

ORDINANCE AND REGULATIONS GOVERNING THE
STORAGE, COLLECTION, TRANSPORTATION, PROCESSING, RECYCLING AND DISPOSAL
OF SOLID WASTE IN DAVIDSON COUNTY

Be it ordered by the Davidson County Board of Commissioners that the following ordinance and regulations for the protection of the public health and safety are hereby adopted pursuant to authority granted by Chapter 153A, Sections -121, -122, -123, -132.1, -136 and -292, of the General Statutes of North Carolina, and shall, among other things, provide for and regulate in the most economically feasible, cost-effective and environmentally safe manner the storage, collection, transport, separation, processing, recycling, and disposal of solid waste, to include hazardous waste and medical waste, in order to protect the public health, safety and welfare; enhance the environment for the citizens and residents of Davidson County, and recover resources which have the potential for further usefulness, all in accordance with the authority, purposes, policies and goals enunciated in the laws and regulations of the State of North Carolina pertaining to solid waste management. Provide incentives and penalties which will ~~other~~ ^{deter} unlawful disposal of solid waste; provide means of abating illegal dump sites; and encourage voluntary, community-based efforts to monitor and report littering and illegal dumping. Impose and establish a schedule of fees to defray the cost to the county of providing solid waste disposal, collection and resource recovery services and facilities.

Section I. Definitions

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

A. Board: Board of Commissioners of Davidson County.

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

C. Director: The county Director of the Integrated Solid Waste Management Department or the Director's authorized representative.

D. Disposal: The discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water 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.

E. Division: The Director of the Division of Solid Waste Management or the Director's authorized representative.

F. Person: Any individual, firm, corporation, association, partnership, governmental unit or agency, or other legal entity.

G. Plastic bag: A polyethylene or other heavy-duty plastic bag meeting the National Sanitation Foundation standard of 1.5 mils and not exceeding 30 gallons

capacity with a securing twist tie.

H. Premises: A definite portion of real estate including with its appurtenance, a building, or part of a building.

I. Recycling: The process by which solid waste or recovered materials are collected, separate^d, or processed^d, and reused or returned to use in the form of raw materials or products.

J. Sanitary Landfill: A facility for disposal of solid waste on land in a sanitary manner in accordance with the ^{Solid Waste Management Rules 15ANCA} ~~rules~~ adopted by the ^{13B} Division of Solid Waste Management of the North Carolina Department of Environment, Health and Natural Resources ~~pursuant to G.S. Ch. 130A, 17 to 25~~ ^{article 9. and Solid Waste Management Law, Article 1 Part 2, Remedies G.S. 130A 17. to 25 & Article 9 G.S. 130A - 290, to 309.86,}

K. Solid Waste: All material customarily referred to as garbage and refuse and other discarded material, including solid, semisolid, or containing gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control act, as amended; includes, but is not restricted to the following classifications:

1. Bulky waste. Large items of solid waste including but not limited to household appliance, furniture, 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.

2. Commercial solid waste. Solid waste generated by stores, offices, restaurants, warehouses, private clubs, hospitals, and other non-manufacturing activities, excluding residential and industrial waste. This definition is also applicable to places of residence having three or more dwelling units such as apartment buildings and mobile home courts.

3. Compost. A humus-like material resulting from the biological decomposition of organic materials.

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

5. Garbage. All putrescible wastes, such as food wastes, animal and vegetable matter, animal offal and carcasses, and recognizable industrial by-products, but excluding sewage and human wastes.

6. Hazardous waste. Solid Waste, or a combination of solid wastes, that 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.

7. Industrial waste. All nonhazardous solid wastes generated by industries and manufacturing facilities. May also include small quantities of wastes generated from cafeterias, offices, or retail sales departments on the same premises.

8. Industrial process waste. Solid waste resulting from an industrial or manufacturing process which may be disposed of at the county landfill after demonstrating its nonhazardous status through analysis, or by other means. Includes, but is not limited to sandblasting grit, contaminated food products, ash and dust.

9. Institutional waste. Material originating from services offered on behalf of the public, i.e., nursing homes, jails, hospitals, schools.

10. 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.

11. Medical waste. Any solid waste which is generated in the diagnosis, treatment, immunization of human beings or animals in research pertaining thereto, or in the production or testing of biological materials, but does not include any hazardous waste identified or listed pursuant to this Ordinance, radioactive waste, or household waste as defined in 40 Code of Federal Regulations Section 261.4(b)(1) in effect on July 1, 1989.

