,
TRANSPORTATION, TRANSFER, PROCESSING, TREATMENT, OR DISPOSAL OF SOLID
WASTE IN TRIMBLE COUNTY AND THE SITING OF ALL LANDFILLS AND SOLID
WASTE MANAGEMENT FACILITIES TO PREVENT ANY SIGNIFICANT THREAT TO
HUMAN HEALTH OR THE ENVIRONMENT OF TRIMBLE COUNTY AND FURTHER
REQUIRING FISCAL COURT APPROVAL OF A SITE FOR A LANDFILL OR SOLID
WASTE MANAGEMENT FACILITY.

PREAMBLE

THE FISCAL COURT OF TRIMBLE COUNTY, BY THE PASSAGE OF THIS
ORDINANCE HAS DETERMINED THAT THIS ORDINANCE IS REQUIRED: TO ABATE
A POTENTIAL PUBLIC NUISANCE; TO ENHANCE AND PROTECT HUMAN HEALTH;
TO CONSERVE, ENHANCE AND PRESERVE THE NATURAL RESOURCES OF THE
COUNTY; TO REGULATE COMMERCE FOR THE PROTECTION AND CONVENIENCE
OF THE PUBLIC; TO ASSURE ADEQUATE CAPACITY FOR PROPER MANAGEMENT OF
SOLID WASTE CONSISTENT WITH THE PROTECTION OF HUMAN HEALTH, SAFETY
AND GENERAL WELFARE; TO ENCOURAGE WASTE REDUCTION; AND TO PROTECT
AND ENHANCE THE SOCIAL AND ECONOMIC DEVELOPMENT OF TRIMBLE COUNTY.

ADDITIONALLY THE FISCAL COURT OF TRIMBLE COUNTY, BY THE PASSAGE OF THIS ORDINANCE, HAS DETERMINED THAT THE REGULATION OF SOLID WASTE MANAGEMENT ACTIVITIES AND FACILITIES IN THIS COUNTY IS REQUIRED FOR THE PROTECTION OF HUMAN HEALTH, WELFARE AND SAFETY OF THE CITIZENS OF TRIMBLE COUNTY, AND THAT THIS ORDINANCE IS CONSISTENT WITH STATE STATUTES. IF ANY STANDARDS SET FORTH IN THIS ORDINANCE OR REGULATIONS ARE FOR ANY REASON DEEMED MORE STRINGENT THAN ANY EXISTING STATE STANDARD, THE FISCAL COURT OF TRIMBLE COUNTY HAS DETERMINED THAT SUCH STRINGENCY IS REQUIRED BECAUSE OF THE RURAL AND AGRICULTURAL ENVIRONMENT OF TRIMBLE COUNTY AND THE SERIOUS CONCERNS RAISED BY THE NATURE AND POTENTIAL AFFECT OF SOLID WASTE MANAGEMENT FACILITIES.

FURTHER, THE PURPOSE OF THIS ORDINANCE IS TO ESTABLISH CRITERIA AND STANDARDS FOR THE ASSESSMENT OF THE HUMAN HEALTH, PUBLIC SAFETY AND NATURAL RESOURCES EFFECTS OF THE MANAGEMENT OF SOLID WASTE WITHIN TRIMBLE COUNTY AND THE SITING OF LANDFILLS AND SOLID WASTE MANAGEMENT FACILITIES AT A PARTICULAR LOCATION WITHIN TRIMBLE COUNTY, AND FURTHER TO ESTABLISH THE CRITERIA AND PROCEDURES FOR OBTAINING FISCAL COURT APPROVAL OF A LANDFILL OR SOLID WASTE MANAGEMENT FACILITY PRIOR TO THE COMMENCEMENT OF THE OPERATION OF THE FACILITY.

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

SECTION 1. APPLICABILITY

THIS ORDINANCE SHALL APPLY TO THE COLLECTION, STORAGE, TRANSPORTATION, TRANSFER, PROCESSING, TREATMENT OR DISPOSAL OF SOLID WASTE IN TRIMBLE COUNTY AND TO ANY PERSON WHO IS AN OWNER/OPERATOR OF A LANDFILL OR SOLID WASTE MANAGEMENT FACILITY, AS HEREINAFTER DEFINED.

SECTION 2. DEFINITIONS

DEFINITIONS IN THIS SECTION AS HEREIN GIVEN WILL BE USED EXCEPT IN THOSE INSTANCES WHERE THE DEFINITIONS IN THE KENTUCKY REVISED STATUTES (KRS) ARE MORE INCLUSIVE. IN THOSE CASES, THE STATUTORY DEFINITIONS WILL CONTROL AND APPLY. WHEN AMENDMENTS ARE MADE, THE AMENDMENTS SHALL APPLY.

"**CABINET**" MEANS THE ENVIRONMENTAL AND PUBLIC PROTECTION CABINET.

"**CLOSURE**" MEANS THE TIME AT WHICH A SOLID WASTE MANAGEMENT FACILITY OR LANDFILL PERMANENTLY CEASES TO ACCEPT SOLID WASTE, AND INCLUDES THOSE ACTIONS TAKEN BY THE OWNER/OPERATOR OF THE FACILITY TO PREPARE THE SITE FOR POST-CLOSURE MONITORING AND MAINTENANCE OR TO MAKE IT SUITABLE FOR OTHER USES.

"**COLLECTION**" MEANS REMOVAL OF SOLID WASTE FROM THE DESIGNATED PICKUP LOCATION TO THE TRANSPORTATION VEHICLE.

"EXISTING LANDFILL" MEANS THE ENTIRE PERMIT AREA (NOT LIMITED TO THE WASTE BOUNDARY) OF A LANDFILL ESTABLISHED BY A VALID PERMIT ISSUED BY THE CABINET PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE.

"FACILITY" MEANS SOLID WASTE MANAGEMENT FACILITY OR LANDFILL, AS THE CONTEXT MAY REQUIRE.

"HAZARDOUS WASTE" MEANS HAZARDOUS WASTE AS DEFINED IN KRS 224.01-010(31)(b).

