

68.178 County license fee for off-site waste management facilities -- Use of proceeds.

- (1) The fiscal court of any county may license off-site waste management facilities located within the county with the imposition of a license fee at a percentage rate not to exceed two percent (2%) per annum of the gross receipts of such a waste management facility owned or operated by self-employed individuals, partnerships, or corporations. The proceeds from the license fee shall be used to defray the general revenue requirements of the county where the facility is located. For purposes of assessing the licensing fee provided for in this section, off-site waste management shall consist of establishing and operating a facility whose principal purpose is treatment, storage, disposal, or a combination of these activities but shall not include those treatment, storage, or disposal activities which occur incidental to or which are not otherwise distinguishable from a broader manufacturing operation at the site of said operation.
- (2)
 - (a) The fiscal court of a county or the urban-county council of an urban-county government may license a solid waste landfill located within the county or urban-county area. The license fee may be set at not less than one cent (\$0.01) but no more than fifty cents (\$0.50) per ton of waste received by the landfill or set at up to five percent (5%) of gross receipts of the landfill.
 - (b) The license fee as set may be increased by an amount up to one-quarter (1/4) of the base fee per ton or on gross receipts of waste received at the landfill which originates from outside of the planning area. For purposes of this section, planning area shall mean those areas within Kentucky as indicated in solid waste management plans filed with the cabinet by a county, multicounty area, or waste management district. However, before a fee differential may be imposed the county or urban-county government shall demonstrate that the differential is reasonably related to additional government services which must be undertaken because of the landfilling of nonplanning area waste. This demonstration may be made by showing an unplanned for reduction in waste disposal capacity and a need to provide for future disposal capacity or impacts on roads, litter control or emergency services.
 - (c) The proceeds from the license fee shall be used to defray the government services provided to the landfill, necessary clean-up operations or emergency responses related to operation of the landfill or transporting waste to the landfill, necessary maintenance, improvement or construction of roads, and for the general revenue requirements of the county or urban-county government where the landfill is located.
 - (d) Ten percent (10%) of the license fee shall be remitted annually in equal shares to all counties and urban-county governments in the planning area served by the landfill from where the fees originated which shall be used for local solid waste planning and plan implementation. Counties or urban-county governments desiring to impose the fee provided for herein are authorized to accept payments in lieu of the fee under duly-executed contracts between the county and the permitted site or facility. The fee

provided for in this subsection shall be in lieu of the provisions of subsection (1). Special waste, as defined in KRS 224.50-760, except for waste from sanitary wastewater treatment facilities, shall be exempt from this subsection.

- (3) In the case of hazardous waste facilities involving land disposal, including a regional integrated waste treatment and disposal demonstration facility as defined in KRS Chapter 224, the rate levied under this section shall be not more than five percent (5%) per annum of the gross receipts and shall be calculated so as to produce sufficient revenue to compensate the county for any additional costs incurred by it from having a hazardous waste facility located in its jurisdiction, including, but not limited to, the loss of ad valorem property tax revenues from the property on which the facility is located, the loss of ad valorem property tax revenues from abutting properties or other affected properties, the cost of providing any additional emergency services, the cost of monitoring air, surface water, ground water to the extent that other monitoring data is not available, and other costs established as being associated with the facility and for which the county is not otherwise compensated.

Effective: June 20, 2005

History: Amended 2005 Ky. Acts ch. 123, sec. 13, effective June 20, 2005. -- Amended 1988 Ky. Acts ch. 45, sec. 1, effective July 15, 1988. -- Amended 1982 Ky. Acts ch. 279, sec. 11, effective July 15, 1982. -- Created 1980 Ky. Acts ch. 197, sec. 4, effective July 15, 1980.