

federal governments. If the truck is in compliance, the deputy shall then escort the truck to the waste facility. The deputy shall file the manifest with the county manager or his designee within 24 hours.

(Ord. of 9-10-1990, § XX; Ord. of 9/12/2006)

Sec. 23-66. Criminal penalties.

Any person, firm, or legal entity violating this division shall be guilty of a misdemeanor and, upon conviction, fined not more than \$500.00 for each offense or imprisoned for not more than 30 days for each offense. Each day this division is violated shall constitute a separate offense.

(Ord. of 9-10-1990, § XXI)

Sec. 23-67. Civil remedies.

(a) Any person injured by failure of a permit holder to comply with this division shall have a civil cause of action against the permit holder, or anyone violating it, for any damages sustained as a result of the violation and the right to injunctive relief against the permit holder to enforce this division.

(b) The county shall have the right to enforce this division by injunction, and shall have a cause of action for any damages the county sustains as a result of any violation of this division by the permit holder.

(c) Any person or corporation violating this division by operating a waste facility in the county without a permit shall pay to the county a fine of \$1,500.00 per day for each day of operation. Each day shall be a separate offense.

(Ord. of 9-10-1990, § XXII)

Secs. 23-68--23-85. Reserved.

DIVISION 3. MANAGEMENT OF SOLID WASTE

Sec. 23-86. Purpose and statutory authority.

The purpose of this division is to regulate the storage, collection, and disposal of solid waste in the county. This division is adopted pursuant to the authority contained in G.S. 153A-121, 153A-132.1, 153A-136, 153A-274--153A-278, and 153A-291--153A-293 and 130A-309.09A, 130A-309.09B, and 130A-309.09D. Unless otherwise indicated, the division applies to both publicly-owned and privately-owned municipal solid waste management facilities located in the county.

(Ord. of 9-14-1992, § I)

Sec. 23-87. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bulky waste means large items of solid waste such as furniture, large auto parts, trees, branches, stumps, and other oversize wastes whose large size precludes or complicates their handling by normal solid waste collection, processing, or disposal methods.

Collection means the act of removing solid waste (or materials that have been separated for the purpose of recycling) to a transfer station, processing facility, or disposal facility.

Commercial solid waste means all types of solid waste generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding residential and industrial waste.

Construction and demolition waste means solid waste resulting solely from construction, remodeling, repair, or demolition operations on buildings, or other structures, but does not include inert debris, land-clearing debris, yard debris, or used asphalt, asphalt mixed with dirt, sand gravel, rock, concrete, or similar nonhazardous material.

County Solid Waste Management Plan shall mean the plan developed by the County pursuant to G.S. 130A-309.09A

Department means the department of environment and natural resources.

Garbage shall have the same definition as in G.S. 130A-290(a)(7).

Hazardous waste shall have the same definition as in G.S. 130A-290(a)(8).

Incineration means the process of burning solid, semi-solid, or gaseous combustible wastes to an inoffensive gas and a residue containing little or no combustible material.

Industrial solid waste shall have the same definition as in G.S. 130A-290(a)(13a).

Inert debris shall have the same definition as in G.S. 130A-290(14).

Institutional solid waste means solid waste generated by educational, health care, correctional, and other institutional facilities.

Land-clearing debris shall have the same definition as in G.S. 130A-290(15).

Landfill shall have the same definition as in G.S. 130A-290(16).

Landlord means the owner of property utilized for a single-family dwelling such as houses, mobile homes, modular homes or apartments.

Medical waste shall have the same definition as in G.S. 130A-290(18).

Municipal solid waste shall have the same definition as in G.S. 130A-290(18a).

Municipal solid waste management facility shall have the same definition as in G.S. 130A-290(18b).

Pathological waste means human tissues, organs, and body parts and the carcasses and body parts of any animals that were known to have been exposed to pathogens that are potentially dangerous to humans during research, were used in the production of biologicals or in vivo testing of pharmaceuticals, or that died with a known or suspected disease transmissible to humans.