"KEY PERSONNEL" MEANS AN OFFICER, PARTNER, DIRECTOR, MANAGER, OR SHAREHOLDER OF FIVE PERCENT (5%) OR MORE OF STOCK OR FINANCIAL INTEREST IN A CORPORATION, PARTNERSHIP, OR ASSOCIATION OR PARENT, SUBSIDIARY, OR AFFILIATE CORPORATION AND ITS OFFICERS, DIRECTORS, OR SHAREHOLDERS OF FIVE PERCENT (5%) OR MORE OF STOCK OR FINANCIAL INTEREST.

"LANDFILL" MEANS A (A) CONTAINED LANDFILL, (B) CONSTRUCTION DEMOLITION/DEBRIS LANDFILL, (C) LESS THAN ONE ACRE CONSTRUCTION/DEMOLITION/DEBRIS LANDFILL, AS REGULATED PURSUANT TO KRS 224.40-120, (D) RESIDENTIAL LANDFILL, (E) SANITARY LANDFILL, OR (F) OTHER DISPOSAL FACILITY AS DEFINED IN THE REGULATIONS OF THE CABINET ADOPTED PURSUANT TO KRS CHAPTER 224.

"OWNER/OPERATOR" MEANS THE OWNER OF ANY LANDFILL OR SOLID WASTE MANAGEMENT FACILITY, OR ANY PART THEREOF, OR ANY PERSON RESPONSIBLE FOR OVERALL OPERATION OF A SOLID WASTE MANAGEMENT FACILITY.

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"PERSON" MEANS AN INDIVIDUAL, TRUST, FIRM, CORPORATION (INCLUDING A GOVERNMENT CORPORATION), JOINT STOCK COMPANY, PARTNERSHIP, ASSOCIATION, FEDERAL AGENCY, STATE AGENCY, CITY, COMMISSION, OR ANY POLITICAL SUBDIVISION OF THE COMMONWEALTH.

"SOLID WASTE" MEANS SOLID WASTE AS DEFINED IN KRS 224.01-010(31)(a).

"SOLID WASTE MANAGEMENT" MEANS THE ADMINISTRATION OF SOLID WASTE ACTIVITIES CONSISTING OF COLLECTION, STORAGE, TRANSPORTATION, TRANSFER, PROCESSING, TREATMENT OR DISPOSAL, WHICH SHALL BE IN ACCORDANCE WITH A CABINET APPROVED COUNTY OR MULTI-COUNTY SOLID WASTE MANAGEMENT PLAN .

"SOLID WASTE MANAGEMENT FACILITY" MEANS ANY FACILITY FOR COLLECTION, STORAGE, TRANSPORTATION, TRANSFER, PROCESSING OR TREATMENT OF SOLID WASTE, WHETHER SUCH FACILITY IS ASSOCIATED WITH FACILITIES GENERATING SUCH WASTES OR OTHERWISE, BUT DOES NOT INCLUDE A CONTAINER LOCATED ON PROPERTY WHERE SOLID WASTE IS GENERATED AND WHICH IS USED SOLELY FOR THE PURPOSE OF COLLECTION AND TEMPORARY STORAGE OF THAT SOLID WASTE PRIOR TO OFF-SITE DISPOSAL.

"STORAGE" MEANS THE CONTAINMENT OF WASTES, ON A TEMPORARY BASIS, IN SUCH A MANNER AS NOT TO CONSTITUTE DISPOSAL OF SUCH WASTES.

"TRANSPORTATION" MEANS ANY OFF-SITE MOVEMENT OF WASTE BY ANY MODE, AND ANY LOADING, UNLOADING, OR STORAGE INCIDENTAL THERETO.

SECTION 3. STORAGE OF SOLID WASTE

(A) THE OCCUPANT OR OWNER OF EVERY DWELLING UNIT AND OF EVERY INSTITUTIONAL, COMMERCIAL OR BUSINESS, INDUSTRIAL OR AGRICULTURAL ESTABLISHMENT PRODUCING SOLID WASTE WITHIN THE COUNTY SHALL PROVIDE SUFFICIENT AND ADEQUATE CONTAINERS FOR THE STORAGE OF ALL SOLID WASTE EXCEPT BULKY RUBBISH AND DEMOLITION AND CONSTRUCTION WASTE TO SERVE EACH SUCH DWELLING UNIT AND/OR ESTABLISHMENT AND SHALL MAINTAIN SUCH SOLID WASTE CONTAINERS AT ALL TIMES IN GOOD REPAIR.

(B) ALL SOLID WASTE SHALL BE COLLECTED IN PROPER SOLID WASTE CONTAINERS, AND SUCH SOLID WASTE CONTAINERS AND THE AREA SURROUNDING THEM SHALL BE MAINTAINED 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. SOLID WASTE CONTAINERS SHALL BE LEAK-RESISTANT, WATER-RESISTANT, AND FITTED WITH A SECURE LID AND SHALL BE PROPERLY COVERED AT ALL TIMES EXCEPT WHEN DEPOSITING WASTE THEREIN OR REMOVING THE CONTENTS THEREOF.

(C) PLASTIC GARBAGE BAGS MAY BE USED AS CONTAINERS FOR SOLID WASTE ONLY IF THEY ARE MADE OF A STRONG MATERIAL ABLE TO WITHSTAND COMPACTION OF GARBAGE, ARE ABSENT OF HOLES OR FLAWS THAT WILL PRODUCE LEAKAGE OF LEACHATE OR OTHER MATERIALS, AND ARE SECURELY FASTENED. PLASTIC GARBAGE BAGS MAY BE LEFT AT THE POINT WHERE

COLLECTION SERVICES ARE PERFORMED BUT SHALL NOT BE LEFT OUT FOR MORE THAN TWELVE (12) HOURS PRIOR TO TIME OF COLLECTION,

(D) UPON COLLECTION OF SOLID WASTE BY A COMMERCIAL HAULER, SOLID WASTE MAY NOT BE STORED ON ANY SITE IN TRIMBLE COUNTY FOR MORE THAN TWELVE (12) HOURS, OTHER THAN AT AN APPROVED AND PERMITTED LANDFILL.

