

ORDINANCE NO. 2005- 4

**AN ORDINANCE REGULATING THE TREATMENT AND LAND APPLICATION OF SEWAGE SLUDGES**

WHEREAS, the Fiscal Court of Hopkins County has determined that the enactment of an ordinance governing the treatment and land application of sewage sludges (the solid, semisolid, or liquid residue generated during treatment of municipal wastewater) within the county is a necessary and appropriate exercise of the police powers of the county in order to prevent creation of nuisances, assure public protection and vector control, to assure conservation, preservation and enhancement of natural resources, and to regulate commerce for the protection and convenience of the public; and

WHEREAS, the Kentucky General Assembly has, through enactment of KRS 67.083, recognized the power of the Fiscal Court of Hopkins County to enact ordinances and issue regulations in order to prevent creation of nuisances, to regulate public sanitation and provide for vector control, to assure conservation, preservation and enhancement of natural resources, and to regulate commerce for the protection and convenience of the public; and

WHEREAS, the storage, treatment and land application of sewage sludges generated from private and publicly-owned sewage treatment systems represents a potential threat to human health and the environment unless properly managed and is a legitimate subject of regulation by the Fiscal Court of Hopkins County pursuant to KRS 67.083; and

WHEREAS, the Supreme Court of the Commonwealth of Kentucky has recognized that the regulation of sewage disposal is not solely within the province of state government, and that through KRS Chapters 67 and 224, county government has a legitimate role in regulation of the management of sewage sludges generated by private and publicly-owned sewage treatment systems; and

WHEREAS, the regulations promulgated by the Commonwealth of Kentucky governing the treatment, disposal and land application of sewage sludges are minimum standards which may be met or exceeded by local governments as necessary or advisable to assure protection of public health and the environment; and

WHEREAS, a cautious approach to the spreading of sewage sludges is appropriate in order to protect human health, the environment and agricultural productivity because: sewage sludges contain a complex mixture of chemicals and biological contaminants that is not well characterized and for which it is not possible to adequately assess risks; some of these chemicals are persistent, bioaccumulative toxics that will remain in soils for many years; the potential interactions between the chemicals and between the chemicals and biologic contaminants are not known but may be important for public health; sewage sludges have the potential to contain a wide array of human pathogens and biological agents and it is not feasible to test sludges for all of these; fecal coliform and salmonella are used as pathogen "indicators" but are not adequate surrogates for other pathogens including some viruses or for endotoxins; and federal and state enforcement and oversight are not adequate to ensure compliance; and

WHEREAS, both federal regulations at 40 CFR 503.5(b) and KRS 67.083 recognize the authority

of counties to enact requirements for the use or disposal of sewage sludge more stringent than the requirements of federal or state law or regulations; and

WHEREAS, the National Academy of Sciences reviewed the 1993 federal regulations governing the land application of sewage sludge and has determined that there is a lack of exposure and health information on populations exposed to biosolids (sewage sludges meeting the federal requirements for land application), and that more rigorous study is needed concerning the exposure and health risks, or the lack thereof, in worker and community populations exposed to biosolids; and

WHEREAS, in the absence of such further study, and in light of the minimal nature of the permitting requirements of the state special waste regulations with respect to treatment and land application of sewage sludges, it is prudent and appropriate that the Fiscal Court of Hopkins County act to assure protection of public health and the environment in the treatment and use of sewage sludges, therefore

BE IT ORDAINED by the Fiscal Court of Hopkins County:

### **SECTION 1: DEFINITIONS**

(A) As used in this ordinance, the term "sewage sludge" shall include the solid, semisolid, or liquid residue generated during treatment of domestic sewage in a treatment works.

(B) As used in this ordinance, "facility" means any property and any structure where sewage sludge is stored or treated and any property used for land application of sewage sludge.

(C) As used in this ordinance, "land application" shall include any application of over one ton of sewage sludge to a property. Land application does not include the disposal of sewage sludge in a municipal solid waste landfill or special waste landfill designed and constructed in accordance with KRS Chapter 224 and 401 KAR Chapters 45 - 48.

