

SOLID WASTE MANAGEMENT ORDINANCE

FRANKLIN COUNTY, NORTH CAROLINA

ARTICLE I - TITLE

This ordinance shall be known and may be cited as the Solid Waste Management Ordinance of Franklin County, North Carolina.

ARTICLE II - PREAMBLE

WHEREAS, the Franklin County Board of Commissioners is authorized by the General Statutes of the State of North Carolina to enact an ordinance regulating solid waste collection, storage, transportation, and disposal as well as management of recyclables within Franklin County.

NOW, THEREFORE, BE IT ORDAINED that the following regulations shall apply to Franklin County, North Carolina.

ARTICLE III - PURPOSE

The purpose of this resolution is to promote the public safety, health, and welfare of the citizens of Franklin County by regulating the management of solid waste and recycling in Franklin County.

ARTICLE IV - AUTHORITY

Pursuant to North Carolina General Statutes 153A-121 and 153A-136, Franklin County hereby exercises its authority to enact these regulations.

ARTICLE V - JURISDICTION

On and after the effective date of this ordinance, the collection, transportation, and disposal of solid waste and recyclables within Franklin County, North Carolina shall be governed by the provisions of this ordinance.

ARTICLE VI - USE OF THE STAFFED CONVENIENT CENTERS AND RECYCLING CENTERS

Section 1. Authority of County Agents to Regulate Use

The Convenient Centers/Recycling Centers located throughout Franklin County are maintained by the Solid Waste Department and financed by revenues generated by the ad valorem property tax, the Solid Waste Special Revenue Fund tax, landfill tipping fees, the sale of recycled products, and other miscellaneous revenues. The purpose of these allocated monies is to provide solid waste

and recycling management services to the unincorporated areas of the county. Therefore, it shall be unlawful for any person to use the county convenient centers or recycling centers unless such person is disposing of solid waste generated on property located within Franklin County.

In addition, because the purpose of the convenient center is to provide solid waste services to the residents of the unincorporated areas of Franklin County, no industry, business, institution, or other non-residential user shall deposit solid waste or recyclables at any of the said locations without express permission from the Solid Waste Manager or his duly authorized representative. Non-residential generators of solid waste are required to take such waste directly to the landfill or dispose of it in an alternative fashion.

The operation of the Franklin County Sanitary Landfill is regulated by the North Carolina Department of Environment, Health, and Natural Resources, Solid Waste Section, and the United States Environmental Protection Agency. Therefore, the Solid Waste Manager shall have the authority to determine what types of waste can be deposited in the sanitary landfill in accordance with the most current State and Federal rules and regulations governing such disposal.

Section 2. Hours of Operation

The twelve staffed convenient centers will operate under the following hours:

Monday through Saturday - 7:00 A. M. until 6:30 P. M.
Sunday - 12:00 Noon until 6:30 P. M.

Section 3. Materials Not Accepted

Because of the difficulty and public health hazard present when handling commingled solid waste and in order to comply with State and Federal law, certain materials, in addition to non-residential waste, cannot be placed in county solid waste containers. Such materials include:

Fire embers	Oil and other liquids	Poisons
Pesticides	Appliances	Chemicals
Animals	Infectious waste	Concrete
Tires	Stumps or logs	Brush
Yard Waste	Construction materials	Lead acid batteries
	Radioactive waste	

There will be collection areas at the Franklin County Sanitary Landfill for the following materials:

-White goods, including all appliances, heaters, and air conditioners

- All scrap metals
- Old tires
- Motor oil
- Yard waste, including limbs, grass clippings, and leaves
- Lead acid batteries

Section 4. Fire Prevention

It shall be unlawful for any person to set or cause to be set any fire in a solid waste container. No person shall place in a container embers, ashes, or other materials which would create a fire hazard.

Section 5. Scavenging

It shall be unlawful for any person to remove any item from a solid waste or recycling container unless they have written permission from the Solid Waste Manager or a duly authorized representative. No person shall climb on, around or inside a solid waste or recycling container. This paragraph shall not apply to any person acting in the capacity of solid waste or recycling collector as authorized by the Solid Waste Manager.

