

THE SOLID WASTE MANAGEMENT ORDINANCE
FOR
DUPLIN COUNTY, NORTH CAROLINA

April 1, 1993

ENACTMENT

This is an ordinance establishing regulations for the storage, collection, recycling, transportation and disposal of solid waste within Duplin County, North Carolina and providing for the administration and enforcement thereof, as required by state law.

PREAMBLE

WHEREAS, in the opinion of the Duplin County Board of Commissioners to protect the health, safety, and general welfare of the residents of Duplin County it is necessary and advisable to regulate the storage, collection, transportation, recycling and disposal of solid waste, and

WHEREAS, the Duplin County Board of Commissioners and administration have developed this ordinance with due consideration, and

WHEREAS, the Duplin County Board of Commissioners have given due notice of public hearing and have conducted such public hearing, and

WHEREAS, all applicable requirements of the General Statutes of North Carolina have been met.

NOW, THEREFORE BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF THE COUNTY OF DUPLIN AS FOLLOWS:

Article I Authority

SECTION 10

The provisions of this ordinance are adopted under authority granted by North Carolina General Statute 153A-121,-132.1 -136, -274 through -278, and -291 through -293, and 130A-309.09A, -309.09D.

Article II Applicability

SECTION 20

This ordinance shall govern the storage, collection, recycling, transportation and disposal of solid waste within the unincorporated area of Duplin County and to incorporated municipalities by agreement with the County. It shall be unlawful for any person to dispose of solid waste in a manner inconsistent with this ordinance.

Article III Interpretations

SECTION 30

Definitions for the purposes of this ordinance the following terms shall be defined as specified below. Unless specifically defined, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance the most reasonable application.

- (1) Bulky Waste
Large items of solid waste such as household appliances, furniture, mattress, bedding, automobiles, large machinery parts, trees, branches, stumps and other waste whose large size precludes or complicates their handling by normal solid waste collection, processing or disposal methods.
- (2) Collection
The act of removing solid wastes from a point of generation to a central storage point or to a disposal site or from a central point to a disposal site.
- (3) Commercial Solid Waste
Solid waste generated by stores, offices, restaurants, warehouses and other non manufacturing activities, excluding residential and industrial waste.
- (4) Construction and Demolition Waste
Solid waste resulting from construction, remodeling, repair, or demolition operations.
- (5) Disposal
The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any water, including groundwater.
- (6) Composting
The controlled decomposition of organic waste by naturally occurring bacteria, yielding a stable, humus-like, pathogen-free final product resulting in volume reduction of 30%-75%.
- (7) Demolition Landfill
An approved sanitary landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, or uncontaminated earth.

- (8) Garbage
All putrescible wastes, including food waste, food containers and vegetable matter, but excluding sewage and human waste.
- (9) Hazardous Wastes
Solid waste, or a combination of solid wastes, that because of its quantity, concentration or physical, chemical or infectious characteristics may: (1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.
- (10) Industrial Solid Waste
Solid waste materials generated by industrial from processing plants, factories or manufacturing operations. including but not limited to sawdust, shavings, feathers, excelsior, cartons, boxes, metal, glass, paper, wood, textiles, chemicals, or plastics.
- (11) Industry
A place of business employing more than ten individuals and engaged in the manufacture or assembly of a product or products.
- (12) Infectious Waste
Solid waste capable of producing an infectious disease. The types of waste designated as infectious are: microbiological waste, pathological waste, blood products and sharps.
- (13) Institutional Solid Waste
Solid waste generated by educational, health care, correctional and other institutional facilities.
- (14) Licensed Solid Waste Hauler
Any individual, corporation, company, association, partnership, unit of government or other legal entity permitted and approved as a solid waste collector by the Duplin County Landfill.
- (15) Medical Waste
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 or those substances excluded from the definition of solid waste in this ordinance.