(D) As used in this ordinance, "treatment" shall mean "treatment" as defined in KRS 224.01-010.

### **SECTION 2: PROHIBITION**

(A) No person shall construct or operate a commercial facility for storage, treatment or land application of sewage sludge in Hopkins County until a certificate of facility approval has first been obtained from the Hopkins County Fiscal Court or its agents pursuant to this ordinance.

(B) All provisions of this Ordinance apply to: (i) any facility for which all necessary federal, state and local permit and authorizations for treatment or land application of sewage sludge have not been obtained as of the date of enactment of this ordinance; and (ii) expansions of existing permitted facilities.

### SECTION 3: ENVIRONMENTAL PERFORMANCE STANDARDS

In addition to all applicable requirements of state and federal law and regulation, including the requirements of 401 Kentucky Administrative Regulation Chapter 45 and 40 CFR Part 503 Subpart B, a facility shall comply with all of the following performance standards:

(A) All treatment of sewage sludge, including but not limited to aerobic or anaerobic treatment to reduce pathogens and control vectors or to otherwise render the sewage sludge suitable for further handling, land application or disposal, shall occur in a controlled setting, with appropriate containment to assure no release to the environment of any liquids, gases, or other byproducts during of treatment.

(B) No sewage sludge shall be transported to or from a facility or stored at a facility in a manner that allows for release to the environment of gaseous, liquid, semi-solid or solid components of the sewage sludge.

(C) No sewage sludge shall be managed, stored, disposed or reused in a manner that causes a nuisance.

(D) No sewage sludge shall be applied to land used for production of food crops or for pasture.

(E) Land application of sewage sludge classified as Class B for pathogens under 40 CFR Part 503 is prohibited within three (3) miles of occupied buildings, including places of employment, and shall not occur within one (1) miles of wells used for drinking water for humans or animals, and within watersheds in which surface waters are used for drinking water supplies.

(F) The maximum amount of sewage sludge that may be applied to any land in a period of three (3) years is 10 tons per acre, and the total amount that may be applied to any land shall not exceed sixty (60) tons per acre.

(G) The proportion of land receiving sewage sludge shall not exceed five (5) percent of the watershed of any second order or higher stream.

(H) Application of sewage sludge in a groundwater recharge area or on lands subject to flooding in a flood event with a 25-year or more chance of occurrence is prohibited.

(I) Land application of Class A sewage sludge within one thousand five hundred (1,500) feet of occupied buildings (both residential and workplaces) is prohibited.

(J) The maximum concentrations of contaminants in land-applied sludges shall not exceed these recommended maximum concentrations:

Calculations of Recommended Maximum Concentrations of Contaminants in Sludges based on									
	in ppm	As	Cu	Zn	Ni	Hg	Mo	Cd	Se
Recom max soil conc (sandy)**		10	40	75	25	1	4	2	5
Typical ag soil		9	20	60	16	0	1	0.2	0.4
difference		1	20	15	9	1	3	1.8	4.6
Recom max sludge conc at		17	333	250	150	15	50	30	76.7
sludge conc at 30T/ac		33	667	500	300	30	100	60	153
Recom max soil conc (sandy-silty loam)			60	130	35		3		
Typical ag soil			20	60	16		1		
difference			40	70	19		2		
Recom max sludge conc at			667	1167	317		33		
sludge conc at 30T/ac			1333	2333	633		67		
Recom max soil conc (silt/clay)			100	200	50		2		
Typical ag soil			20	60	16		1		
difference			80	140	34		1		
Recom max sludge conc at			1333	2333	567		17		
sludge conc at 30T/ac			2667	4667	1133		33		
Part 503 Table 3		41	1500	2800	420	17	75	39	100
Typical NYS sludge		3 to 10	300-1500	500-	10-150	1 to	5 to 50	2 to 15	2 to 6

\*A range is provided for several elements and the spread sheet provides calculations based different parts of the range.

\*\* These recommendations are for final soil concentrations and are from a combination of recommendations contained in: Criteria and Recommendations for Land Application of sludges in the Northeast, 1985. Penn State U, Bulletin 851 and the 2002 Cornell Guide for Integrated Field Crop Management. Cornell Cooperative Extension.