Section 6. Loitering

No person or persons shall loiter and or congregate on convenient/recycling center property and no vehicle shall be left unattended on said property. Any vehicle left unattended shall be towed away and placed in storage at the owner's expense.

Section 7. Littering and Illegal Dumping

It shall be unlawful for any person to sweep, throw, deposit or dump or to permit, allow, maintain or contribute to the sweeping, throwing, depositing or dumping of any litter or solid waste unto any public or private property unless that area is designed to accept litter or solid waste.

It shall be unlawful for any owner, occupant, tenant or lessee of any building, structure or land jointly or severally to permit the deposit or accumulation of litter or illegally dumped materials.

Property owners and prime contractors in charge of a construction site are jointly and severally required to take appropriate measures to ensure the control of litter generated by the construction and related activities.

It shall be unlawful to leave solid waste, recyclables or any materials at a convenient/recycling center unless there is a convenient center employee present who consents and/or supervises the leaving of the material at said site.

It shall be unlawful for any person to leave, throw or deposit any solid waste, recyclables, or litter at any former convenient/recycle center from which all solid waste and recycling containers have been removed.

ARTICLE VII - SOLID WASTE TRANSPORTATION

Vehicles or containers used for the collection and transportation of garbage or refuse containing garbage shall be covered, leak-proof, durable and of sturdy construction. These shall be cleaned as often as necessary to prevent a nuisance and shall be maintained in good repair. Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak or spill therefrom and shall be covered or securely tied to prevent blowing of materials. If spillage should occur, the material shall be considered litter unless picked up immediately by the solid waste collector and returned to the vehicle or container and the area properly cleaned.

ARTICLE VIII - SOLID WASTE COLLECTOR

It shall be illegal for haulers to bring solid waste or recyclables that have been banned into the landfill commingled with other solid waste. Banned materials include:

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|------------------|----------------------|
| -waste motor oil | -tires |
| -white goods | -lead acid batteries |
| -yard waste | -any liquid |
| -hazardous waste | -aluminum cans |

-recyclable corrugated cardboard generated from non-residential sources (banned beginning October 1, 1994)

ARTICLE IX - SOLID WASTE DISPOSAL

No solid waste collector or other person shall dispose of solid waste, except by one of the following methods:

- A. By placing of approved household waste in County containers.
- B. By placing acceptable wastes in the Franklin County Landfill or any other permitted sanitary landfill that meets all Local, State, and Federal regulations.
- C. By incineration in an incinerator that meets all requirements of the Local, State, and Federal air pollution standards.
- D. Disposal of solid waste by any method other than those listed above, including illegal dumping, is prohibited.

ARTICLE X - ENFORCEMENT

The Solid Waste Manager along with any other County employee that the County Manager designates shall be empowered to enforce this ordinance. The designated enforcement person shall be responsible to organize all County enforcement efforts against littering and other activities which violate this ordinance.

- A. When litter is placed, thrown, or deposited into, upon or along any public or private property, the owner, occupant, tenant, lessee, proprietor or other person in charge thereof shall be upon notice responsible to remove said material and dispose of such in accordance with this ordinance.
- B. When litter is released from a vehicle, the operator thereof shall be presumed to have committed such offense.
- C. If any solid waste disposed of in violation of this ordinance can be identified as having 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 prima facie evidence that such person disposed of or caused to be disposed of such solid waste in violation of this ordinance.
- D. Photographs of videotapes of illegal dump, litter, or of a person committing such offense may be used as evidence to identify the person responsible.

ARTICLE XI - PENALTIES FOR VIOLATION

- A. The violation of any provision of this ordinance shall be a misdemeanor and any person convicted of such violation shall be punishable as provided in General Statute 14-4 by imprisonment not to exceed thirty (30) days or a fine not more than \$500.00. Each day's violation of this ordinance shall be a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve a person of liability for taxes, fees or administrative penalties imposed pursuant to this ordinance.
- B. In addition, enforcement of this ordinance may be by appropriate equitable remedy, injunction, or order of abatement issued from a court of competent jurisdiction pursuant to General Statutes 153A-123(d) and (e), or any other applicable law.