- (16) Municipal Solid Waste
Any solid waste resulting from the operation of residential, commercial, industrial governmental or institutional establishments that would normally be collected, processed, and disposed of through public or private solid waste management service. Municipal solid waste does not include hazardous waste, sludge, or mining or agricultural wastes.
- (17) Pathological Wastes
Includes human tissues, organs, body parts, secretions and excretions, blood and body fluids that are removed during surgery and autopsies; and the carcasses and body parts of all animals that were exposed to pathogens in research, were used in the production of biological or in the in vivo testing of pharmaceuticals, or that died of known or suspected infectious disease.
- (18) Person
An individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, or other legal entity.
- (19) 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 carcasses.
- (20) Radioactive Waste
Any waste which emits ionizing radiation spontaneously.
- (21) Recycling
The process by which solid waste or recovered materials are collected, separated or processed for reuse.
- (22) Refuse
All non-putrescible waste.
- (23) Rubbish
Refuse exclusive of garbage and ashes including but not limited to paper, rags, cartons, and boxes.
- (24) Sanitary Landfill
A facility for disposal of solid waste on land in a sanitary manner in accordance with the rules concerning sanitary landfills adopted pursuant to General Statute 130A Article 9.
- (25) Scavenge
Any unauthorized salvaging of discarded items.

- (26) Sharps
Needles, syringes with attached needles, capillary tubes, slides and cover slips, and scalpel blades.
- (27) Sludge
Any solid, semisolid or liquid waste generated from a municipal, commercial, institutional, or industrial waste water treatment plant, water supply treatment plant, or air pollution control facility or any other such waste having similar characteristics and effect.
- (28) Solid Waste
Any hazardous or nonhazardous garbage, refuse, 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: fowl and animal fecal waste; or sludge, oil or other liquid petroleum products or radioactive material.
- (29) Solid Waste and Recycling Container Site
A facility owned and operated by the County consisting of containers and/or compactors and other appurtenances for the collection of solid waste and recyclables.
- (30) Solid Waste Collector
Any person who collects, transports, or disposes of solid waste for compensation.
- (31) Source Separation
The separation of recyclable materials from solid waste at the point of generation.
- (32) Storage
The containment of solid waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal.
- (33) Waterway
A body of water including streams, creeks, rivers, lakes and ponds.
- (34) White Goods
Inoperative discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and large commercial appliances.
- (35) Yard Waste
Solid Waste consisting solely of vegetative matter resulting from landscaping maintenance.

Article IV Solid Waste Disposal

SECTION 40

General

As a public service, the Duplin County Board of Commissioners has authorized the operation of a sanitary landfill, a demolition landfill, tire disposal area, yard waste disposal area, solid waste and recycling container sites and a recycling handling facility to serve the citizens of Duplin County. These facilities shall be utilized in accordance with the terms and conditions of this ordinance and in compliance with applicable state and federal regulations.

SECTION 41

Authority of Commissioners

It shall be unlawful for any person to throw, dump, or cause to be dumped any garbage, refuse, rubbish, litter, junk, appliances, equipment, cans, bottles, paper, lumber, building materials, trees, tree limbs, brush, or other forms of solid waste anywhere in the unincorporated area of the County, except as may be permitted by County regulations, without the expressed written authorization of the Board of Commissioners.

SECTION 42

Solid Waste Disposal Methods

No person shall dispose of any solid waste in Duplin County except by one of the following methods, However, this section shall not be construed so as to prevent any person from properly disposing of items on his own property, as may be permitted by this ordinance state and federal regulations.

- A. Approved sanitary landfill
- B. Approved demolition landfill
- C. Solid waste and recycling container site
- D. Approved solid waste incinerator
- E. Approved recycling or reclaiming operations
- F. Approved private solid waste or recycling container
- G. Approved yard waste disposal area

SECTION 43

Open Burning

It shall be unlawful to burn or set fire to any refuse, garbage, rubbish, tires, asphalt or other petroleum product for the purpose of disposal within the unincorporated area of Duplin County. Each tire or container of petroleum products shall constitute a separate violation.

SECTION 44

Operational Policies

The following operational policies, unless otherwise stated, shall be applicable to the sanitary landfill, demolition landfill, tire disposal area, yard waste disposal area, solid waste/recycling container sites, recycling handling facilities and any other such facilities as the County Commissioners may authorize.