(E) STORAGE OF THE FOLLOWING ARE NOT PROHIBITED UNDER THIS ORDINANCE:

- (1) SAWDUST PILES AT PERMANENT OR TEMPORARY SAWMILLS.
- (2) JUNKYARDS WHICH ARE REGULATED BY THE KENTUCKY REVISED STATUTES.
- (3) STORAGE OF DEMOLITION WASTE ON THE PROPERTY WHERE DEMOLITION OCCURRED PROVIDED SAID WASTE IS REMOVED WITHIN SIX (6) MONTHS OF FINAL DEMOLITION.
- (4) STORAGE OF LAND CLEARING DEBRIS ON THE PROPERTY WHERE THE LAND CLEARING OCCURRED.
- (5) STORAGE OF HOUSEHOLD WASTE ON THE PROPERTY OWNED BY THE GENERATOR OF THE WASTE NOT TO EXCEED TEN (10) CALENDAR DAYS, PROVIDED NO OPEN DUMPING LAWS ARE VIOLATED.

SECTION 4. COLLECTION OF SOLID WASTE

(A) ANY PERSON OR BUSINESS ENGAGING IN THE BUSINESS OF COLLECTION OR TRANSPORTATION OF SOLID WASTE SHALL FIRST OBTAIN A PERMIT ISSUED FROM THE TRIMBLE COUNTY FISCAL COURT. THESE PERMITS

SHALL BE SEQUENTIALLY NUMBERED AND SHALL BE LOCATED ON THE VEHICLE, EASILY VISIBLE FROM THE OUTSIDE OF THE VEHICLE. APPLICATIONS FOR A PERMIT MAY BE OBTAINED AT THE OFFICE OF THE COUNTY JUDGE EXECUTIVE. THE FEE FOR COLLECTION OR TRANSPORTATION OF SOLID WASTE SHALL BE \$100 FOR EACH VEHICLE WITH UP TO TWO (2) TONS CAPACITY AND \$150 FOR EACH VEHICLE WITH CAPACITY OVER TWO (2) TONS. THE REQUIRED FEE MUST ACCOMPANY EACH APPLICATION.

(B) PERMITS WILL BE VALID FROM THE DATE OF ISSUANCE UNTIL DECEMBER 31 OF THE YEAR IN WHICH THE PERMIT IS GRANTED SUBJECT TO CONTINUED CONFORMANCE WITH THIS ORDINANCE AND ALL REGULATIONS GOVERNING THE COLLECTION AND TRANSPORTATION OF SOLID WASTE IN THE COUNTY.

(C) ALL APPLICATIONS FOR A PERMIT TO ENGAGE IN THE BUSINESS OF COLLECTION OR TRANSPORTATION OF SOLID WASTE MUST BE MADE ON THE OFFICIAL FORM WHICH MAY BE OBTAINED AT THE OFFICE OF THE TRIMBLE COUNTY SOLID WASTE COORDINATOR. FAILURE TO COMPLETE ANY PORTION OF THE APPLICATION FORM, OR THE GIVING OF FALSE INFORMATION IN THE APPLICATION SHALL BE GROUNDS FOR DENIAL OF THE REQUESTED PERMIT.

(D) AT TIME OF PERMIT EXPIRATION, SAID PERSON OR BUSINESS MUST SUBMIT TO FISCAL COURT A PERFORMANCE REPORT RELATIVE TO THE PAST YEAR'S OPERATIONS. ALL REPORTS MUST BE MADE ON THE OFFICIAL REPORTING FORM THAT CAN BE OBTAINED AT THE OFFICE OF THE TRIMBLE COUNTY SOLID WASTE COORDINATOR. IF OPERATIONAL DEFICIENCIES ARE FOUND VIA THE

ANNUAL REPORT OR BY REPORTS OF COMPLAINTS FROM CITIZENS OR PUBLIC OFFICIALS, SAID PERSON OR BUSINESS WILL BE NOTIFIED AND ASKED TO RESPOND IN WRITING OR BY APPEARANCE BEFORE FISCAL COURT.

(E) TRIMBLE COUNTY FISCAL COURT WILL RESPOND TO ALL CITIZEN COMPLAINTS CONCERNING COLLECTION OR TRANSPORTATION OF SOLID WASTE WITHIN TEN (10) WORKING DAYS AND WILL NOTIFY THE CITIZEN OF ANY ACTION TAKEN TO ADDRESS THE COMPLAINT.

(F) THE TRIMBLE COUNTY FISCAL COURT HAS DISCRETION BASED ON PERFORMANCE OF PERSON OR BUSINESS ENGAGED IN COLLECTION OR TRANSPORTATION TO SUSPEND OR REVOKE A PERMIT.

(G) COLLECTION OR TRANSPORTATION SHALL NOT CONTINUE AFTER PERMIT EXPIRATION UNTIL A PERMIT HAS BEEN REISSUED OR AN EXTENSION HAS BEEN GRANTED BY FISCAL COURT.

(H) ANY PERSON ENGAGED IN THE COLLECTION AND TRANSPORTATION OF SOLID WASTE MUST CARRY LIABILITY INSURANCE WITH LIMITS OF NOT LESS THAN \$300,000.00 PER OCCURRENCE AND SHALL INCLUDE ENVIRONMENTAL (CLEANUP) LIABILITY COVERAGE LIMITS OF NOT LESS THAN \$100,000.00 AND FURNISH A COPY OF THE POLICY AND PROOF OF ITS COVERAGE AT TIME OF APPLICATION FOR PERMIT.

(I) NO PERMIT SHALL BE REQUIRED FOR A VEHICLE WHICH IS TRANSPORTING WASTE THROUGH TRIMBLE COUNTY WHICH IS NEITHER COLLECTED NOR DISPOSED OF IN TRIMBLE COUNTY. ALL VEHICLES WHICH

EITHER COLLECT OR DISPOSE OF SOLID WASTE IN TRIMBLE COUNTY MUST HAVE A PERMIT.

SECTION 5. TRANSPORTATION OF SOLID WASTE

ALL VEHICLES TRANSPORTING SOLID WASTE 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 ADEQUATE SIDES SO AS TO PREVENT SPILLAGE OF SOLID WASTE AND SHALL BE PROVIDED 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. THE VEHICLE SHALL BE CLEANED AS OFTEN AS NECESSARY TO PREVENT A NUISANCE AND INSECT BREEDING AND SHALL BE MAINTAINED IN GOOD REPAIR.

SECTION 6. DISPOSAL OF SOLID WASTE

IT SHALL BE UNLAWFUL TO DISPOSE OF SOLID WASTE ANYWHERE OTHER THAN AN APPROVED AND PERMITTED LANDFILL MEETING ALL REQUIREMENTS OF THIS ORDINANCE AND KRS CHAPTER 224 AND THE REGULATIONS ADOPTED PURSUANT THERETO.