Processing means any technique designed to change the physical, chemical or biological character or composition of any solid waste so as to render it safe for transport; amenable to recovery, storage, or recycling; safe for disposal; or reduced in volume or concentration.

Putrescible means solid waste capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors and gases, such as kitchen wastes, offal and animal carcasses.

Radioactive waste means waste containing any material, whether solid, liquid, or gas, that emits ionizing radiation spontaneously.

Recycling shall have the same definition as in G.S. 130A-290(27).

Refuse means solid waste, other than garbage or ashes, from residences, commercial establishments, and institutions.

Regulated medical waste means blood and body fluids in individual containers in volumes greater than 20 milliliters, microbiological waste, and pathological waste that has not been treated pursuant to rules promulgated by the department.

Resource recovery means the process of obtaining material or energy resources from discarded solid waste that no longer has any useful life in its present form and preparing the solid waste for recycling.

Sanitary landfill shall have the same definition as in G.S. 130A-290(31).

Scrap tire means a tire that is no longer suitable for its original, intended purpose because of wear, damage, or defect.

Septage shall have the same definition as in G.S. 130A-290(32)

Sharps means needles, syringes, and scalpel blades.

Sludge shall have the same definition as in G.S. 130A-290(34).

Solid waste shall have the same definition as in G.S. 130A-290(35).

Solid waste collection means any person who collects or transports solid waste.

Solid waste disposal site shall have the same definition as in G.S. 130A-290(36).

Solid waste receptacle means a county-owned container used for the temporary storage of residential solid waste while awaiting collection.

Source separation means setting aside recyclable materials at their point of generation by the generator.

Tire means a continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle as defined in G.S. 20-4.01(23).

Transfer station means a site at which solid waste is concentrated for transport to processing facility or disposal site. A transfer station may be fixed or mobile.

Used oil means any oil that has been refined from crude oil or synthetic oil and, as a result of use, storage, or handling, has become unsuitable for its original purpose.

White goods shall have the same definition as in G.S. 130A-290(44).

Yard trash shall have the same definition as in G.S. 130A-290(45).

Words and phrases not otherwise defined in the Division shall have the same definitions as contained in Chapters 103A and 153A of the General Statutes and the Federal Solid Waster Disposal Act in Title 42 of the United States Code, as well as regulations duly promulgated by North Carolina federal agencies pursuant to those statutes, , and where and to the extent there is any conflict between the definition in the Division and those contained in those North Carolina and federal statutes and rules, those North Carolina and federal statutes and rules shall apply.

(Ord. of 9-14-1992, § II; Ord. 9/12/2005)

Cross references: Definitions generally, § 1-2.

Sec. 23-88. Storage and disposal.

- (a) No owner, occupant, tenant, or lessee of any property may deposit, store, or permit to accumulate any solid waste on his property that is not stored or disposed of in a manner prescribed by this division.
- (b) The owner, occupant, tenant, or lessee of any property shall remove or cause to be removed all solid waste from his property at least once each week (seven-day period).
- (c) Refuse shall be stored in a manner that will resist harborage to rodents and vermin and will not create a fire hazard. Regulated refuse under this subsection includes, but is not limited to, lumber, boxes, barrels, bottles, cans, tires, paper, cardboard, rags, old furniture and other bulky waste, and white goods. Useful materials, such as firewood and building materials, may be stored on the premises, provided they are stored in a safe manner at a reasonable height above ground.
- (d) No owner, occupant, tenant or lessee of a building or dwelling, other than a licensed junk dealer, may place or leave, or cause to be placed or left, outside the building or dwelling any bulky waste for longer than seven days.
- (e) No owner, occupant, tenant, or lessee of any building or dwelling may leave outside the building or dwelling, in a place accessible to children, any abandoned or unattended icebox, refrigerator, or other receptacle that has an airtight door without first removing the door.
- (f) Solid waste shall be disposed of only in one of the following ways:
- (1) In a landfill approved by the department;
 - (2) In an incinerator that has all required local, state, and federal control permits;
 - (3) By any other method, including recycling and resource recovery, that has been approved by the department.
- (g) In addition to the methods listed in subsection (f) of this section, residential solid waste may be disposed of in solid waste receptacles in accordance with Section 23-90 of this Division.
- (h) No person may discard, dispose, leave, or dump any solid waste on or along any street or highway or private property unless such solid waste is placed in a receptacle at a location designated for the deposit of solid waste.
- (i) Construction wastes must be disposed of at disposal sites approved and permitted by the department.
- (j) Regulated medical, hazardous, and radioactive waste must be disposed of according to written procedures approved by the department.

