

# Brunswick County Code of Ordinances

## Chapter 1-11

### **SOLID WASTE\***

#### **Sec. 1-11-1. Definitions.**

The following definitions apply in the interpretation and enforcement of this chapter:

*Board* shall mean the board of commissioners of Brunswick County.

*Bulky waste* shall mean large items of solid waste such as household appliances, furniture, automobiles, large auto parts, trees, branches, stumps, and other oversized wastes whose large size precludes or complicates their handling by normal solid waste collection, processing or disposal methods.

*Collection* shall mean the act of removing solid wastes from a point of generation to a central storage point or to a disposal site, and from a central storage point to a disposal site.

*Commercial solid waste* shall mean solid wastes generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities.

*Construction and demolition waste* shall mean waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings, and other structures.

*Division of health services* shall mean division of health services of the North Carolina Department of Human Resources.

*Garbage* shall mean all putrescible solid wastes, including food wastes and food containers, animal and vegetable matter, animal offal, carcasses, and recognizable industrial by-products, but excluding sewage and human wastes.

---

\***Editor's note**—Ord. No. 67, adopted April 21, 1986, repealed Ord. No. 6, adopted March 19, 1973; Ord. No. 14, adopted Feb. 3, 1975; Ord. No. 27, adopted Feb. 2, 1976; and Ord. No. 40, adopted Dec. 3, 1979, codified as §§ 1-11-1—1-11-14. The editor has included §§ 2—8, 10 and 11 of Ord. No. 67 as new §§ 1-11-1—1-11-12 and has renumbered former Code § 1-11-15 as 1-11-13.

**Cross references**—Administration, Ch. 1-2; buildings and building regulations, Ch. 1-4; mobile homes, Ch. 1-6; motor vehicles and traffic, Ch. 1-7; public health and safety, Ch. 1-9; roads, Ch. 1-10; wastewater, Ch. 1-13; subdivisions, App. A.

**State law references**—Removal and disposal of trash, garbage, etc., G.S. § 153A-132.1; location of garbage collection containers on highway rights-of-way, G.S. § 136-18.3; authority of county to regulate the storage, collection, transportation, use and disposal of solid waste, G.S. § 153A-136; authority of county to levy taxes to provide solid waste collection and disposal services and to acquire and operate landfills, G.S. § 153A-149(c)(31); authority of county to operate solid waste collection and disposal systems and facilities, G.S. § 153A-274 et seq.; radiation protection, G.S. Ch. 104E; Governor's Waste Management Board, G.S. § 143B-216.10 et seq.; county service districts, G.S. § 153A-300 et seq.; solid waste management, G.S. § 130A-290 et seq.

*Hazardous wastes* shall mean wastes, or a combination of wastes, in a solid, liquid, contained gaseous, or semisolid form that may cause, or contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness, taking into account the toxicity of such waste, its persistence and degradability, its potential for accumulation of concentration in issue, and other factors that may otherwise cause or contribute to adverse, acute or chronic effects on the health of persons or other organisms.

*Industrial solid waste* shall mean solid wastes generated by industrial processes and manufacturing.

*Infectious waste* shall mean:

- (1) Equipment, instruments, utensils, and fomites of a disposable nature from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease and must therefore be isolated as required by public health agencies;
- (2) Laboratory wastes, such as pathological specimens (e.g., all tissues, specimens of blood elements, excreta, and secretions from patients or laboratory animals) and disposable fomites (any substance that may harbor or transmit pathogenic organisms) attendant thereto;
- (3) Surgical operating room pathologic specimens and disposal fomites attendant thereto, and similar disposable materials from outpatients areas and emergency rooms.

*Institutional solid waste* shall mean solid wastes generated by educational, health care, correctional, and other institutional facilities.

*Person* shall mean any individual, firm, partnership, corporation, association, governmental unit or agency, or other legal entity.

*Radioactive waste* shall mean any wastes that emit ionizing radiation spontaneously.

*Refuse* shall mean solid wastes, excluding garbage and ashes, collected from residences, commercial establishments, and institutions.

*Solid waste* shall mean hazardous or nonhazardous garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, 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: (a) fowl and animal fecal waste; (b) solid or dissolved material in (i) domestic sewage and sludges generated by the treatment thereof in sanitary sewage disposal systems which have a design capacity of more than three thousand (3,000) gallons per day or which discharge effluents to the surface waters; (ii) irrigation return flows; and (iii) wastewater discharges and the sludges incidental thereto and generated by the treatment thereof which are point sources subject to permits granted under section 402 of the Clean Water Act, as amended (P.L. 92-500), and permits granted under General Statute 143-215.1 by the Environmental Management Commission; (c) oils and other liquid hydrocar-

bons controlled under Article 21A of Chapter 143, North Carolina General Statutes; (d) any radioactive material as defined by the North Carolina Radiation Protection Act, General Statute 104E-1 through 104E-23; or (e) mining refuse covered by the North Carolina Mining Act, General Statute 74-46 through 74-68, and regulated by the North Carolina Mining Commission.