SECTION 7. SITING OF SOLID WASTE MANAGEMENT FACILITIES AND LANDFILLS**SECTION 7.1 - PROHIBITION**

(A) NO PERSON SHALL CONSTRUCT OR OPERATE A LANDFILL OR SOLID WASTE MANAGEMENT FACILITY UNTIL SITE APPROVAL HAS BEEN ISSUED BY THE TRIMBLE COUNTY FISCAL COURT PURSUANT TO THIS ORDINANCE.

(B) NO PERSON SHALL ENGAGE IN THE DISPOSAL OF SOLID WASTE WITHOUT HAVING FIRST OBTAINED ALL NECESSARY PERMITS OR APPROVALS FROM THE CABINET.

(C) NO PERSON SHALL DISPOSE OF HAZARDOUS WASTES IN TRIMBLE COUNTY OTHER THAN SMALL QUANTITIES AS ALLOWED PURSUANT TO KRS CHAPTER 224.

SECTION 7.2 – REQUEST FOR SITE APPROVAL – SOLID WASTE MANAGEMENT FACILITY

(A) AN APPLICANT FOR A SOLID WASTE MANAGEMENT FACILITY SHALL FILE A REQUEST FOR SITE APPROVAL WITH THE TRIMBLE COUNTY FISCAL COURT AT THE OFFICE OF THE COUNTY JUDGE/EXECUTIVE. THE APPLICATION SHALL DESCRIBE IN DETAIL THE TYPE OF SOLID WASTE MANAGEMENT FACILITY FOR WHICH SITE APPROVAL IS BEING REQUESTED. THE APPLICATION SHALL INCLUDE, WITHOUT LIMITATION, THE FOLLOWING INFORMATION: THE EXACT LOCATION OF THE PROPOSED FACILITY; DETAILED PLANS OF THE PROPOSED FACILITY, INCLUDING ELEVATIONS AND PLAN VIEW DRAWINGS; THE TYPE, QUANTITY, AND CHARACTERISTICS OF THE SOLID WASTE TO BE HANDLED,

MANAGED, STORED, TRANSFERRED, PROCESSED, TREATED OR OTHERWISE RECEIVED AT THE PROPOSED FACILITY; AND A DETAILED DESCRIPTION OF ALL ACTIONS AND PRECAUTIONS WHICH THE APPLICANT INTENDS TO TAKE TO INSURE PROTECTION OF THE ENVIRONMENT AND COMPLIANCE WITH THIS ORDINANCE.

(B) UPON RECEIPT OF AN APPLICATION FOR SITE APPROVAL OF A SOLID WASTE MANAGEMENT FACILITY, THE FISCAL COURT MAY, WITHIN SIXTY (60) DAYS OF RECEIPT OF THE APPLICATION, REQUEST ANY AND ALL OTHER INFORMATION FROM THE APPLICANT WHICH IT DEEMS RELEVANT TO ITS ANALYSIS OF THE APPLICATION, INCLUDING, BUT NOT LIMITED TO, INFORMATION REGARDING THE HYDROGEOLOGIC CHARACTERISTICS OF THE PROPERTY AT AND ADJACENT TO THE PROPOSED FACILITY, INCLUDING THE QUANTITY, CURRENT USE AND DIRECTION OF GROUNDWATER FLOW AND THE PROXIMITY OF SURFACE WATER AND GROUNDWATER TO THE PROPOSED FACILITY.

(C) IF A REGISTRATION OR APPLICATION OF ANY KIND MUST BE FILED WITH ANY OTHER LOCAL, STATE OR FEDERAL AGENCY BEFORE THE PROPOSED FACILITY MAY OPERATE, THE APPLICANT SHALL FILE SUCH APPLICATION WITH THE FISCAL COURT AT THE SAME TIME THE APPLICATION IS FILED WITH SUCH AGENCY.

(D) AT THE TIME THAT A REQUEST FOR SITE APPROVAL IS FILED WITH THE TRIMBLE COUNTY FISCAL COURT AT THE OFFICE OF THE COUNTY JUDGE/EXECUTIVE, THE APPLICANT SHALL CAUSE NOTICE OF THE REQUEST FOR

SITE APPROVAL TO BE PUBLISHED IN A DAILY OR WEEKLY NEWSPAPER OF GENERAL CIRCULATION IN TRIMBLE COUNTY. THE NOTICE SHALL BE IN A FORM APPROVED BY THE OFFICE OF THE TRIMBLE COUNTY JUDGE/EXECUTIVE, AND SHALL ADVISE THE PUBLIC THAT A REQUEST FOR SITE APPROVAL HAS BEEN FILED, AND THAT ANY PERSON MAY SUBMIT COMMENTS CONCERNING THE REQUEST FOR SITE APPROVAL TO THE OFFICE OF THE COUNTY JUDGE/EXECUTIVE WITHIN 45 DAYS OF THE NOTICE.

SECTION 7.3 - REQUEST FOR SITE APPROVAL - LANDFILL

(A) AN APPLICANT FOR A NEW OR AN EXPANSION OF AN EXISTING LANDFILL, WHICH IS REQUIRED TO COMPLY WITH THE PROVISIONS OF KRS 224.40-310(2), IS REQUIRED TO OBTAIN SITE APPROVAL FROM FISCAL COURT. THE APPLICANT SHALL FILE A REQUEST FOR SITE APPROVAL WITH THE TRIMBLE COUNTY FISCAL COURT AT THE OFFICE OF THE COUNTY JUDGE/EXECUTIVE. THE REQUEST FOR SITE APPROVAL SHALL BE FILED WHEN THE NOTICE OF INTENT REQUIRED BY KRS 224.40-310 IS FILED WITH THE CABINET. AN APPLICANT FOR AN EXPANSION OF AN EXISTING LANDFILL SHALL ALSO FILE A COPY OF ALL CURRENT PERMITS NECESSARY TO OPERATE THE EXISTING LANDFILL.