(K) All land-applied sewage sludges shall be incorporated into the land within eight (8) hours of delivery from the treatment facility. No stockpiling of sewage sludge shall be allowed.

(L) A notice shall be recorded on the deed to any property on which sewage sludges have been land applied providing record notice of the application of sewage sludges to that property.

(M) No sewage sludges shall be land applied during winds of greater than 5 miles per hour, or during rainfall events or when rain is predicted within the next 24 hours.

(N) No sewage sludges shall be land applied at times of the year when the ground is frozen or when soils are within 75% of field moisture capacity.

(O) A sign shall be posted along the site boundaries at intervals of no greater than ¼ mile, providing notice of land application of sewage sludge, and providing the name of the holder of the certificate of approval and the phone number of the holder and on whom to contact in the event of an emergency or a complaint.

(P) Each facility shall include hand-washing stations for workers, and shall provide information to workers regarding potential health risks associated with handling of sewage sludge and measures

to reduce those risks.

#### **SECTION 4: FACILITY APPROVAL APPLICATION**

(A) Any person seeking to construct or operate a facility shall submit an application to the office of the County Judge-Executive containing the following:

(1) A complete copy of all applications submitted to state, federal, or local agencies for any approvals, permits or authorizations needed to construct or operate the facility.

(2) The name, address and phone number of the person proposing to construct and operate the facility and the location, (including street address, if any) of the proposed site of the facility;

(3) A copy of the deed or other document establishing the right, title and interest of the person proposing to construct and operate the facility in the proposed site of the facility and documenting the authority of the person to enter the property and perform any necessary corrective action during facility closure and post-closure;

(4) A current USGS map showing the location of the proposed site, at a scale of one (1) inch equals two thousand (2,000) feet, with said map showing the entire boundaries of the facility;

(5) A description of the sources of wastewater being sent to the wastewater treatment facility from which the sewage sludge was generated; a description of the extent of the pretreatment program for that municipal wastewater treatment facility including the number of significant industrial users and the compliance status of those users; the unit operations used at the facilities where the sludge was generated; the type classification of sewage sludge to be managed, and a description of the storage, treatment and any land application proposed to be conducted at the facility or other end uses proposed for the sewage sludge;

(6) A copy of all information required by KRS 224.40-330 to be filed with respect to each key personnel, which shall be updated as any changes or updates of key personnel information are filed with the Cabinet.

(7) Financial data demonstrating that the applicant has the financial capability to undertake all regulatory obligations relating to construction, operation, closure and post-closure care and corrective action at the proposed facility, including evidence of liability insurance.

(8) The application shall include a signed and notarized acknowledgement by the sewage treatment facility generator that generated the sewage sludge, the person responsible for applying the sewage sludge, the operator of any treatment facility and the owner of the lands on which treatment and land application occur, that they have read the application, are aware of the proposed method(s) of treatment and end utilization or disposal of the sewage sludge, approve of same, and further that they understand that to the extent that any hazardous substances, pollutants, contaminants or other compounds are released from the treatment or land application of the sewage sludge into the

environment in a manner that causes harm to human health or the environment, that they may share in liability for any injury or contamination.

(9) A copy of the public notice of the right to submit comments to the Hopkins County Fiscal Court pursuant to subsection (d) hereof;

(10) Evidence of notification by certified mail to property owners within three (3) miles of the site of the intention to submit to the Hopkins County Fiscal Court a petition for approval of a facility.

(11) The following certification:

"I certify that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals responsible for obtaining the information, I believe the submitted information is true, accurate and complete."

The certification shall be signed by the person proposing to construct and operate a facility where:

(a) If the person proposing to construct and operate a facility is a corporation, by an authorized executive officer; or

(b) If the person proposing to construct and operate a facility is a partnership, by an authorized general partner; or

(c) If the person proposing to construct and operate a facility is a sole proprietor, by the proprietor; or

(d) If the person proposing to construct and operate a facility is a governmental agency, by the head of that agency.