*Solid waste director* shall mean the duly employed director of the county landfill department.

*Solid waste disposal site* shall mean a location at which solid wastes are disposed of by incineration, sanitary landfill, or other approved method.

*Solid waste officer* shall mean the individual appointed pursuant to this chapter to enforce the provisions thereof.

*Solid waste receptacle* shall mean a large metal container used for the temporary storage of solid wastes and capable of being automatically emptied into collection vehicles.  
(Ord. No. 67, § 2, 4-21-86)

#### **Sec. 1-11-2. Solid waste officer.**

There is hereby created the position of solid waste officer who shall enforce the provisions of this chapter and who shall meet the requirements for the position as set down by the board of commissioners from time to time.

(Ord. No. 67, § 10, 4-21-86)

#### **Sec. 1-11-3. Violations.**

(a) The solid waste officer, or an authorized representative, or the sheriff of the county or his authorized representatives are hereby empowered to issue citations to any person if there is probable cause to believe that such person has violated any of the provisions of this chapter. Citations so issued may be served in person on the violator by the officials above stated or they may be mailed to the person by certified mail if such person cannot be readily found. Any citation so served or mailed shall direct the violator to make payment of the fine provided therein to the county landfill department on or before a specific day and hour named in the citation and to present evidence of the remedy of any violation of this chapter and the period so specified shall not be less than seventy-two (72) hours after service or delivery to the violator. If the violator is served by mail, the violator shall have six (6) days after the return receipt date to respond to the citation.

(b) If the violator does not appear in response to the above described citation, the officer shall forthwith have a complaint entered against such person and secure and issue a warrant for his or her arrest. The arrest shall be for the violation of the section of this chapter charged in the citation and upon conviction the defendant shall be subject to the penalties prescribed by section 1-1-11.

(c) The officers above stated may issue a warning citation without fine in the case wherein the opinion of the officer a violation of this chapter may be remedied without the necessity for criminal prosecution. A warning citation may not be issued in the case where the public safety is endangered.

(d) The citations so issued pursuant to this provision of this section shall specify a fine in the amount of twenty-five dollars (\$25.00).

(Ord. No. 67, § 11, 4-21-86)

**Sec. 1-11-4. Acceptable methods of disposal.**

Solid waste shall be disposed of only in one of the following ways:

- (1) In a sanitary landfill or transfer station approved by the division of health services;
- (2) In an incinerator that has all required local state, and federal air pollution control permits;
- (3) A householder may dispose of solid wastes generated at his residence or his property in a manner approved by the solid waste director and the solid waste director shall publish a list of generally approved methods of disposal;
- (4) By any other method, including reclamation and recycling processes, that has been approved by the division of health services.

(Ord. No. 67, § 3(G), 4-21-86)

**Sec. 1-11-5. Storage and disposal generally.**

(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 chapter.

(b) The owner, occupant, tenant, or lessee of any property shall incinerate, remove, or cause to be removed all solid wastes from his property at least once each week (seven-day period).

(c) Garbage shall be stored only in a container that is durable, rust-resistant, nonabsorbent, watertight, and easily cleaned, with a close-fitting cover in place, adequate to facilitate handling. Solid waste receptacles, as defined by this chapter, may also be used for storage provided they meet the requirements of this subsection. The number of containers shall be adequate to store one (1) week's accumulation of garbage. 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 not provide harborage to rodents and vermin and will not create a fire hazard.

(e) 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 wastes for longer than seven (7) days.

(Ord. No. 67, § 3(A)–(E), 4-21-86)

**Sec. 1-11-6. Disposal of certain types of solid waste.**

(a) *Construction and demolition wastes.* Construction and demolition wastes may be disposed of at disposal sites approved by the division of health services and the solid waste director.

Supp. No. 1

(b) *Infectious, hazardous and radioactive wastes.* Infectious, hazardous, and radioactive wastes shall be disposed of according to written procedures approved by the division of health services.

(c) *Bulky wastes.* Bulky wastes may be disposed of at disposal sites approved by the solid waste director.

(Ord. No. 67, § 3(H)—(J), 4-21-86)

#### **Sec. 1-11-7. Abandoned refrigerators.**

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.

(Ord. No. 67, § 3(F), 4-21-86)

#### **Sec. 1-11-8. Littering.**

(a) No person, firm, organization, private corporation, or governing body, agents or employees of any municipal corporation shall intentionally or recklessly throw, scatter, spill or place or intentionally or recklessly cause to be blown, scattered, spilled, thrown or placed or otherwise dispose of any litter upon any public property or private property not owned by him within this county or in the waters of this county including, but not limited to, any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street or alley except:

- (1) When such property is designated by the county for the disposal of garbage and refuse, and such person is authorized to use such property for such purpose; or
- (2) Into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of such private or public property or waters.

(b) When litter is so blown, scattered, spilled, thrown or placed from a vehicle or watercraft, the operator thereof shall be presumed to have committed such offense. This presumption, however, does not apply to a vehicle transporting agricultural products or supplies when the litter from the vehicle is a nontoxic, biodegradable agricultural product or supply.