(B) THE REQUEST FOR SITE APPROVAL SHALL CONSIST OF THE FOLLOWING, WHICH SHALL BE SUBMITTED TO THE OFFICE OF THE COUNTY JUDGE/EXECUTIVE AT THE TIME THAT THE DOCUMENTS ARE FILED WITH THE CABINET:

1) A COPY OF THE PERMIT APPLICATION (INCLUDING BUT NOT LIMITED TO THE NOTICE OF INTENT, ADMINISTRATIVE APPLICATION AND

TECHNICAL APPLICATION REQUIRED BY 401 KAR CHAPTER 47).

2) A COPY OF ANY RESPONSE FILED BY THE APPLICANT WITH THE CABINET IN RESPONSE TO A NOTICE OF DEFICIENCY OR REQUEST FOR ADDITIONAL INFORMATION ISSUED BY THE CABINET CONCERNING THE PERMIT APPLICATION;

3) A COPY OF THE BACKGROUND DISCLOSURE STATEMENT FILED WITH THE CABINET BY THE APPLICANT OR ANY OF ITS KEY PERSONNEL PURSUANT TO KRS 224.40-330; AND

4) AT THE TIME THAT THE TECHNICAL APPLICATION IS FILED WITH THE CABINET:

(a) AN ANALYSIS OF THE STREETS AND HIGHWAYS TO BE USED FOR ACCESS TO THE LANDFILL, INCLUDING CAPACITY AND USAGE, ACCIDENTS RATES, AND AMOUNT OF TRAFFIC THAT WILL BE RELATED TO USE OF THE LANDFILL, INCLUDING SCHEDULE AND FREQUENCY OF DELIVERY; AND

(b) AN ANALYSIS OF EMERGENCY SERVICES, INCLUDING POLICE, FIRE AND MEDICAL, AVAILABLE TO PROTECT HUMAN HEALTH, SAFETY AND THE ENVIRONMENT IN THE EVENT OF A FIRE, EXPLOSION, FLOOD, CHEMICAL RELEASE OR NATURAL DISASTER AT THE LANDFILL.

(C) PUBLIC NOTICE AND OPPORTUNITY TO COMMENT

1) EACH REQUEST FOR SITE APPROVAL OF A LANDFILL SHALL BE SUBJECT TO PUBLIC NOTICE AND COMMENT;

2) AT THE TIME THAT A REQUEST FOR SITE APPROVAL IS FILED WITH THE TRIMBLE COUNTY FISCAL COURT AT THE OFFICE OF THE COUNTY JUDGE/EXECUTIVE, THE APPLICANT SHALL CAUSE NOTICE OF THE REQUEST FOR SITE APPROVAL TO BE PUBLISHED IN A DAILY OR WEEKLY NEWSPAPER OF GENERAL CIRCULATION IN TRIMBLE COUNTY.

3) THE NOTICE SHALL BE IN A FORM APPROVED BY THE OFFICE OF THE TRIMBLE COUNTY JUDGE/EXECUTIVE, AND SHALL ADVISE THE PUBLIC THAT A REQUEST FOR SITE APPROVAL HAS BEEN FILED, AND THAT ANY PERSON MAY SUBMIT COMMENTS CONCERNING THE REQUEST FOR SITE APPROVAL TO THE OFFICE OF THE COUNTY JUDGE/EXECUTIVE WITHIN 45 DAYS OF THE NOTICE.

4) A SECOND NOTICE SHALL BE PUBLISHED BY THE APPLICANT AFTER RECEIPT OF NOTICE FROM THE CABINET THAT THE TECHNICAL APPLICATION REQUIRED BY KRS 224.40-310 IS ADMINISTRATIVELY COMPLETE.

5) THE NOTICE SHALL BE IN A FORM APPROVED BY THE OFFICE OF THE TRIMBLE COUNTY JUDGE/EXECUTIVE, AND SHALL ADVISE THE PUBLIC THAT A REQUEST FOR SITE APPROVAL HAS BEEN FILED, AND THAT ANY PERSON MAY SUBMIT COMMENTS CONCERNING THE REQUEST FOR SITE APPROVAL TO THE TO THE OFFICE OF THE COUNTY JUDGE/EXECUTIVE WITHIN 30 DAYS OF THE NOTICE.

SECTION 7.4 - FISCAL COURT DETERMINATION AS TO SITE APPROVAL

(A) THE FISCAL COURT OF TRIMBLE COUNTY SHALL MAKE A DETERMINATION TO GRANT OR DENY A REQUEST FOR SITE APPROVAL FILED

PURSUANT TO SECTION 7.2 OR SECTION 7.3 NO LATER THAN SIXTY (60) DAYS FOLLOWING (1) WITH RESPECT TO AN APPLICATION FILED PURSUANT TO SECTION 7.2, A DETERMINATION BY THE CABINET THAT A REGISTRATION IS ADMINISTRATIVELY COMPLETE PURSUANT TO 401 KAR CHAPTER 47, OR (2) WITH RESPECT TO AN APPLICATION FILED PURSUANT TO SECTION 7.3, THE ISSUANCE OF A DRAFT PERMIT BY THE CABINET PURSUANT TO KRS 224.40-310 AND THE REGULATIONS ADOPTED PURSUANT THERETO.

(B) THE PURPOSE OF THIS ORDINANCE IS TO PROTECT HUMAN HEALTH AND THE QUALITY OF LIFE AND THE ENVIRONMENT OF TRIMBLE COUNTY FROM UNREASONABLE RISK POSED BY IMPROPER SITING OF LANDFILLS AND SOLID WASTE MANAGEMENT FACILITIES. THE PUBLIC MUST BE AFFORDED PROTECTION FROM UNREASONABLE RISK TO HUMAN HEALTH AND SAFETY FROM THE SITING OF OR MODIFICATION TO LANDFILLS AND SOLID WASTE MANAGEMENT FACILITIES AND THE OPERATION OF SUCH FACILITIES. THE FISCAL COURT IN MAKING ITS DETERMINATION PURSUANT TO THIS ORDINANCE WILL CONSIDER THE INFORMATION SUBMITTED BY THE APPLICANT PURSUANT TO THE REQUIREMENTS OF THIS ORDINANCE, INFORMATION OBTAINED FROM CONSULTANTS OR EXPERTS HIRED BY THE FISCAL COURT TO REVIEW THE PERMIT APPLICATION OR REGISTRATION, AND INFORMATION SUBMITTED BY THE PUBLIC.