(e) If the person proposing to construct and operate a facility is a limited liability company, by its members and/or manager.

(12) The applicant proposing to construct and operate a facility shall include with the petition for approval a facility impact report which shall:

(a) describe the current land use of the facility property;

(b) describe the land uses within three (3) miles of the facility;

(c) describe the transportation routes, including schedule, frequency of deliveries, that will be utilized for haulage of sewage sludge to or from the facility within Hopkins County;

(d) include an analysis conducted by a qualified appraiser, of the impact of the facility location and operation on land values within 3 miles of the facility site;

(e) describe existing environmental conditions in the vicinity of the facility site, such description to include at a minimum:

(i) The geology of the property where any land application is proposed to occur, including the soil types to include soil permeability, stability and drainage, and the geology down through and including the aquifer zones in the area;

(ii) The hydrology and surface and groundwater quality and quantity in the area, including proximity to any aquifers and recharge areas and sensitive areas such as wetlands;

(iii) Proximity to public and private surface or groundwater supplies, including current and potential future uses, and the potential for contamination, diminution or other impact on those supplies from the land application of the sewage sludges;

(iv) Identification of state or federally listed significant, threatened or endangered species known to exist within the boundaries of the area proposed for land application, and in any waterbodies receiving runoff from those lands;

(f) An evaluation of the potential for emission of gases and odors and measures to be taken to prevent adverse effects to those handling, treating and land applying the sewage sludge and to the public, and to prevent nuisance conditions;

(g) identification of any areas within the site of any treatment or land application activities that are located in the 25-year and 100-year floodplain;

(h) An cultural and archeological resources survey with a description of historic, archaeological and natural sites and landmarks on the property, and of outstanding resource waters, public forest areas, dedicated or designated open space, public recreational areas, wildlife refuges, game lands and fishing waters within 3 miles of the facility boundary;

(i) Nature, extent, quantity and impacts of anticipated discharge or releases to air, water and land from the treatment and land application of the sewage sludges, including storm water run off, and the anticipated human health and environmental consequences, if any, of such releases;

(j) Adequacy of emergency services (police, fire, medical) to protect human health, safety and environment from any fire, explosion, release or other accidents at the facility, including any proposed on-site emergency response capability;

(k) A characterization of the sewage sludge including appropriate analyses for each parameter listed in Section 5 to demonstrate that as proposed to be stored, treated and land applied, the sewage sludges will not adversely affect human health and the environment during treatment and as proposed to be used;

(l) Plans, specifications, and supporting analyses demonstrating that the environmental performance

standards of this ordinance and of the state special waste regulations and federal regulations will be met at all times in the treatment and proposed land application of the sewage sludge. Such plans shall include:

(i) A nutrient management plan, including an assessment of nitrogen and phosphorus fate and transport, prepared by a certified agricultural professional (and annually updated to certify that application was in accordance with the plan);

(ii) A water quality management plan sufficient to prevent pollution of surface and ground waters;

(iii) A compliance sampling and monitoring plan meeting the requirements of Section 5

(m) A closure and post-closure plan for the facility with estimates of closure and post-closure costs. The applicant shall demonstrate financial responsibility for post-closure by filing with the Hopkins County Judge/Executive a bond with corporate surety, an escrow account or an irrevocable letter of credit subject to the approval of the county Judge/Executive in an amount equal to the anticipated costs of undertaking post-closure monitoring and other post-closure care activities.

(n) A certificate of a Commercial General Liability Policy, which policy shall be maintained during the operation of the facility and any post-closure care period and shall cover any damages for bodily injury or property damage arising from the construction or operation of the facility, including injuries to both the workforce and the public. The County shall be listed on the policy to receive notice from the insurance company of any cancellation, reduction in coverage; change in coverage, claim, or of any event of whatever kind or nature which might impair the ability of the policy holder to comply with the provisions of this ordinance. The amount of the policy shall be determined by the County after review of the scope of the facility and nature of proposed activity to be conducted, and the report of the qualified appraiser provided in subsection (e) of this section.