- A. The solid waste facilities are operated as authorized by the County Commissioners under the supervision of the landfill director.
- B. Solid waste facilities shall be open on such schedule as may be established by the Board of Commissioners. Facilities will be open to the public only when a County employee is on duty and the gate is open.
- C. Open burning of solid waste on site is prohibited.
- D. Vehicles shall observe the posted speed limit and all other directional signs.
- E. Solid waste facilities are intended for the disposal of solid waste generated within Duplin County only. In addition solid waste and recycling container sites are for use only by households and businesses located within the unincorporated area of the County or by incorporated municipality as may be authorized by the Board of Commissioners.
- F. Salvaging, scavenging and loitering is prohibited unless the Board of Commissioners authorize such operations for the benefit of the County.
- G. Solid waste shall be observed and inspected for prohibited materials. Persons disposing of unacceptable materials may be required to remove such materials at the discretion of the landfill director. All costs incurred by the County in the removal of prohibited material shall be recoverable from the person disposing of such material and from the persons generating such material.
- H. It shall be the responsibility of persons generating solid waste to insure that such solid waste is disposed of in accordance with the requirements of this ordinance.

SECTION 45

Sanitary Landfill and Demolition Landfill

The landfill facility consist of the sanitary landfill, a designated demolition landfill, tire disposal site, yard waste disposal area and recycling drop-off site. Solid waste shall be disposed of in the sanitary landfill and demolition landfill in accordance with this ordinance and as authorized by the landfill director.

SECTION 45.1

Disposal Restrictions

The following items shall not be acceptable for disposal in the sanitary landfill or demolition landfill.

- A. Infectious wastes.
- B. Hazardous wastes.
- C. Animal and foul fecal matter.
- D. Dead animals except by prior written authorization of the landfill director.
- E. Containers containing unacceptable or unidentifiable wastes.
- F. Metal drums of more than 60 gallons capacity unless drain holes are provided to prevent containers from holding liquid, or unless filled with identifiable solid waste which is otherwise acceptable.
- G. Stumps, limbs etc... mixed with garbage or trash unless separated prior to disposal.
- H. Large automobile or machinery parts or other items that require specialized handling or processing.
- I. Tires will be accepted only in a designated tire disposal area. Tires shall not be buried in the landfill.
- J. Poisons of any nature.
- K. Hot ashes.
- L. Explosives of any kind.
- M. Asbestos waste not packaged in accordance with Title 40 of the federal code of regulations.
- N. Yard waste will be accepted only in designated yard waste disposal area. Yard waste shall not be buried in the landfill.
- O. Sharps unless contained in a rigid, leak-proof, puncture resistant container.
- P. Any other materials which may be determined to be hazardous by the landfill director, state or federal authorities.

SECTION 46

Solid Waste and Recycling Container Sites

Container sites for solid wastes and recyclable materials shall be provided throughout the County for use by residences and businesses within the unincorporated area of the County only; or by others as may be authorized by the Board of Commissioners.

SECTION 46.1

Disposal Restrictions

The solid waste and recycling container sites are not intended for collection of large, bulky items or materials requiring specialized handling. The following items shall not be acceptable for deposit in the containers:

- A. Any item not acceptable at the landfill (Section 45.1)
- B. Liquids except used motor oil and transmission fluid may be accepted in designated containers
- C. Tires
- D. Animal carcasses, eggs, fish
- E. Building or demolition debris
- F. Land clearing debris
- G. Furniture or white goods except in designated containers
- H. Asbestos
- I. Commercial industrial or institutional waste
- J. Hazardous Waste
- K. Sharps unless contained in a rigid, leak-proof, puncture resistant container
- L. Yard waste

SECTION 46.2

Deposit of Materials in Containers

All solid waste shall be placed inside the appropriate container. Materials deposited in containers such as cardboard boxes and other packaging materials shall be reduced to its smallest volume by bending, breaking and compressing the material before placing it into the containers.

SECTION 46.3

Recyclables

Containers shall be designated for the deposit of acceptable recyclable materials. Recyclable materials shall be placed inside the appropriate container.

SECTION 46.4

Use of Container Sites

The use of the container sites will be limited to only those residences and businesses that have paid the current annual availability and disposal fees.

SECTION 46.41 Industrial Wastes
Industrial wastes shall not be deposited at the container sites. Industrial wastes shall be disposed of at the landfill or in a private container.

SECTION 46.42 Contract Collections
No solid waste which has been collected by contract hauler for a fee, charge, tax, or other compensation shall be accepted at the container site.

Article V Fees

SECTION 50 General
The cost of providing solid waste services in the County shall be recovered by disposal fees, availability fees and industrial fees. These fees are intended to recoup the cost of operating solid waste collection, recycling and disposal facilities. Fees will be in accordance with the current schedule of fees adopted by the Board of Commissioners. As provided by state law, fees can only be utilized for the specific purpose for which they were collected.

