

AN ORDINANCE CREATING A NON-TAXING SOLID WASTE DISTRICT PURSUANT TO KRS 109.041 (13) AND KRS 67.083(3) ESTABLISHING THE NUMBER, TERM AND APPOINTMENT OF ITS DIRECTORS; GRANT OF POWER TO THE DISTRICT

WHEREAS, the County of Simpson has determined that it is necessary and proper for the protection of its residents to regulate the storage, collection, transportation, processing, and disposal of solid waste within Simpson County, Kentucky; and,

WHEREAS, the Fiscal Court of Simpson County, Kentucky, deems it necessary to create a Non-taxing Solid Waste District pursuant to KRS 109.041 and KRS 67.083

NOW THEREFORE, be it ordained by the Fiscal Court of the County of Simpson, Commonwealth of Kentucky, that:

I.

There is hereby created a Solid Waste District pursuant to KRS 109.041 (13) and KRS 67.083(3) which shall include the total area within the borders of Simpson County, Kentucky, and shall be called "Simpson County Solid Waste District".

II.

Simpson County Solid Waste District shall be a continuing public entity and exist until such time as same is dissolved or terminated by duly enacted ordinance by the Fiscal Court of Simpson County.

III.

Simpson County Solid Waste District shall be managed and operated by a Board of Directors to be appointed by the Simpson County Judge Executive and confirmed by the Fiscal Court. Except for the initial appointment to the Board, each director shall serve for a two year term; the initial Board shall consist of three (3) directors appointed for two year terms, and four (4) directors appointed for three year terms, whereby approximately one-half of the directors are appointed to a full term every year. Nothing herein shall restrict the reappointment of board members hereto. Should a duly appointed director die, resign, or refuse to act (fail to attend any three successive regular meetings of the board) any appointment shall only be for the unexpired term. The board shall elect a chairman, secretary and treasurer and shall operate under a budget and uniform accounting system as required by law, including the filing and publishing of annual statements.

IV.

The Simpson County Solid Waste District shall have all powers

set forth in KRS 109.041, saving and excepting the power to enact and collect license under KRS 68.178 unless approved by the Simpson County Fiscal Court.

V.

Simpson County Solid Waste District shall be official solid waste management area, for the area within the boundaries of Simpson County, Kentucky, if and when it has submitted a solid waste management plan that has been accepted and approved by the Natural Resources and Environmental Protection Cabinet of the Commonwealth of Kentucky, and until such has occurred the Fiscal Court of Simpson County shall continue to be the official solid waste management area.

VI.

Definitions as used here shall be the same as those set forth in KRS 109.012 except section 13 thereof shall mean "Solid Waste Management District" meaning any county electing to form under the provisions of KRS 109.041 (13) and KRS 67.083 (3) (o) and operating in conformance with this ordinance and with Section 400 of the Resource Conservation and REcovery Act of 1976 as amended.

VII.

If any section, subsection, or part of this ordinance should be held unconstitutional or invalid for any reason, the remaining portions of this ordinance shall be deemed a separate part thereof and shall remain in full force and affect.

First Reading: 10th day of July, 1990.

Second Reading: 24th day of July, 1990.

I, Jada Rhea, Clerk of the Simpson County Fiscal Court do hereby certify that the foregoing instrument was this day lodged to be and is, with this and the foregoing certificate duly recorded in my office. Given under my hand this 25th day of July, 1990.

Jada Rhea
Fiscal Court Clerk