(B) The person proposing to construct and operate a facility shall remit the siting fee or fees under section 6 of this ordinance at the time of filing a request for a certificate of approval.

(C) An application for a certificate of approval shall be submitted and served in the manner provided in this subsection.

(1) The application for a certificate of approval shall be submitted to the Hopkins County Fiscal Court by filing with the office of the County Judge/Executive. Within thirty working (30) days of the receipt of the petition for approval, the applicant shall be notified in writing whether the application is administratively complete. Additional information may be required during technical review of the application notwithstanding a determination that application is administratively complete. If the application is deemed to be incomplete, a notice of deficiency identifying the information needed to make the application administratively complete shall be issued.

(2) Upon receipt of the notification from the office of the County Judge/Executive that the application is administratively complete, the person proposing to construct and operate a facility



shall at its expense serve a complete copy of the application for a certificate of site approval to the following persons:

- (a) each member of the Hopkins County Fiscal Court;
- (b) The fire and police departments with jurisdiction over the site or facility and all such departments that respond to calls within Hopkins County;
- (c) The County Disaster and Emergency Services Coordinator (DES);
- (d) Directors of the following Hopkins County Agencies and Departments: Health Department; Joint Planning Commission; Department of Economic Development; Tourism Commission; University of Kentucky Agricultural Extension Service; and Office of the Hopkins County Attorney;
- (e) The Kentucky Department of Fish and Wildlife Resources.

(D) Each petition for approval shall be subject to a thirty (30) day public comment period and a public meeting. After the applicant for a certificate of approval has been notified that the application is administratively complete, the applicant shall cause to be published a public notice weekly for four (4) consecutive weeks in the newspaper of greatest circulation in Hopkins County. The notice shall be in a form approved by the Office of the Hopkins County Judge/Executive and shall advise the public that an application for a certificate of approval has been filed and deemed administratively complete; and announcing the beginning of a comment period to run thirty days after the fourth publication of the notice, and the date of the public meeting, which shall be scheduled for no sooner than seven nor longer than twenty one (21) days after the last date of publication. The public meeting will be held in Hopkins County in the evening in order to accommodate the public.

## **SECTION 5: TESTING AND REPORTING**

(A) The frequency of monitoring shall comply with 40 CFR Part 503 or state rules, whichever is more stringent, and in no case shall monitoring frequency be less than quarterly. Limits of detection and methods shall be reported for all tests.

(B) Testing for inorganic elements in the sewage sludge shall use EPA approved methods and shall include: arsenic, beryllium, boron, cadmium, chromium, copper, lead, mercury, molybdenum, nickel, selenium, silver, sulfur, and zinc. Testing shall occur for each batch of sewage sludge received at a facility after treatment and prior to land application.

(C) Each batch of sewage sludge delivered to a facility shall be tested immediately before soil incorporation for endotoxins and for stability.

(D) Prior to initial receipt of sewage sludge from a generator and annually thereafter, the sewage sludge shall be tested for radioactivity and for organic chemical contaminants including EPA semi-volatiles (using EPA approved methods), PAHs, chlorinated pesticides, brominated diphenyl ethers,

nonylphenols and related compounds, linear aliphatic sulphonates, triclosan, methyl triclosan, PCBs, dioxins and furans. In addition, the 25 highest peaks that are found in the GC/MS scan for the semi volatile priority pollutants shall be identified. The findings shall be discussed in the annual report and the concentrations shall be compared with other standards for these chemicals, such as soil screening levels.

(E) Any violations of the permit or excursions from the approved plans shall be reported within 12 hours of their discovery, including rainfall occurring within 24 hours of application.

(F) A report shall be filed monthly indicating the source, treatment method, and quality of sewage sludges applied and shall include a certification from the operator that the rate and method of application is consistent with the approved plan.

## **SECTION 6: FISCAL COURT REVIEW**

(A) Within sixty (60) days after the end of the public comment period or conclusion of the public meeting, all agencies of Hopkins County shall provide any comments and recommendations to the Fiscal Court regarding the granting, denial, or conditions on the issuance of a certificate of approval. Within ninety (90) days following the end of the comment period or any public meeting, the Hopkins County Fiscal Court shall make the final determination to grant, grant with conditions, or deny the request for a certificate of approval.