(C) THE TRIMBLE COUNTY FISCAL COURT SHALL GRANT THE REQUEST FOR SITE APPROVAL IF IT FINDS, ON THE BASIS OF THE INFORMATION AVAILABLE TO IT THAT:

(1) THE PERMIT APPLICATION OR REGISTRATION SUBMITTED TO THE CABINET COMPLIES WITH THE REQUIREMENTS OF KRS CHAPTER 224 AND THE REGULATIONS ADOPTED PURSUANT THERETO;

(2) THE NATURE AND EXTENT OF THE SOLID WASTE ACTIVITY CONDUCTED AT THE PROPOSED SITE WOULD NOT SIGNIFICANTLY IMPEDE OR ADVERSELY IMPACT THE PROVISION OF FIRE, HEALTH AND OTHER EMERGENCY SERVICES TO THE PUBLIC BOTH IN THE VICINITY OF THE SITE AND THROUGHOUT TRIMBLE COUNTY;

(3) THE NATURE AND EXTENT OF THE SOLID WASTE MANAGEMENT ACTIVITY CONDUCTED AT THE PROPOSED SITE WOULD NOT RESULT IN UNREASONABLE RISK TO HUMAN HEALTH AND SAFETY;

(4) FOR A NEW LANDFILL OR SOLID WASTE MANAGEMENT FACILITY, OR AN EXPANSION OF A FILL AREA FOR AN EXISTING LANDFILL BEYOND THE PERMIT AREA ESTABLISHED BY A VALID PERMIT ISSUED BY THE CABINET PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE, THE FACILITY AND THE SOLID WASTE MANAGEMENT ACTIVITY OCCURRING ON THE SITE WILL NOT HAVE A SIGNIFICANT ADVERSE IMPACT ON THE ESTABLISHMENT OF BUSINESSES, RESIDENTIAL DEVELOPMENTS, CHURCHES, SCHOOLS OR OTHER TYPES OF ACTIVITIES RELATED TO THE SOCIAL, ECONOMIC AND CULTURAL DEVELOPMENT OF TRIMBLE COUNTY;

(5) THE OWNER/OPERATOR'S PRIOR EXPERIENCE AND HISTORY IN SOLID WASTE ACTIVITIES INDICATES A REASONABLY SATISFACTORY RECORD OF COMPLIANCE WITH APPLICABLE FEDERAL, STATE

AND LOCAL LAWS AND REGULATIONS, BASED UPON THE FACTORS ESTABLISHED IN KRS 224.40-330(1), AND BASED UPON SUCH PRIOR RECORD, IT CAN REASONABLY BE EXPECTED THAT THE OWNER/OPERATOR WILL CONTINUE TO DO SO; AND

(6) THE OWNER/OPERATOR HAS SUFFICIENT FINANCIAL RESOURCES TO CONSTRUCT THE NEW OR EXPANDED FACILITY; MAINTAIN AND/OR OPERATE THE FACILITY IN COMPLIANCE WITH APPLICABLE LAWS AND REGULATIONS; RESPOND IMMEDIATELY TO EMERGENCIES BY REASON OF ACCIDENT OR INJURY AT THE SITE, AND COMPLETE CLOSURE OF THE SITE.

(C) THE TRIMBLE COUNTY FISCAL COURT SHALL SEND WRITTEN NOTIFICATION OF ITS DETERMINATION WITH RESPECT TO THE REQUEST FOR SITE APPROVAL TO THE OWNER/OPERATOR AND TO ALL PERSONS WHO SUBMITTED WRITTEN OR ORAL COMMENTS DURING THE PUBLIC COMMENT PERIOD. SUCH NOTIFICATIONS SHALL INCLUDE A WRITTEN SUMMARY OF THE BASIS FOR THE DETERMINATION.

(D) THE TRIMBLE COUNTY FISCAL COURT SHALL, TO THE EXTENT POSSIBLE OR AS MAY BE REQUIRED, COORDINATE ITS REVIEW OF REQUESTS FOR SITE APPROVAL UNDER THIS ORDINANCE WITH THE EXERCISE OF AUTHORITY CONFERRED UPON IT PURSUANT TO ANY STATE OR FEDERAL LAWS.

SECTION 7.5 – OTHER PERMITS

(A) THE OWNER/OPERATOR SHALL OBTAIN ALL OTHER ENVIRONMENTAL PERMITS REQUIRED BY LAW FOR THE CONSTRUCTION OR OPERATION OF A LANDFILL OR SOLID WASTE MANAGEMENT FACILITY.

(B) A COPY OF THE FOLLOWING DOCUMENTS SHALL BE SUBMITTED TO THE OFFICE OF THE COUNTY JUDGE/EXECUTIVE AT THE TIME THAT THE DOCUMENTS ARE FILED WITH THE APPROPRIATE FEDERAL, STATE OR LOCAL GOVERNMENTAL AGENCY:

1) A COPY OF THE PERMIT APPLICATION FOR EACH OF THE OTHER ENVIRONMENTAL PERMITS (INCLUDING BUT NOT LIMITED TO ENVIRONMENTAL PERMITS RELATING TO AIR EMISSIONS OR WATER DISCHARGES) REQUIRED BY LAW FOR THE CONSTRUCTION OR OPERATION OF A LANDFILL OR SOLID WASTE MANAGEMENT FACILITY;

2) A COPY OF ANY RESPONSE FILED BY THE OWNER/OPERATOR WITH THE GOVERNMENTAL AGENCY IN RESPONSE TO A NOTICE OF DEFICIENCY OR REQUEST FOR ADDITIONAL INFORMATION ISSUED BY THE GOVERNMENTAL AGENCY CONCERNING THE PERMIT APPLICATION.

