

ORDINANCE GOVERNING THE MANAGEMENT OF
SOLID WASTE IN STANLY COUNTY, NORTH CAROLINA

The Board of County Commissioners, having considered the necessity of the adoption of an ordinance regulating the storage, collection, transportation, disposal, and management of solid waste in Stanly County, North Carolina, and having found that such an ordinance is in the best interest of the general welfare, health and safety of the people of Stanly County, does hereby enact the following ordinance.

Section I. Purpose and Statutory Authority

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

Section II. Definitions - The following definitions apply in the interpretation and enforcement of this ordinance:

1. Board or Board of Commissioners: The Board of Commissioners of Stanly County, North Carolina.
2. Bulky Waste: Large items of solid waste such as white goods, furniture, automobiles, 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.
3. Collection: 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.
4. Commercial Solid Waste: All types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial waste.

5. Compost: Dark, friable, partially decomposed form of organic matter similar in nature to the organic matter in the soil. Compost is suitable for use as a soil conditioner with varying nutrient values.
6. Composting: Process in which aerobic micro-organisms decompose "active" organic materials into a more stable form.
7. Construction and Demolition Waste: 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.
8. Convenience Centers: Facilities owned, leased, rented or otherwise operated by the Stanly County Solid Waste Department at which refuse, garbage, other solid waste or recyclables are collected, transported or disposed of. These centers are fenced and are attended by County employees under set operational schedules for the disposal of solid waste or acceptable recyclables from households within Stanly County.
9. Department: The Department of Environment, Health and Natural Resources.
10. Disposal: The discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.
11. Garbage: All putrescible waste, including animal offal and carcasses, and recognizable industrial by-products, but excluding sewage and human waste.
12. Hazardous Wastes: Solid waste, or combination of solid wastes, which because of its quantity, concentration or physical, chemical or infectious characteristics may: (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.
13. Incineration: The process of burning solid, semi-solid or gaseous combustible wastes to an inoffensive gas and residue containing little or no combustible material.
14. Industrial Solid Waste: Solid waste generated by industrial processes and manufacturing.
15. Inert Debris: Solid waste that consists solely of material that is virtually inert and that is likely to retain its physical and chemical structure under expected conditions of disposal.
16. Institutional Solid Waste: Solid waste generated by educational, health care, correctional, and other institutional facilities.

17. Land-clearing Debris: Solid waste that is generated solely from land-clearing activities.
18. Landfill: A disposal facility or part of a disposal facility where waste is placed in or on land and that is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility.
19. Medical Wastes: Any solid waste that is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, but does not include any hazardous waste, radioactive waste, household waste as defined in 40 C.F.R. § 261.4 (b) (1), or those substances excluded from the definition of "solid waste" in this ordinance.
20. Municipal Solid Waste: Solid waste resulting from the operation of residential, commercial, industrial, governmental, or institutional establishments that would normally be collected, processed, and disposed of through a public or private solid waste management service. Municipal solid waste does not include hazardous waste, sludge, or solid waste from mining or agricultural operations.
21. Municipal Solid Waste Management Facility: Any publicly - or privately-owned solid waste management facility permitted by the Department that receives municipal solid waste for processing, treatment, or disposal.
22. Open Burning: Any fire wherein the products of combustion are emitted directly into the outdoor atmosphere and are not directed thereto through a stack or chimney, incinerator, or other similar devices.
23. Open Dump: A solid waste disposal site which is not a sanitary landfill and which does not have a permit.
24. Pathological Waste: 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 in vivo testing of pharmaceuticals, or that died with a known or suspected disease transmissible to humans.
25. Person: An individual, corporation, company, association, partnership, unit of local government, state agency, federal agency or other legal entity.
26. Putrescible: 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.
27. Processing: 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.

28. Radioactive Waste: Waste containing any material, whether solid, liquid, or gas, that emits ionizing radiation spontaneously.
29. Recycling: The process by which solid waste or recovered materials are collected, separated, or processed, and reused or returned to use in the form of raw materials or products.
30. Refuse: Solid waste, other than garbage or ashes, from residences, commercial establishments, and institutions.
31. Regulated Medical Waste: Blood and body fluids in individual containers in volumes greater than 20 ml., microbiological waste, and pathological waste that has not been treated pursuant to rules promulgated by the Department.
32. Resource Recovery: The process of obtaining material or energy resources from discarded solid waste which no longer has any useful life in its present form and preparing such solid waste for recycling.
33. Sanitary Landfill: A facility for disposal of solid waste on land in a sanitary manner in accordance with the rules concerning sanitary landfills adopted under N.C. Gen. Stat. 130A, Article 9.
34. Scrap Tire: A tire that is no longer suitable for its original, intended purpose because of wear, damage, or defect.
35. Septage: Solid waste that is a fluid mixture of untreated and partially treated sewage solids, liquids, and sludge of human or domestic origin that is removed from a septic tank system.
36. Sharps: Needles, syringes, and scalpel blades.
37. Sludge: Any solid, semisolid or liquid waste generated from a municipal, commercial, institutional, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other such waste having similar characteristics and effect.
38. Solid Waste: Any hazardous or nonhazardous garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, domestic sewage and sludges generated by the treatment thereof in sanitary sewage collection, treatment and disposal systems, and other material that is either discarded or is being accumulated, stored or treated prior to being discarded, or has served its original intended use and is generally discarded, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, institutional, commercial, and agricultural operations, and from community activities.
The term does not include:
 - (1) Fecal waste from fowls and animals other than humans;
 - (2) Solid or dissolved material in
 - a. Domestic sewage and sludges generated by treatment thereof in sanitary sewage collection, treatment, and disposal systems that are designed to discharge effluents to the surface waters;