(k) Any person collecting and transporting solid waste generated on such person's property for disposal at an approved disposal site shall comply with subsection 23-92(f) concerning vehicles and containers.

(l) All sharps shall be placed in a sealed, puncture-proof container prior to disposal.

(m) Open burning of solid waste is prohibited.

(Ord. of 9-14-1992, § III; Ord. of 9/12/2005)

Sec. 23-89. Solid waste management.

(a) The county solid waste transfer station, convenience and recycle centers and demolition landfill may be used for the proper disposal of solid waste generated by county residents and nonresident property owners. These facilities shall be open not less than 44 hours weekly according to business hours established by the board of commissioners. Except when open during regular business hours, these facilities shall be kept locked, and entry shall not be permitted. Placement of solid waste at locked entrances to these facilities is prohibited and shall be considered a violation of this division.

(b) The following wastes may not be disposed of in the county sanitary landfill or in any municipal solid waste landfill:

(1) Burning or smoldering materials, or any other materials that would create a fire hazard;

(2) Hazardous waste;

(3) Liquid waste;

(4) Untreated waste;

(5) Radioactive waste;

(6) Lead-acid batteries;

(7) Clean wood waste;

(8) Used oil;

(9) White goods;

(10) Yard trash;

(11) Asbestos;

(12) Barrels;

(13) Sludges;

(c) The county shall provide facilities meeting the department regulations and permitted by the department as appropriate for the proper disposal of used tires. Operating rules and procedures shall be as established by the board.

(d) The county shall make provisions for composting all clean, unpainted wood waste, yard waste, trees, limbs and stumps. Municipal and industrial sludges approved by the department may also be disposed of by this or another approved method.

(e) Loitering, scavenging or rummaging through solid waste containers and/or facilities is prohibited.

(f) No person may deposit material at any county facility except where indicated by authorized employees or by official signs.

(g) No unauthorized person may discharge firearms, fireworks or explosives on county property.

(h) The maximum allowable speed of all vehicles through solid waste facilities is 15 miles per hour.

(Ord. of 9-14-1992, § IV)

Sec. 23-90. Solid waste receptacles.

(a) Solid waste receptacles are maintained at strategic sites throughout the county for the disposal of residential solid waste, maintained and serviced by the county. Solid waste may be deposited in the receptacles only in accordance with the provisions of this division.

(b) The following wastes may not be deposited in solid waste receptacles:

(1) Asbestos;

(2) Burning or smoldering materials, or any other materials that would create a fire hazard;

(3) Commercial waste;

(4) Construction waste;

- (5) Hazardous waste;
- (6) Industrial waste;
- (7) Institutional waste;
- (8) Lead-acid batteries;
- (9) Liquid waste;
- (10) Radioactive waste;
- (11) Regulated medical waste;
- (12) Tires;
- (13) Yard trash;
- (14) Sludges;
- (15) Barrels;
- (16) Sharps not properly contained.

(c) All residential solid waste intended for disposal in a solid waste receptacle shall be deposited inside the container. No solid waste may be left at the solid waste receptacle site outside the receptacle.

(d) No person may remove any item from a solid waste container, climb on or into a container, or damage any container.