SECTION 51 Disposal Fees
All solid wastes disposed of in the landfill will be weighed and a disposal fee will be charged based on weight to cover the cost of disposal in the sanitary landfill or demolition landfill. The amount of the disposal fee will be in accordance with the current schedule of fees adopted by the Board of Commissioners.

SECTION 51.1 Payment of Disposal Fee
Unless prior arrangements have been made with the landfill director for periodic billing, all haulers must pay applicable disposal fees at the time the solid waste is delivered to the landfill. Regular billings will be accomplished in a manner as authorized by the Board of Commissioners. Interest in the amount of one percent (1%) per month will be added to unpaid balances. Additional credit will be withheld on delinquent accounts as directed by the board of Commissioners. A fee of fifteen dollars (\$15.00) will be charged for returned checks.

- SECTION 52 Recyclable Materials
There will be no fee charged for acceptable recyclable materials that have been properly separated from the municipal solid waste stream by category. The landfill director or his authorized personnel shall determine the acceptability of recyclable materials.
- SECTION 53 Tire Disposal Fees
A disposal fee in accordance with the current schedule of fees adopted by the Board of Commissioners shall be charged for all tires brought to the landfill.
- SECTION 54 Annual Household and Business Fees
Annual availability fees and annual disposal fees will be charged to each household and business as directed below.
- SECTION 54.1 Annual Availability Fees
An annual availability fee in accordance with the current schedule of fees adopted by the Board of Commissioners shall be charged to each household and business in Duplin County which is located outside the incorporated area of any municipality. Except that households and businesses within incorporated municipalities may be billed upon prior arrangement with the Board of Commissioners.
- SECTION 54.2 Purpose of Annual Availability Fee
As authorized by G. S. 153A-292 and 293, the annual availability fee is intended to recover the costs of providing and operating the Duplin County solid waste management program.
- SECTION 54.3 Exemption to the Annual Availability Fee
There will be no exemption to the annual household and business availability fee except the annual availability fee may be waived if the household or business has been vacant for the twelve (12) months preceding January 1 of any year.
- SECTION 54.4 Annual Household and Business Disposal Fee
An annual disposal fee in accordance with the current schedule of fees adopted by the Board of Commissioners will be charged to each household and business in Duplin County which is located outside the incorporated area of any municipality and does not have municipal or private garbage collection. Except that households and businesses within incorporated municipalities may be billed upon prior arrangement with the Board of Commissioners.

SECTION 54.5

Purpose of Annual Household and Business Disposal Fee

The annual household and business disposal fee is intended to recover the costs of disposing of solid waste from households and businesses utilizing the County provided Solid Waste and Recycling Collection Sites.

SECTION 54.6

Exemption of Annual Household and Business Disposal Fees

If the owner of the real estate subject to the annual household and business disposal fee produces an official statement from a licensed solid waste hauler certifying that paid solid waste collection service was provided for the period billed then the County Tax Administrator shall issue a release or exemption from the annual disposal fee. The Tax administrator shall maintain records of the number of exemptions due to private collections. The annual disposal fee shall be waived if the household or business has been vacant for the twelve (12) months preceding January 1 of any year.

SECTION 54.7

Billing of Annual Household and Business Fees

The bill for the annual availability and disposal fee shall be directed to and paid by the owner of the residence or business. In the case of apartment units or rental mobile home units the bill shall be directed to and paid by the owner. Fees shall be billed based on the real property tax listings as of January 1 of each year. The Tax Administrator shall prepare and send bills on or about July 1 of each year.

SECTION 54.8

Payment of Annual Household and Business Fees

As authorized by G. S. 105-360 and G. S. 153A-293 solid waste fees shall be billed with the annual ad valorem property tax bill. Fees are payable in the same manner as property taxes and become due upon receipt and past due on January 6 of the following year. Solid waste fees may be collected by the Tax Collector in any manner by which delinquent personal or real property taxes can be collected, including garnishment, attachment and foreclosure. Solid waste fees are a lien on the real property described on the bill that includes the fee. Delinquent solid waste fees become a lien upon publication of the legal notice.

SECTION 55

Industrial Fees

In accordance with County Policy, the County will provide solid waste transportation service to the landfill for industrial customers. The fee will be in accordance with the current schedule of fees adopted by the Board of Commissioners. This fee shall be in addition to applicable disposal fees.