(B) Fiscal Court determination shall be based on a consideration of the application, and the findings and recommendations of any independent consultant retained by the Fiscal Court, the information and comments submitted by the public and agencies, and those matters of which the Court may take administrative and official notice. The applicant shall affirmatively demonstrate, and the Fiscal Court must find in determining to issue, or condition the requested certificate:

(1) That the proposed facility has demonstrated that it will comply with the applicable environmental performance standards of state regulations, federal rules, and all of the requirements of this ordinance;

(2) That the activity conducted at the proposed site will not adversely affect the ability to provide fire, health or other emergency services to the public; and

(3) That the activity, if conducted at the proposed site, will not result in adverse effect on the public's use and enjoyment of parks, public waters, historic structures, cultural and natural resources in Hopkins County; and

(4) That the activity, if conducted at the proposed site, will not have an adverse impact on the establishment or continuation of businesses, residences, churches, schools or other facilities in Hopkins County; and

(5) That the compliance and performance history of the person proposing to construct and operate

a facility indicates a satisfactory record of compliance with applicable federal, state and local laws and regulations, and based upon such prior record, that it can be reasonably expected that the person proposing to construct and operate a facility will, in constructing, expanding, maintaining or operating the facility at the proposed site, maintain a corresponding satisfactory record of compliance with applicable laws and regulations; and

(6) That the person proposing to construct and operate a facility has demonstrated that it possesses sufficient financial resources to: complete construction of the new or expanded facility; maintain and operate the facility in compliance with applicable laws and regulations; respond immediately in the event of emergency by reason of accident or upset at the site; and complete closure and post-closure maintenance of the facility; and

(7) That the person proposing to construct and operate a facility has demonstrated that it complies with all applicable state and federal laws and regulations concerning sewage sludge treatment and use, including special waste facility permits, filings and/or notifications required by the Natural Resources and Environmental Protection Cabinet for the construction and operation of the facility; and

(8) That the required financial responsibility for post-closure has been demonstrated and

(9) That testing and reporting requirements consistent with Section 5 have been incorporated into the permit application and approval;

(C) Notification

The Hopkins County Fiscal Court shall send written notification of its determination with respect to the petition for approval to the person proposing to construct and operate a facility and to all persons who submitted written or oral comments during the public comment period. Such notifications shall include a copy of the findings and determination by the Fiscal Court and a copy of any written response by the applicant to comments submitted during the comment period.

(D) Coordination with Other Laws.

The Hopkins County Fiscal Court shall, to the extent possible or as may be required, coordinate its review of petitions for site approval under this ordinance with the exercise of authority conferred upon it pursuant to any state or federal laws.

**SECTION 7: FEES**

(A) The person proposing to construct and operate a facility shall be certified by check made payable to the Hopkins County Fiscal Court, submit fees in accordance with the following schedule:

(1) At the time of submission of the petition for approval an initial fee of \$5,000 is required. This requirement applies to any application for a approval certificate for a new facility and also to any

petition for approval of an expansion to an existing facility.

(2) At the conclusion of the review process, the Hopkins County Judge/Executive shall tender to the person proposing to construct and operate a facility a statement of actual costs incurred by the Hopkins County Fiscal Court in review of the application, including the costs of review of the application by the Court's consultant, in an amount not to exceed \$20,000; and any balance due shall be payable upon receipt and balance remaining shall be remitted to the applicant.

(3) The total fee shall not exceed the actual costs to the Fiscal Court of the consultant's evaluation and any other expenses incurred.

(B) The Fiscal Court shall utilize a qualified consultant to assist it in evaluation of the request for certificate of approval.

### **SECTION 8: COMPLIANCE EVALUATION**

(A) Any person who has reason to believe that a violation of any provision of this ordinance is being violated may report such information to the office of the Solid Waste Coordinator for Hopkins County, who shall conduct such inspections and take other appropriate action, including referral of the complaint to the state Division of Waste Management or the office of the Hopkins County Attorney for further inquiry and appropriate action.