(e) The board shall approve operating rules and procedures governing the daily operation of all county residential collection sites, manned or unmanned.

(Ord. of 9-14-1992, § V)

Sec. 23-91. Flow control.

(a) All solid waste generated within the designated geographic area of the county solid waste management plan that is placed in the waste stream for disposal or recycling shall be collected, transported, and disposed of at the county solid waste facility or the county landfill, or a privately owned municipal solid waste facility for which the County has granted a franchise. The removal of solid waste from within the geographic area for disposal except by the county or a private entity, which has been granted a franchise from the county is prohibited. This section shall not be construed

to prohibit the source separation of materials from solid waste prior to collection of such solid waste for disposal.

- (b) No person, except licensed solid waste collectors and county or municipal collectors shall collect or remove any solid waste within the county for disposal.
- (c) The county shall establish a system of classification for classes of solid waste that shall be consistent with a system of classification in the county solid waste management plan. The classification system shall be used as a basis for requiring that solid waste be delivered to an appropriate county disposal facility in accordance with the county solid waste management plan.

(Ord. of 9-14-1992, § VI, Ord. of 9/12/2005)

Sec. 23-92. Licensing of solid waste collectors.

- (a) No person may engage in business as a solid waste collector except as defined in this division and without possessing a license issued by the county pursuant to this division.
- (b) Applications for licenses to engage in the business of solid waste collector shall be filed with the county solid waste superintendent on forms approved by the county. The applicant shall furnish the following information:
 - (1) Name and address of the applicant and whether a sole proprietorship, corporation, or partnership, with disclosure of the ownership interests;
 - (2) A list of the equipment possessed, available, or to be obtained by the applicant, including motor vehicle license tag numbers;
 - (3) Number of employees the applicant expects to use in the business;
 - (4) Experience of the applicant in solid waste collection;
 - (5) Map of the planned routes and areas of the county the applicant expects to serve;
 - (6) Schedule of fees the applicant expects charge;
 - (7) Evidence of liability insurance coverage;
 - (8) Names and addresses of all residential customers updated semi-annually.
- (c) Before issuing a license pursuant to this section, the county may inspect or cause to be inspected all facilities and equipment the applicant plans to use in the solid waste collection business.

(d) The county solid waste superintendent may issue the applicant a license only when he finds that the applicant's facilities, equipment, and proposed operating methods are in compliance with this division and applicable rules of the department and that the applicant will perform solid waste collection in an efficient and sanitary manner. A condition of the license shall be that the licensee shall serve every person who contracts with him for solid waste collection in such a manner that the licensee does not cause the person to be in violation of this division.

(1) If the county denies an applicant a license, the applicant may request a hearing before the county manager. The county manager shall keep summary minutes of the hearing and within 30 days after the hearing shall give the applicant written notice of his decision either granting the license or affirming his denial of the license. The applicant may appeal the county manager's decision to the board of commissioners by giving written notice of appeal to the county manager within five days of receipt of the county manager's decision following the hearing. After a hearing on the appeal, the board shall either affirm the denial or direct the county manager issue the license.

(2) A license shall be valid for a period of one year from the date of issuance.

(e) A licensee shall submit a semi-annual report to the county manager containing the following information:

(1) Number with names and addresses of customers added or deleted;

(2) Changes in routes;

(3) New and replacement equipment;

(4) Any other information requested by the county and pertinent to the solid waste collection business.

(f) Vehicles and containers used for the collection and transportation of solid waste shall be:

(1) Covered, leakproof, durable, and easily cleaned. They shall be cleaned as often as necessary to prevent a nuisance and insect breeding and shall be maintained in good repair. Vehicles shall display in numbers at least three inches high the county license number of the licensee and the license sticker issued by the county.

(2) Loaded and moved in such a manner that the contents will not fall, leak, or spill, and shall be covered to prevent the blowing of material. If spillage or leakage should occur, the material shall be recovered immediately by the licensee and returned to the vehicle or container, and the area properly cleaned.