- b. Irrigation return flows; and
 - c. Wastewater discharges and the sludges incidental to and generated by treatment which are point sources subject to permits granted under Section 402 of the Water Pollution Control Act, as amended (P.L. 92-500), and permits granted under G.S. 143-215.1 by the Environmental Management Commission. However, any sludges that meet the criteria for hazardous waste under RCRA shall also be a solid waste for purposes of this definition;
- (3) Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the General Statutes. However, any oils or other liquid hydrocarbons that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this definition;
 - (4) Any source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011);
 - (5) Mining refuse covered by the North Carolina Mining Act, G.S. 74-46 through 74-68 and regulated by the North Carolina Mining Commission. However, any specific mining waste that meets the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this definition.
39. Solid Waste Collector: Any person who collects or transports solid waste.
 40. Solid Waste Disposal Site: Any place at which solid wastes are disposed of by incineration, sanitary landfill or other approved method.
 41. Solid Waste Generation: The act or process of producing solid waste.
 42. Solid Waste Management: Purposeful, systematic control of the generation, storage, collection, transport, separation, treatment, processing, recycling, recovery and disposal of solid waste.
 43. Solid Waste Receptacle: Container used for the temporary storage of solid waste while awaiting collection.
 44. Source Separation: Setting aside recyclable materials at their point of generation by the generator.
 45. Special Wastes: Solid wastes that can require special handling and management including, but not limited to, white goods, whole tires, used oil, lead-acid batteries, and medical wastes.
 46. Storage: The containment of solid waste, either on a temporary basis or for a period of years, in a manner which does not constitute disposal.
 47. Tire: A continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle as defined in G.S. 20-4.01(23).
 48. Transfer Station: A site at which solid waste is concentrated for transport to a processing facility or disposal site. A transfer station may be fixed or mobile.

49. Unit of Local Government: A county, city, town or incorporated village.
50. Used Oil: 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.
51. White Goods: Inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.
52. Yard Waste: Solid waste consisting solely of vegetative matter resulting from landscaping maintenance.

Section III: General Conditions

- (a) All solid waste management in Stanly County shall be in accordance and in compliance with "Solid Waste Management Rules" as set forth by the North Carolina Department of Environment, Health and Natural Resources, Solid Waste Management Division, Solid Waste Section.
- (b) All solid wastes shall be stored, collected, transported, treated and processed, reclaimed, recycled and disposed of in a manner consistent with the requirements and in the interest of this ordinance.
- (c) This ordinance shall not be construed to obstruct recycling, composting of organic matter from households or other resource recovery processes.
- (d) The disposal within Stanly County of solid waste generated outside the boundaries of Stanly County is prohibited; provided, any industry or commercial enterprise located and/or based in Stanly County that has a satellite operation (being a part of the operation of the Stanly County facility) located in a county contiguous to Stanly County shall be exempt from the provisions of Section III, subsection (d).
- (e) All solid waste generated in Stanly County which is to be collected in the County Convenience Centers, by municipal or private contract collectors and transported over the public roads, highways and streets of Stanly County to ultimate disposal shall conform to these regulations.

Section IV: Storage and Disposal

- (a) No owner, occupant, tenant, or lessee of any property may deposit, store, or permit to accumulate any solid wastes upon his property that is not stored or disposed of in a manner prescribed by this ordinance.
- (b) The owner, occupant, tenant, or lessee of any property shall be responsible for the storage, collection and disposal of solid waste and shall remove or cause to be removed all solid wastes from his property at least once a week unless stored in accordance with Federal and State regulations regarding hazardous waste. The owner, occupant, tenant or lessee of property shall ensure that his waste is disposed of at a site or facility which is permitted to receive the waste.