(B) The County, or its designated agent, shall have the right to obtain and analyze samples, inspect vehicles, facilities and monitoring equipment, have access to and copy records, obtain photographs, and interview employees.

### **SECTION 9: PENALTY CLAUSE**

(A) Any person who violates any provision of this ordinance shall be subject to a civil penalty of \$1,000.00 for each violation of this ordinance. Each day of violation shall constitute a separate offense. Additionally, continued violation may be enjoined by the Fiscal Court. Where a facility receiving sewage sludge for treatment or land application violated any provision of this ordinance, notice shall be given to the generator of such sludge and unless that person takes action sufficient to cause the violation to be abated, the generator may be assessed a civil penalty as provided in this section.

(B) A certificate of approval may be revoked if the operator or owner violates any provision of the certificate or this ordinance, or for any violation of federal or state laws or regulations.

### **SECTION 10: SEVERABILITY**

The provisions of this ordinance are severable, and if any provision, section, paragraph, phrase, sentence or clause or the application thereof is held by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remainder of the ordinance.

**SECTION 11: EFFECTIVE DATE**

This ordinance shall take effect and may be enforced upon its passage and publication.

Upon motion of Magistrate Welch and seconded by Magistrate Wheeler, the ordinance, as first read on the 31st day of March, 2005, was approved unanimously subject to amendments. Whereupon the vote was called, and on roll call, the Ordinance was received as first reading.

Magistrate Karol Welch	<u>YES</u>
Magistrate Coletta Wheeler	<u>YES</u>
Magistrate Tim Riggs	<u>YES</u>
Magistrate Larry Wilson	<u>YES</u>
Magistrate Larry Rogers	<u>YES</u>
Magistrate Mike Duncan	<u>YES</u>
Magistrate Jon Garrett	<u>YES</u>
Judge Exec. Patricia Hawkins	<u>YES</u>

It appearing that changes so significant having been made to the original document receiving first reading, and upon Motion for a new First Reading of Magistrate Garrett, and seconded by Magistrate Duncan, the ordinance, as amended, on the 14th day of April, 2005, was approved with the vote being as follows. Whereupon the vote was called, and on roll call, the Ordinance was received as first reading:

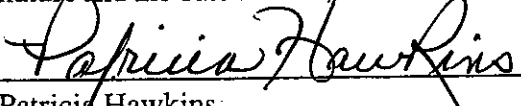
Magistrate Karol Welch	<u>Absent</u>
Magistrate Coletta Wheeler	<u>YES</u>
Magistrate Tim Riggs	<u>YES</u>
Magistrate Larry Wilson	<u>YES</u>
Magistrate Larry Rogers	<u>YES</u>
Magistrate Mike Duncan	<u>YES</u>
Magistrate Jon Garrett	<u>YES</u>
Judge Exec. Patricia Hawkins	<u>YES</u>

Upon second reading of the Ordinance, it was moved by Magistrate Riggs and seconded by Magistrate Welch that the Ordinance be duly adopted. Whereupon the vote was called, and on roll call, the vote stood:

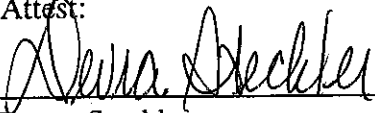
Magistrate Karol Welch	<u>YES</u>
Magistrate Coletta Wheeler	<u>YES</u>
Magistrate Tim Riggs	<u>YES</u>
Magistrate Larry Wilson	<u>YES</u>
Magistrate Larry Rogers	<u>YES</u>

Magistrate Mike Duncan	<u>YES</u>
Magistrate Jon Garrett	<u>YES</u>
Judge Exec. Patricia Hawkins	<u>YES</u>

Whereupon, Hopkins County Judge/Executive Patricia Hawkins declared this ordinance adopted on its second reading, affixing her signature and the date thereto, and declared that the same be recorded.

  
\_\_\_\_\_  
Patricia Hawkins  
Hopkins County Judge/Executive

Attest:

  
\_\_\_\_\_  
Devra Steckler  
Hopkins County Clerk