(c) As used in this section, the word "litter" shall be defined as any rubbish, waste material, cans, refuse, garbage, trash, debris, dead animals or discarded materials of every kind and description; the word "vehicle" shall be defined as in General Statute 20-4.01(49); and the word "watercraft" shall be defined as any boat or vessel used for transport upon or across the water.

(d) A violation of this section is a misdemeanor punishable by a fine of fifty dollars (\$50.00).

(Ord. No. 67, § 7, 4-21-86)

**Sec. 1-11-9. Dumping.**

A person is guilty of a misdemeanor if he intentionally dumps or places litter on the private property of another without the consent of the owner of the property. This section shall not apply to a tenant or lessee unless the tenant or lessee fails to remove such litter within ten (10) days after he is given written or oral notice to remove such litter following termination of the lease or rental agreement. The presumption in section 1-11-8 and the definition of "litter" in section 1-11-8 apply to this section.

(Ord. No. 67, § 8, 4-21-86)

**Sec. 1-11-10. Standards for vehicles and containers.**

(a) Vehicles and containers used for the collection and transportation of solid wastes shall be covered, leakproof, durable, and easily cleanable. They shall be cleaned as often as necessary to prevent a nuisance and insect-breeding and shall be maintained in good repair.

(b) 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 shall be 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.

(Ord. No. 67, § 6, 4-21-86)

**Sec. 1-11-11. Solid waste receptacles.**

(a) Solid waste receptacles are maintained at numerous sites throughout the county for the convenience of county residents on land owned or leased by the county. Solid wastes may be deposited in the solid waste receptacles only in accordance with the provisions of this chapter.

(b) All 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.

(c) Commercial, industrial, and institutional solid wastes may be deposited in solid waste receptacles only with the permission of the solid waste director.

(d) The following wastes may not be deposited in solid waste receptacles;

- (1) Hazardous wastes;
- (2) Liquid wastes;
- (3) Infectious wastes;
- (4) Radioactive wastes;
- (5) Bulky wastes;
- (6) Tires;
- (7) Construction and demolition wastes;

(8) Burning or smoldering materials, or any other materials that would create a fire hazard.

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

(f) No person shall cause damage to, move or overturn a solid waste receptacle.

(Ord. No. 67, § 5, 4-21-86)

**Sec. 1-11-12. Sanitary landfill.**

(a) The sanitary landfill of the county may be used for the disposal of solid wastes generated in the county by any person who is a resident of the county during regular hours of operation of the landfill. Solid wastes shall be disposed of at the landfill in the manner and according to the procedures required by the landfill director or his representative.

(b) The following wastes may not be disposed of in the landfill:

(1) Hazardous wastes as defined by the division of health services;

(2) Liquid wastes as defined by the division of health services;

(3) Radioactive wastes;

(4) Tires, unless they have been quartered or shredded;

(5) Infectious wastes;

(6) Wet sludge.

(Ord. No. 67, § 4, 4-21-86)

**Sec. 1-11-13. Discharging firearms upon landfills.**

It shall be unlawful for any person to possess or discharge any firearms upon landfill sites operated by the county.

(Ord. No. 8, § 1, 11-5-73)

[The next page is 671]





AN AMENDMENT TO BRUNSWICK COUNTY CODE CHAPTER 1-11

THE BRUNSWICK COUNTY BOARD OF COMMISSIONERS, IN REGULAR SESSION DULY ASSEMBLED ON DECEMBER 21, 1992, DOES HEREBY ORDAIN AS FOLLOWS:

I. That Section 1-11-11(d) of the Brunswick County Code be amended by the addition of the following section:

Section 1-11-11(d)(8): Yard Waste and Debris, but in specifically designated receptacles.

II. That Section 1-11-12(b) of the Brunswick County code be amended by the addition of the following section:

Section 1-11-12(b)(7): Yard Waste and Debris, but in specifically designated and permitted areas.

III. That Section 1-11-5 of the Brunswick County Code be amended by the addition of the following section:

Section 1-11-5(f): No person shall deliver or cause to be delivered to any solid waste collection or disposal site or receptacle, or to the Sanitary Landfill, mixed solid waste which contains in excess of twenty five per cent (25%) yard waste. Violation of this Section shall result in penalty as set forth in Section 1-11-3 as well as loss of use of solid waste facilities pending payment of fines.

This the 21st day of December, 1992.

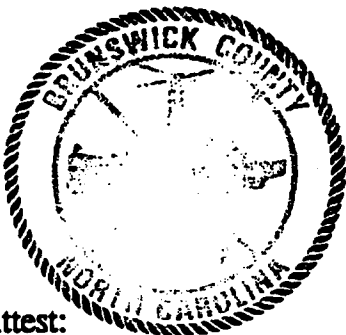
BRUNSWICK COUNTY BOARD OF COMMISSIONERS

By:



Donald Warren, Chairman

Attest:



  
Kelly S. Barefoot, Clerk

