



Louisville Metro Government

Legislation Text

File #: O-366-15, Version: 1

ORDINANCE NO. _____, SERIES 2015

AN ORDINANCE AMENDING CHAPTER 51 OF THE LOUISVILLE METRO CODE OF ORDINANCES REGARDING WASTE MANAGEMENT DISTRICT BOARD.

Sponsored By: Council Members Kramer, Denton, Green and Blackwell

WHEREAS, the Louisville Metro Council desires to amend Chapter 51 of the Louisville Metro Code of Ordinance to give the Council the authority to approve appointments to the Waste Management District Board;

WHEREAS, the Council believes the Waste Management District Board should provide notice to the Council of all regulations promulgated by the Board within three business days;

BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

Section I. Section 51.101(A) of the Louisville Metro Code of Ordinances is hereby amended to read as follows:

§ 51.101 BOARD OF DIRECTORS.

(A) The business, activities and affairs of the Waste Management District shall be managed, controlled and conducted by a Board composed of five directors appointed by the Mayor and approved by Louisville Metro Council. One director shall be a resident of and representative of the area covered by each of the three Fiscal Court Commissioner Districts. The fourth director shall be a resident of and represent the Urban Services District. The fifth director shall be an at-large resident

of the county and shall serve as chairperson of the Board. One of the members shall be a resident of a rural area of the county.

Section II. Section 51.105 of the Louisville Metro Code of Ordinances is hereby amended to read as follows:

51.105 POWERS AND DUTIES OF WASTE MANAGEMENT DISTRICT.

(A) The Waste Management District shall have those powers and duties assigned to solid waste management districts under KRS 68.178 and KRS Chapters 109 and 224, as such statutes may be amended and supplemented from time to time, which powers include, but are not limited to, the powers and duties set forth in this subchapter.

(B) Preparation and submission to the Cabinet, as the Cabinet may require from time to time, solid waste management plans and revisions and amendments thereto for Metro Government;

(C) The planning, initiating, acquiring, constructing, maintaining and operating of solid waste management facilities;

(D) The authority to condemn land necessary for the acquisition of solid waste management facilities pursuant to the Eminent Domain Act of Kentucky and to exercise police power in respect thereto;

(E) The authority set forth in KRS Chapter 58 to issue bonds and other instruments of indebtedness at private or public sale for the purpose of financing and refinancing solid waste management facilities;

(F) The authority to promulgate regulations as to the licensure, construction, maintenance and operation of solid waste management facilities, including requiring the use of one or more solid waste management facilities by persons within Metro Government or designated ordinances thereof;

(G) The right to sue and be sued and to make contracts, including, but not limited to, long-term contracts and contracts with other districts, counties, cities and other governmental agencies

directed toward the establishment of a multi-county or regional solid waste management area;

(H) The right to charge reasonable fees and rentals for providing and/or regulating solid waste management facilities in order to finance the District's operations, service its indebtedness and provide adequate funds for facility replacement. KRS 68.178 provides that the fiscal court of any county may license off-site waste management facilities located within the county with the imposition of a license fee. Therefore, pursuant to KRS 67C.101, the Metro Government has the authority to impose license fees. The Metro Government has assigned to the Louisville/Jefferson County Waste Management District all powers or duties given to it by KRS 68.178;

(I) The right to acquire by bequest, gift, grant or purchase such real and personal property or any interest therein as may be deemed appropriate in its area of operation, title to any such property to be in the name of and vested in the District;

(J) The Waste Management District Board shall provide a universal collection program, pursuant to KRS Chapter 224, for all municipal solid waste in the county, provided, however, the Board may assure access to the collection system through a registration program of waste haulers or by contracting with a person, county, or city or a combination thereof, for the entire county or portions thereof, as deemed to be in the best interest of the Metro Government; and

(K) The Waste Management District Board may adopt such rules and regulations as are necessary to carry out the purposes for which the Waste Management District was created and necessary for the adequate management of solid waste in a manner adequate to protect the public health and consistent with such rules and regulations as may be promulgated by the Cabinet.

(L) All regulations promulgated by the Waste Management District Board shall be filed with the Louisville Metro Council Clerk within three (3) business days of approval.

Section II. This Ordinance shall take effect upon its passage and approval.

Stephen Ott Metro Council Clerk

H. _____ David
W. Tandy President of the Council

Greg Fischer Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____

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