(C) A COPY OF THE FOLLOWING DOCUMENTS SHALL BE SUBMITTED TO THE OFFICE OF THE COUNTY JUDGE/EXECUTIVE AT THE TIME THAT THE DOCUMENTS ARE FILED WITH THE APPROPRIATE FEDERAL, STATE OR LOCAL GOVERNMENTAL AGENCY:

1) A COPY OF THE APPLICATION TO MODIFY ANY PERMIT (INCLUDING BUT NOT LIMITED TO ENVIRONMENTAL PERMITS RELATING TO AIR EMISSIONS, WATER DISCHARGES OR WASTE MANAGEMENT) REQUIRED BY LAW FOR THE CONSTRUCTION OR OPERATION OF A LANDFILL OR SOLID WASTE MANAGEMENT FACILITY;

2) A COPY OF ANY RESPONSE FILED BY THE OWNER/OPERATOR WITH THE GOVERNMENTAL AGENCY IN RESPONSE TO A NOTICE OF DEFICIENCY OR REQUEST FOR ADDITIONAL INFORMATION ISSUED BY THE GOVERNMENTAL AGENCY CONCERNING THE APPLICATION TO MODIFY ANY PERMIT.

(D) A COPY OF THE PERMIT OR MODIFIED PERMIT ISSUED BY THE GOVERNMENTAL AGENCY SHALL BE SUBMITTED TO THE OFFICE OF THE COUNTY JUDGE/EXECUTIVE UPON RECEIPT BY THE OWNER/OPERATOR.

SECTION 7.6 - FEES

AT THE TIME OF SUBMISSION OF THE REQUEST FOR SITE APPROVAL PURSUANT TO SECTION 7.2, THE APPLICANT SHALL PAY A FEE OF TWENTY-FIVE THOUSAND DOLLARS (\$25,000) TO TRIMBLE COUNTY. AT THE TIME OF SUBMISSION OF THE REQUEST FOR SITE APPROVAL PURSUANT TO SECTION 7.3, THE APPLICANT SHALL PAY A FEE OF SEVENTY-FIVE THOUSAND DOLLARS (\$75,000) TO TRIMBLE COUNTY. ALL FEES IN THIS SECTION SHALL BE INDEXED TO CPI AFTER THE YEAR 2010.

SECTION 8 – OPERATIONAL REQUIREMENTS

8.1 – COMPLIANCE WITH LAWS

ALL SOLID WASTE MANAGEMENT FACILITIES AND LANDFILLS SHALL BE DESIGNED, CONSTRUCTED AND OPERATED IN COMPLIANCE WITH ALL APPLICABLE LAWS AND REGULATIONS, CURRENTLY EXISTING AND ENACTED OR ADOPTED IN THE FUTURE.

8.2 – VEHICLE REGULATION

THE OWNER/OPERATOR OF A SOLID WASTE MANAGEMENT FACILITY OR

LANDFILL SHALL (A) ADVISE ALL HAULERS TRANSPORTING SOLID WASTE TO THE FACILITY TO COVER THEIR LOADS AND ENSURE THAT THE VEHICLES ARE EMPTY WHEN LEAVING THE FACILITY IN ORDER TO AVOID WINDBLOWN LITTER AND (B) REQUIRE ALL VEHICLES TRANSPORTING SOLID WASTE TO ENTER THE FACILITY THROUGH THE FACILITY GATE.

8.3 - HIGHWAY CLEANUP

THE OWNER/OPERATOR OF A SOLID WASTE MANAGEMENT FACILITY OR LANDFILL SHALL BE RESPONSIBLE FOR COLLECTING LITTER ALONG THE ROAD OR HIGHWAY FROM WHICH ACCESS TO THE FACILITY IS OBTAINED FOR A DISTANCE OF ONE MILE, IN BOTH DIRECTIONS, FROM THE FACILITY GATE. THE OWNER/OPERATOR OF A SOLID WASTE MANAGEMENT FACILITY OR LANDFILL SHALL UTILIZE A STREET SWEEPER TO CLEAN ANY DIRT, MUD OR DEBRIS FROM THE ROAD OR HIGHWAY FROM WHICH ACCESS TO THE FACILITY IS OBTAINED FOR A DISTANCE OF ONE MILE, IN BOTH DIRECTIONS, FROM THE FACILITY GATE.

8.4 - PROHIBITION OF WASTES

NO SOLID WASTE MANAGEMENT FACILITY OR LANDFILL SHALL KNOWINGLY ACCEPT OR CONTRACT FOR THE TRANSPORTATION, HANDLING, STORAGE, TREATMENT, TRANSFER, PROCESSING OR DISPOSAL OF (A) LISTED OR CHARACTERISTIC HAZARDOUS WASTE, (B) NUCLEAR WASTE, (C) UNTREATED MEDICAL WASTE, (D) NATURALLY OCCURRING RADIOACTIVE MATERIAL, OR (E) ANY WASTE THAT IS NOT PERMITTED FOR TRANSPORTATION, HANDLING, STORAGE, TREATMENT, TRANSFER, PROCESSING OR DISPOSAL IN THE FACILITY.

8.5 - INSPECTIONS AND LOCATIONS OF WASTES

THE OWNER/OPERATOR OF ANY SOLID WASTE MANAGEMENT FACILITY OR LANDFILL SHALL PERFORM DAILY RANDOM INSPECTIONS OF WASTES ENTERING THE FACILITY SO THAT THE DETECTION AND REJECTION OF WASTES PROHIBITED UNDER THIS ORDINANCE MAY BE ACCOMPLISHED. THE OWNER/OPERATOR SHALL MAINTAIN SUFFICIENT DOCUMENTATION TO IDENTIFY THE SOURCE OF ALL WASTES ENTERING THE FACILITY, AND SHALL FURTHERMORE ADOPT PROCEDURES WHICH WILL ALLOW ANY PROHIBITED WASTES WHICH WERE UNKNOWINGLY ACCEPTED, PROCESSED, TREATED, TRANSFERRED, STORED OR DISPOSED OF AT THE FACILITY TO BE LOCATED. IN THE EVENT THE OWNER/OPERATOR DISCOVERS ANY PROHIBITED WASTES WERE ACCEPTED, PROCESSED, TREATED, TRANSFERRED, STORED OR DISPOSED OF AT THE FACILITY IT SHALL PROMPTLY NOTIFY THE TRIMBLE COUNTY JUDGE-EXECUTIVE OF SUCH FACT.

8.6 - DISCLOSURE STATEMENTS

THE OWNER/OPERATOR OF A SOLID WASTE MANAGEMENT FACILITY OR LANDFILL SHALL DELIVER TO THE COUNTY, AT THE SAME TIME DELIVERY IS MADE TO THE CABINET, ANY NEW OR AMENDED KEY PERSONNEL FORMS WHICH ARE REQUIRED TO BE FILED PURSUANT TO KRS 224.40-330.