Article VI Solid Waste Storage

SECTION 60

General

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 consistent with the requirements of this ordinance.

SECTION 61

Storage of Solid Waste

Refuse shall be stored in a manner that will not provide harborage to rodents and vermin and which will not create a fire hazard, health hazard, or public nuisance.

SECTION 62

Storage Containers

Garbage shall be stored only in a container which is durable and easily cleaned. Containers shall be kept clean so that no odor or other nuisance condition exists.

SECTION 63

Removal of Solid Waste

The owner, occupant, tenant or lessee of any property shall remove or cause to be removed all solid wastes from his property at such intervals so as not to create a fire hazard, health hazard or public nuisance. It shall be unlawful for any person to allow garbage or refuse to accumulate or remain on any premises for longer than is reasonably necessary to remove and properly dispose of same as required herein.

SECTION 64

Abandoned Refrigerator Storage

No person shall leave outside of any building or dwelling in any place accessible to children, any abandoned or unattended refrigerator, freezer, ice box or other airtight receptacle without first removing the door or locking the door closed.

Article VII Solid Waste Collection and Transportation

SECTION 70

General

Solid waste within Duplin County shall be collected and transported according to the following requirements of this ordinance and any applicable state law.

- A. All vehicles, except those owned by individuals transporting their own solid wastes, shall display a landfill use permit issued by the landfill director.
- B. The entry into the landfill of any vehicle signifies the consent of the owner and driver of the vehicle for its contents to be searched so that the County can insure that no prohibited substance is brought into the landfill.
- C. All vehicles used to collect, transport, and deposit waste in the County landfill may be required to supply information giving the name and address of the owner of the vehicle, the source and type of waste to be deposited, and the weight and size of the vehicle.
- D. All vehicles and containers used for the collection of solid waste or refuse collection shall be leak proof and covered with a canvas or other durable material to assure that there is no spillage of wastes. If spillage should occur, the material shall be picked up immediately by the driver of the vehicle from which it spilled and returned to the vehicle or container and the area properly cleaned. Vehicles and containers in which refuse or solid waste is hauled shall be cleaned to prevent odor or other nuisance condition.
- E. All vehicles which are not self-unloading shall arrive at the County landfill no later than one (1) hour before the close of the normal operating day. Vehicles which are not self unloading will be subject to control by the landfill director so as to minimize vehicle congestion and provide easy access to the fill site for self-unloading vehicles.
- F. All vehicles, both private and commercial, used for the transportation of solid waste or other items to be disposed of at the County landfill shall be covered or loads secured by some effective means to prevent the spillage or loss of waste while being transported. "Effective means" shall mean durable, heavy plastic or canvas tied down or secured to

cover the entire load. Loads consisting of building rubbish, limbs, or bulky items shall be secured with rope or tie downs to assure spillage does not occur.

- G. No vehicle shall be allowed to deposit waste at the County landfill unless the waste is enclosed in the vehicle or secured by methods stated in this section. The landfill director shall determine the adequacy of the covering and his decision shall be final.
- H. It shall be the responsibility of the driver of the vehicle to make arrangements with the landfill director concerning delivery of items requiring special handling or immediate covering.

SECTION 70.1 Licensed Solid Waste Collectors

- A. Private solid waste haulers or collectors transporting solid waste or recyclables to the landfill must be approved and licensed by the landfill director as provided by this ordinance.
- B. Each vehicle transporting solid waste or recyclables shall display a landfill use license issued by the landfill director.
- C. No licensed solid waste collector shall transport solid waste or recyclables in a conveyance that has not been approved by the landfill director.
- D. The landfill director may issue a license only upon the finding that the applicant's facilities, equipment, and proposed operating methods are in compliance with the requirements of this ordinance and that the applicant will perform solid waste and recycling collections in an efficient and sanitary manner.
- E. A licensed hauler shall submit a quarterly report to the landfill director containing the following information:
 - 1. A listing of customers served including names and addresses.
 - 2. Description of the collection route and area served.
 - 3. A list of all collection equipment.
 - 4. Any other information requested by the landfill director as may be pertinent to solid waste and recycling collections.
- F. Licenses shall be valid for a period of one year from the date issued.
- G. Licenses shall not be assignable to another party.

- H. Licensed haulers are required to deliver all solid waste collected in Duplin County to the Duplin County Landfill for disposal.