- C. In addition to and not in lieu of the criminal penalties and other sanctions provided in this ordinance, any person violating any of the provisions of this ordinance shall be subject to administrative penalty for each violation which shall be paid in full within twenty-four (24) hours of the service of the citation in accordance with North Carolina General Statutes 153A-123.
1. Such penalties may be recovered by Franklin County in a civil action in the nature of debt or may be collected in such a manner as prescribed herein within the prescribed time following the issuance of notice for such violation.
 2. Such notice shall, among other things:
 - a. State upon its face the violation committed, the place, approximate date, and the amount of the penalty.
 - b. Notify such offender that a failure to pay the penalties within the prescribed time shall subject such offender to a civil action in the nature of debt for the stated penalty together with the cost of the action to be taxed by the court.
 - c. Further provide that such offender may answer the said notice by mailing said notice and stated penalty to Franklin County Government at a location designated upon such notice, and that upon payment, such case or claim and right of action by Franklin County will be deemed compromised and settled except to the extent of any criminal action that may be pending.
 3. The County Manager or duly designated representative is authorized to accept payments in full and final settlement of the claim or claims, right or rights or action which Franklin County may have to enforce such penalty by civil action in the nature of the debt. Acceptance of such penalty shall be deemed in full and final release of any and all such claims, or rights of action arising out of such alleged violation or violations.

4. The administrative penalty for violation of this ordinance shall be as follows:

Littering - \$50.00 per offense

Residential violation, including misuse of county solid waste facility and backyard dumping - \$50.00 per offense

Use of Franklin County facilities or littering by out-of-county offender - \$75.00 per offense

Violation for commercial or industrial purposes - \$100.00 per offense

All repeat offenders - \$100.00 per offense

5. The notice of violation referred to herein may be delivered to the person violating the provisions of this ordinance in person or may be mailed to said person at his last known address.
- D. Any solid waste collector of commercial, industrial, institutional waste who disposes of waste containing a banned material shall be subject to the following penalty:
- A tipping fee of twice the current tipping fee for the entire contaminated load. Subsequent offenses shall be subject to tipping fees of three times the then current tipping fee for the entire contaminated load.
- E. Any and all costs incurred by the County in the abatement of litter under the provisions of this ordinance may constitute a lien against the property upon which such litter existed, which the lien shall be filed with the tax collector and collected in the same manner as provided for the collection of ad valorem taxes. Such filing shall be notice to all persons from the time of its filing with the tax collector and shall bear interest at the legal rate thereafter until satisfied. In addition, such violator shall be liable for restitution for abatement costs.
- F. The person or persons littering or dumping in violation of this ordinance and the person or persons generating said litter or unauthorized material so dumped shall be

liable, jointly and severally, for all costs incurred by the County in the collection, removal and disposal of said litter or unauthorized material.

ARTICLE XII - SEVERABILITY

Should any section or provision of this ordinance be for any reason held void or invalid by a court of competent jurisdiction, it shall not effect the validity of any other section or provisions herein which is not itself void or invalid.

ARTICLE XIII - REPEAL OF CONFLICTING ORDINANCES

All ordinances and clauses of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

ARTICLE IV - EFFECTIVE DATE

This ordinance shall be effective upon its adoption.

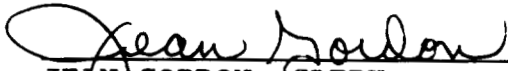
ADOPTED this 21st day of March, 1994.

FRANKLIN COUNTY BOARD OF COMMISSIONERS



GEORGE T. WYNNE, CHAIRMAN

ATTEST:



JEAN GORDON, CLERK

AMENDMENT TO THE FRANKLIN COUNTY SOLID WASTE MANAGEMENT ORDINANCE


Allow all Franklin County small businesses to use the convenient centers and require them to separate out all the materials that can be recycled, including cardboard, aluminum, newspaper and glass.

Franklin County will place cardboard dumpsters at the following six convenient centers the first year at a cost of \$3,240.00: Site 2, Moulton; Site 3, Five Points; Site 4, Highway 56 East; Site 8, Youngsville; Site 12, Mitchiners Crossroads and Site 14, Pilot. Franklin County will continue to accept cardboard at the Landfill Shop.

APPROVED August 29, 1994.


George T. Wynne, Chairman

ATTEST:


Clerk to the Board