- (g) When the county solid waste superintendent finds that a licensee has violated this division or the conditions of the license, he shall give the licensee written notice of the violation and inform him that if another violation occurs within 30 days, or in the case of a continuing violation, if it is not corrected within ten days, the license will be revoked. If another violation occurs within the 30-day period, or, if the continuing violation is not corrected within ten days, the county shall give the licensee written notice that the license is revoked. Upon receipt of the notice of revocation, the licensee shall stop collecting, transporting or disposing of solid waste. The county may reinstate a revoked license after the revocation has been in effect for 30 days if the solid waste superintendent finds that the conditions causing the violation have been corrected. A licensee whose license has been revoked may appeal the revocation to the county manager by giving written notice of appeal to the county manager within ten days of receiving notice of revocation from the county solid waste superintendent. After a hearing on the appeal, the county manager shall either affirm the revocation or direct the county solid waste superintendent to reinstate the license.
- (h) No license issued pursuant to this division shall be assignable.
- (i) The county shall assesses and collect a \$150.00 licensee applications fee. There shall be a nonrefundable annual renewal fee of \$75.00.
- (j) A provision is made for a landlord to collect garbage from his rental properties and dispose of such garbage at the solid waste disposal facilities in accordance with the following conditions:
- (1) If collection is from less than 25 residential dwellings, garbage may be taken to the nearest convenience center or landfill for disposal.
 - (2) No license shall be required of a landlord servicing 25 or less residential dwellings. No additional fee will be assessed by the county for this provision.
 - (3) If a landlord services more than 25 dwellings, he shall be required to obtain a license as outlined in this section and transport the collected waste to the landfill or the transfer station for disposal. The landlord may not dispose of such waste at a county dumpster site or convenience center.
 - (4) A landlord providing collection for more than 25 dwellings and having been issued a license may apply for a credit of \$36.00 per residential household served annually as a result of not utilizing the county collection system. This adjustment shall be effective for as long as the service is provided and/or the license is current.
- (k) The county will monitor the monthly tonnage of residential waste disposed of by all licensed haulers.

(Ord. of 9-14-1992, § VII)

Sec. 23-93. Fees and collection.

The county shall establish fees for the collection, transporting and disposal of solid waste services provided by the county. All residential fees established shall be billed and collected as provided in G.S. 153A-292. Any solid waste fee imposed by the board may be billed and collected in the same manner as property taxes according to the provisions of G.S. 153A-293, with such fees becoming delinquent on January 6. The following July 1 shall serve as the date of attachment of liens for those accounts continuing being delinquent.

(Ord. of 9-14-1992, § IX)

Sec. 23-94. Littering and enforcement.

Any person found to be violating the disposal provisions or improperly disposing of solid waste as defined in G.S. 14-399 shall be subject to the penalties listed therein.

(Ord. of 9-14-1992, § X)

Sec. 23-95. Enforcement.

- (a) Criminal penalty. Any person in violation of this division shall be guilty of a misdemeanor punishable by a fine of not to exceed \$500.00 or imprisonment for not more than 30 days, or both. Each day's violation shall be treated as a separate offense.
- (b) Civil penalty. Any person who is found in violation of this division shall be subject to a civil penalty of \$500.00 as provided in G.S. 153A-123. Each day's violation shall be treated as a separated offense.
- (c) Remedies. This division may be enforced by equitable remedies, and any unlawful condition existing or in violation of this division may be enforced by injunction and order of abatement in accordance with G.S. 153A-123.
- (d) Any solid waste disposed of in violation of this ordinance that can be identified as having last belonged to, been in the possession of, sent to or received by or to have been the property of any person prior to being disposed of, such identification shall be presumed to be prima facia evidence that such person disposed of or caused the be disposed of such solid waste in violation of this ordinance.

(Ord. of 9-14-1992, Ord. of 5-2-05)