SECTION 70.11 License Application

Applications for license to engage in the business of solid waste collection shall be submitted to the landfill on forms provided by the landfill director. The application shall contain the following information:

- A. Name and address of the applicant and whether a sole proprietorship, corporation, or partnership, with disclosure of the ownership interests;
- B. A list of the equipment possessed, available, or to be obtained by the applicant, including motor vehicle license tag numbers;
- C. The number of employees the applicant expects to use in the business;
- D. Experience of the applicant in solid waste collection;
- E. Balance sheet or equivalent financial statement as of the close of the applicant's last business year, showing the net worth of the business;
- F. Planned routes and the areas of the county the applicant expects to serve;
- G. Schedule of fees the applicant expects to charge;
- H. Evidence of liability insurance coverage.

SECTION 71 Recycling Required

All licensed solid waste haulers must collect recyclable materials. Private solid waste collectors and municipalities collecting and delivering solid waste to the Landfill shall provide every customer with an effective means for the collection and source separation of acceptable recyclables.

SECTION 71.1 Recyclable Material Specifications

All recyclable materials delivered to the County recycling facility shall be separated into the various product categories. All recyclable materials shall meet the same market specifications regarding acceptability, cleanliness, purity, etc... as required for materials collected at County operated facilities. The landfill director or his authorized personnel shall determine the acceptability of recyclable materials. The type and quantity of various recyclable materials being

accepted and the material specifications may according to market demands. It shall be responsibility to those delivering materials to the County recycling facility to be aware of these changes.

SECTION 71.2

Recycling Goals

The recycling requirement is results oriented and is intended to comply with the mandatory State recycling goal of 25% by July 1, 1993. All licensed solid waste haulers are encouraged to promote recycling and to educate their customers concerning the recycling requirements. All licensed haulers collecting and delivering solid waste to the Landfill must reach the following minimum recycling goals by the dates indicated.

<u>DATE</u>	<u>RECYCLING GOAL</u>
January 1, 1993	15%
April 1, 1993	20%
July 1, 1993	25%

SECTION 71.3

Compliance Determination

Compliance in meeting the recycling goals will be determined by calculating the weight of recyclable materials as a percentage of all solid waste delivered to the Landfill for disposal. Recyclables collected in Duplin County that are delivered by the licensed hauler to other approved recycling facilities may be included in calculations to determine compliance with the recycling requirement of this ordinance only if acceptable documentation of the type and quantity of material is provided to the landfill director. Use of County recycling facilities is limited to only those licensed haulers that dispose of solid waste in the Duplin County landfill.

SECTION 71.4

Calculations

The formula for calculating the amount of recyclable material as a percentage of solid waste will be as follows:

$$100 \times \frac{R}{R + L} = \text{weight of recyclables as a percentage of all solid waste}$$

Where: R = tons of acceptable recyclables
L = tons of solid waste disposed of in landfill

Article VIII Enforcement

SECTION 80

Enforcement Officers

The rules and regulations prescribed in this Ordinance shall be enforced by the department head or other authorized personnel of the Duplin County Health Department, Landfill Department, and Sheriff's Department and any other appropriate agencies having duties and responsibilities in the areas of health, solid waste disposal and law enforcement. These agencies are hereby empowered to issue citations upon a violation of this ordinance.

Article IX Penalties

SECTION 90

General

The County may exercise any of the following remedies as authorized by North Carolina General Statutes.

SECTION 91

Refusal of Use of Landfill

The landfill director may revoke landfill licenses and or may deny use of County collection disposal recycling facilities in the following conditions:

- A. The vehicle does not display the proper identification.
- B. The vehicle is hauling prohibited wastes.
- C. The driver refuses to pay the appropriate disposal fee as established by this ordinance.
- D. There is an unpaid balance of disposal fees due to the County.
- E. The vehicle is hauling mixed solid waste which

requires various types of handling or disposal to accommodate a single load.

- F. The vehicle or containers are not properly covered or load secured.
- G. The licensed solid waste hauler fails to reach the minimum recycling goals by the dates required.
- H. The licensed solid waste hauler violates other provisions of this ordinance.

SECTION 92

Restitution for Damages

The County may seek restitution for damages or extra expenses including the cost of clean up, resulting from any violation of this ordinance. The minimum charge for clean up will be \$25.00. Actual charges will be determined by the landfill director or authorized personnel.