8.7 - CLOSED CELLS

THE OWNER/OPERATOR OF A LANDFILL SHALL, DURING THE OPERATING LIFE OF THE LANDFILL AND THE POST-CLOSURE CARE PERIOD ESTABLISHED BY 401 KAR 48:090, MAINTAIN THE CAP, CONTINUE TO PERFORM GROUNDWATER MONITORING AND PERFORM NECESSARY CORRECTIVE ACTION FOR ALL AREAS

OF THE LANDFILL USED FOR THE DISPOSAL OF WASTE THAT HAVE BEEN CLOSED.

8.8 – SPLITTING SAMPLES

THE COUNTY SHALL HAVE THE RIGHT TO OBTAIN SPLIT SAMPLES OF ANY GROUNDWATER WELL BEING SAMPLED BY THE OWNER/OPERATOR OF A LANDFILL, PROVIDED THAT THE COUNTY AND SUCH OWNER/OPERATOR EXECUTE A WRITTEN AGREEMENT SETTING FORTH THEIR RESPECTIVE RIGHTS AND OBLIGATIONS WITH RESPECT TO SUCH SAMPLING.

8.9 – ACCESS TO FACILITY

(A) THE SOLID WASTE COORDINATOR AND ANY MEMBER OF FISCAL COURT OR THE SOLID WASTE MANAGEMENT ADVISORY BOARD SHALL HAVE THE RIGHT TO INSPECT ANY SOLID WASTE MANAGEMENT FACILITY OR LANDFILL AT ANY TIME DURING BUSINESS HOURS, WITHOUT PRIOR NOTICE, TO VERIFY COMPLIANCE WITH THIS ORDINANCE AND ALL APPLICABLE LAWS. ALL INDIVIDUALS ENTITLED TO INSPECTION UNDER THIS SECTION SHALL SHOW IDENTIFICATION AND SHALL SIGN IN AT THE FACILITY'S ADMINISTRATIVE OFFICE AND BE ACCOMPANIED ON THE INSPECTION BY PERSONNEL OF THE OWNER/OPERATOR OF THE SOLID WASTE MANAGEMENT FACILITY OR LANDFILL. A COPY OF ANY REPORT PREPARED AS A RESULT OF SUCH INSPECTION SHALL BE PRESENTED TO THE OWNER/OPERATOR OF THE FACILITY.

(B) AFTER CLOSURE OF A LANDFILL AND RELEASE OF A LANDFILL OWNER/OPERATOR BY THE CABINET FROM POST-CLOSURE REQUIREMENTS, THE COUNTY SHALL HAVE THE RIGHT TO ENTER THE LANDFILL TO PERFORM

MAINTENANCE ON THE CAP, PERFORM GROUNDWATER AND SURFACE WATER MONITORING, AND TO PERFORM CORRECTIVE ACTION NECESSARY TO PROTECT HUMAN HEALTH AND THE ENVIRONMENT, PROVIDED THAT THE COUNTY AND THE OWNER/OPERATOR EXECUTE A WRITTEN AGREEMENT SETTING FORTH THEIR RESPECTIVE RIGHTS AND OBLIGATIONS WITH RESPECT TO SUCH ACTIVITIES.

8.10 – PERMIT APPLICATIONS

THE OWNER/OPERATOR OF A SOLID WASTE MANAGEMENT FACILITY OR LANDFILL SHALL PROVIDE THE COUNTY JUDGE-EXECUTIVE WITH A COPY OF ANY PERMIT APPLICATION, INCLUDING APPLICATIONS TO AMEND OR MODIFY EXISTING PERMITS, AT THE TIME SUCH APPLICATIONS ARE SUBMITTED TO ANY REGULATORY AGENCY.

SECTION 9. - PENALTY CLAUSE

ANY PERSON WHO VIOLATES THIS ORDINANCE SHALL BE FINED NOT LESS THAN FIVE HUNDRED DOLLARS (\$500.00) NOR MORE THAN ONE THOUSAND DOLLARS (\$1,000.00) FOR EACH VIOLATION. EACH DAY OF VIOLATION SHALL CONSTITUTE A SEPARATE OFFENSE. VIOLATORS OF SECTION (6) OF THIS ORDINANCE SHALL ALSO BE SUBJECT TO CONFINEMENT IN JAIL FOR A PERIOD NOT TO EXCEED ONE (1) YEAR. EACH DAY OF VIOLATION SHALL CONSTITUTE A SEPARATE OFFENSE.

SECTION 10 – ENFORCEMENT BY PEACE OFFICERS

ALL PEACE OFFICERS AS DESIGNATED BY THE KENTUCKY REVISED STATUTES SHALL BE EMPOWERED TO ENFORCE THE PROVISIONS OF THIS ORDINANCE AND

830.22

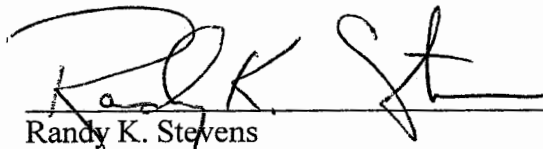
ALL REGULATIONS ADOPTED PURSUANT HERETO THROUGH THE TRIMBLE DISTRICT COURT.

SECTION 11 - SEVERABILITY

THE PROVISIONS OF THIS ORDINANCE ARE SEVERABLE, AND IF ANY PROVISIONS, SECTION, PARAGRAPH, PHRASE, SENTENCE OR CLAUSE OR THE APPLICATION THEREOF IS HELD BY COURT OF COMPETENT JURISDICTION TO BE INVALID, SUCH INVALIDITY SHALL NOT AFFECT THE REMAINDER OF THIS ORDINANCE.

SECTION 12. - EFFECTIVE DATE

THIS ORDINANCE SHALL TAKE EFFECT AND MAY BE ENFORCED UPON ITS SECOND READING AND PUBLICATION.


Randy K. Stevens


Attest: Trimble County Fiscal Court Clerk

Dated: JAN. 7, 2005

Published: _____

DOCUMENT NO: 48513
RECORDED ON: JANUARY 11, 2005 03:41:17PM
COUNTY CLERK: JERRY L POWELL
COUNTY: TRIMBLE COUNTY
DEPUTY CLERK: H D WELSH
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