- (c) Garbage shall be stored only in a container that is durable, rust resistant, nonabsorbent, water tight, and easily cleaned, with a close-fitting, fly-tight cover in place. Each container shall be kept clean so that no odor or other nuisance condition exists.
- (d) Refuse shall be stored in a manner that will resist harborage to rodents and vermin and will not create a fire hazard.
- (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 permitted by the Department.
 - 2. In an incinerator that has all required local, state, and federal operational and air pollution control permits.
 - 3. By any other method, including reclamation and recycling processes, that has been approved by the Department.
- (g) In addition to the methods listed in Section IV. F., above, refuse may be disposed of in solid waste receptacles provided by the County in accordance with rules established by the County.
- (h) No person may discard, dispose, leave, or dump any solid waste on or along any street or highway or on public or private property unless such solid waste is placed in a receptacle or at a location designated for the deposit of solid waste.
- (i) Regulated medical waste, hazardous, and radioactive wastes shall be disposed of according to written procedures approved by the Department.
- (j) Vehicles and containers used for the collection and transportation of solid waste shall be loaded and moved in such a manner that the contents will not fall, leak or spill, and when necessary, shall be secured and/or covered to prevent the blowing of material. If spillage or leakage should occur, the material shall be recovered immediately by the driver and returned to the vehicle or container, and the area properly cleaned.
- (k) All sharps, whether broken or unbroken, shall be placed in a sealed, punctureproof container prior to disposal.
- (l) Open burning of solid waste is prohibited.
- (m) Open dumping of solid waste is prohibited.

- (n) If any object of refuse is discovered upon any lands or waters, in any of the areas of Stanly County covered by this ordinance, other than an approved sanitary landfill or other proper receptacle, and said refuse bears the name, address or other means of identification of a person or persons, the person(s) so identified shall be presumed to have disposed of said refuse in violation of this Ordinance.

Section V. Solid Waste Convenience Centers

- (a) Solid waste receptacles are maintained at sites throughout the County for the convenience of County residents, and nonresident Stanly County property owners. Solid wastes may be deposited in the solid waste containers only in accordance with the provisions of this ordinance. Entry into container sites or disposal of solid wastes at container sites, except during authorized business hours, is prohibited.
- (b) Solid wastes shall be deposited inside the solid waste receptacle. No solid waste may be left at the solid waste disposal site outside the receptacle except at the direction of the attendant on duty.
- (c) Acceptable recyclable materials shall be placed in the designated containers labeled for that specific item. No person shall deposit in such containers any garbage, waste or other matter except that which is specifically designated and authorized by label.
- (d) Commercial, industrial, and institutional solid wastes may not be deposited in solid waste containers. Solid waste containers shall be used only by private citizens for disposal of residential solid wastes. Solid waste containers shall not be used by persons engaged in the business of collecting solid waste for disposal.
- (e) No person, unless authorized by Stanly County, may remove any item from a solid waste container, climb on or into a container, or damage any container.
- (f) Materials Not Acceptable

No persons shall place in a solid waste container:

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| 1. Hazardous Waste | 12. Tires |
| 2. Radioactive Waste | 13. Construction & Demolition Debris |
| 3. Regulated Medical Waste | 14. Yard Waste |
| 4. Liquid Waste | 15. Commercial, Industrial or Institutional Waste |
| 5. Chemicals; Pesticides, Herbicides, Poisons | 16. Sludges |
| 6. Dead animals or parts thereof | 17. Barrels |
| 7. Bulky Waste | 18. Sharps not properly contained |
| 8. Special Waste | 19. Asbestos |
| 9. White Goods | 20. Other Materials as designated by Stanly County. |
| 10. Lead-Acid Batteries | |
| 11. Burning or smoldering materials, or any other materials that would create a fire hazard. | |

Section VI. Solid waste ordinance #74-5 and it's addendums, rules and regulations heretofore adopted by the Stanly County Board of Commissioners which conflict with these regulations are hereby repealed.

Section VII. Severability

If any provision or clause of this ordinance shall be declared invalid, such declaration shall not invalidate any other provision or clause of this ordinance.

Section VIII. Enforcement

- (a) Criminal penalty: Any person violating this ordinance shall be guilty of a misdemeanor punishable by a fine of not to exceed \$500 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 ordinance shall be subject to a civil penalty of not to exceed \$500 as provided in G.S. 153A-123.
- (c) Remedies: This ordinance may be enforced by equitable remedies, and any unlawful condition existing or in violation of this ordinance may be enforced by injunction and order of abatement in accordance with G.S. 153A-123.

Section IX. Effective Date

This ordinance shall become effective on the 23rd day of March 1992.

Adopted this the 23rd Day of March, 1992.

STANLY COUNTY BOARD OF COMMISSIONERS

By: William J. Faison
CHAIRMAN

Jayne M. Mauldin
CLERK TO THE Board