SECTION 93

Fines

The minimum civil penalties for violation of this ordinance shall be as follows:

SECTION 93.1

Scavenging

Unauthorized salvaging of discarded items.

First offense	\$25.00
Second offense	\$50.00
Subsequent offenses	\$100.00

SECTION 93.2

Illegal Dumping

Illegal dumping including dumping prohibited materials or quantities of materials in the solid waste receptacles or landfill, or dumping in unapproved areas:

First offense	\$100.00
Second offense	\$200.00
Subsequent offenses	\$400.00

SECTION 93.21

Dumping in Waterways

Illegal dumping in waterways including, streams, creeks, rivers, lakes or ponds:

First offense	\$200.00
Second offense	\$300.00
Subsequent offenses	\$500.00

SECTION 93.3

Illegal Burning

Illegal burning of refuse, garbage, rubbish, tires, asphalt or other petroleum product for the purpose of disposal:

First offense \$200.00
Second offense \$300.00
Subsequent offenses \$500.00

SECTION 93.3

Improper Transportation

Improper transportation, improper vehicles or improper license by contract haulers of solid waste:

First offense \$100.00
Second offense \$200.00
Subsequent offenses \$400.00

SECTION 93.4

Littering Container Sites

Littering container sites includes failure to place all solid waste spilled in transferring it from the transport vehicle to the container.

First offense \$50.00
Second offense \$100.00
Subsequent offenses \$200.00

SECTION 93.5

Failure to Meet Minimum Recycling Requirements

Each licensed hauler's compliance with the recycling requirement will be monitored by the Duplin County Landfill Department each month. Failure of a licensed hauler to meet the minimum recycling requirements by the dates established by this ordinance will result in a penalty fee which will be charged to the hauler. A penalty of \$15.00 per ton will be charge based on the difference between the minimum recycling goal required by this ordinance and the actual level of recycling achieved by the hauler. Conversely, licensed haulers that exceed the minimum recycling requirement of this ordinance will receive a credit applied to their account. A credit of \$5.00 per ton will be applied to the haulers account based on the level of recycling achieved that exceeds the minimum recycling requirements of this ordinance. Charges and credits will appear on the haulers regular monthly disposal fee invoice.

SECTION 93.51 Calculating the Recycling Penalty and Credit
The formula for calculating the amount of the penalty for failure to reach the minimum recycling requirements will be as follows:

$$1.00 - \frac{A}{B} \times \$15.00 \times L = \text{amount of penalty in dollars}$$

The formula for calculating the amount of the credit for exceeding the minimum recycling requirements will be as follows:

$$1.00 - \frac{A}{B} \times \$5.00 \times L = \text{amount of credit in dollars}$$

Where: A = actual level of recycling achieved hauler expressed as a percentage of all solid waste.
B = minimum recycling percentage required by this ordinance
L = tons of solid waste disposed of in landfill

SECTION 93.6 Other Violations
Violation of any other provision of this ordinance or the North Carolina Division of Health Services Waste Management rules:

First offense \$25.00
Second offense \$50.00
Subsequent offenses \$100.00

Article X Legal Provisions

SECTION 100

Transfer of Ownership

Upon receipt at County facilities. Ownership of all acceptable solid wastes and recyclables passes to the County.

SECTION 101

Violations General

It shall be the duty and responsibility of each citizen to dispose of their solid waste as required by this ordinance. It shall be a violation of this ordinance for any person to store, collect, transport, or dispose of any solid waste in a manner inconsistent with the requirements of this ordinance.

SECTION 101.1

Illegal Dumping

If any solid waste disposed of in violation of this ordinance 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 facie evidence that such person disposed of or caused to be disposed of such solid waste in violation of this ordinance.

SECTION 101.2

Vandalism

No person shall intentionally cause damage to any County solid waste collection or disposal facility.

SECTION 101.3

Loitering

No person shall loiter, congregate or leave any vehicle unattended on any County owned collection or disposal facility.

SECTION 102

Prosecution

In addition to or in lieu of the civil penalties described herein, violations of this ordinance may be prosecuted as misdemeanors in accordance with the General Statutes of North Carolina. In the case of criminal violations, each day a violation occurs or continues to occur shall be a separate offense and that person or firm in violation of this ordinance shall be subject to a fine not exceeding fifty dollars (\$50.00) and imprisonment not exceeding thirty (30) days for each offense.