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

13. Municipal solid waste. Includes residential, commercial, and institutional nonhazardous solid wastes.

14. Nonprocessable solid waste. All solid waste other than hazardous waste, which could impair the operation or capacity of the disposal system or cause potential or actual injury to the county's employees and/or contractors, but which is capable of being disposed of by sanitary landfill, including but without being limited to, furniture, bedding, white goods, metal cable, gypsum board, bricks and

blocks, concrete industrial process waste, asphalt materials, liquid wastes including sludge from water or waste water treatment plants, petroleum products, metal (other than containers), tree stumps, log, brush, pallets and other scrap wood and construction debris.

15. Putrescible solid waste. Any solid waste capable of being decomposed by micro organisms with sufficient rapidity as to cause nuisance from odors and gasses, such as kitchen wastes, offal, and carcasses.

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

17. Recyclable materials. Solid waste materials that are lawfully capable of being recycled and are specified as such in pertinent laws and regulations of the United States and the State of North Carolina.

18. Refuse. All nonputrescible wastes. Solid waste, other than garbage and ashes, from residence, commercial establishments, and institutions.

19. 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 Division.

20. Residential waste. Solid waste originating from private households (private single-family homes and apartments, condominiums, etc., not institutional residential facilities). Solid Waste from a place of residence having three or more dwelling units is defined as commercial solid waste.

21. Slurry waste. A waste with high liquid content not easily dewatered.

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

23. Sharps. Needles, syringes, and scalpel blades.

24. Special waste. Any type of waste that requires special handling in the county's collection and disposal systems, including tires, used oil, batteries, appliances ("white goods"), asbestos, and medical wastes.

25. Used motor 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.

26. White goods. Includes inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances, i.e., washers, dryers, dishwashers, kitchen compactors, window unit air conditioners, etc.

27. Yard waste. Yard trash and land-clearing debris as define in G.S. 130A-290, consisting solely of vegetative matter resulting from landscaping maintenance, including stumps, limbs, leaves, grass, and untreated wood.

L. **Commercial Solid waste collector:** Any person, firm, corporation or other entity engage^d, in whole or part, in the collection, transportation, delivery, or disposal of solid waste generated within the service area, including any such entity engaged in such activities with respect to solid waste generated by such entity as well as any entity engaged in such activities with respect to solid waste generated by others for profit and/or hire.

M. **Solid Waste disposal facility:** Any and all facilities now or hereafter designated by the county as part of its system for the disposal of solid waste, including, but no limited to, other volume reduction facilities, sanitary landfills, demolition landfills, resource recovery facilities (including steam production and electrical generating facilities using solid waste as fuel), and regulation of solid waste.

N. **Solid Waste receptacle:** Container used for the temporary storage of solid waste while awaiting collection.

O. **Source separation:** Setting aside recyclable materials at their point of generation by the generator.

P. Waste reduction: The process of decreasing the quantity of materials and/or products that must be disposed.

Q. 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.

R. Open dump: A solid waste disposal site that does not have a permit, and/or does not comply with the rules set forth in the North Carolina Solid Waste Management Rules, 15A NCAC 13B.

S. Solid Waste Rules: The regulations ^{governing solid waste management} adopted by the Solid Waste Section of the Department of Environment, Health and Natural Resources, in accordance with EPA guidelines and other Federal ~~the~~ regulations.

Section II Applicability of board of health rules.

The provisions of this ordinance are intended, and shall be interpreted, to be consistent with, and supplementary to, General Statutes, state rules, and any county ordinance, regarding solid waste. To insure such intent and interpretation, and in its event of ambiguity between the provision **S** of this chapter and other laws, rules, or ordinances, the stricter of the provisions shall apply. Any violation of such provisions shall also be a violation of this ordinance.

Section III. Storage of Solid Waste

A. No owner, occupant, tenant, or lessee of any property can deposit, store, or permit to accumulate any solid waste on his property that is not stored or disposed of in a manner prescribed by this ordinance.

B. The owner, occupant, tenant, or lessee of any property shall remove or cause to be removed all solid waste from his property at least once each week (7-day period).

C. Garbage shall be stored only in a container that is durable, rust resistant, nonabsorbent, watertight, and easily cleaned, with close-fitting, fly-tight cover in place. Solid waste receptacles, as defined by this ordinance, may also be used for storage provided they meet the requirements of this subsection. 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. Regulated refuse under this subsection includes, but is not limited to, lumber, boxes, barrels, bottles, cans, tires, paper, cardboard, rags, old furniture and other bulky waste, and white goods. Useful materials, such as firewood and building materials, may be stored on the premises, provided they are stored in a safe manner at a reasonable height above ground.

E. No owner, occupant, tenant, or lessee of any building or

dwelling, other than a licensed junk dealer, may place or leave, or cause to be placed or left, outside the building or dwelling any bulky waste for longer than 72 hours.

F. 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, freezer, or other receptacle that has an airtight door without first removing the door.

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

- (1) In a landfill approved by the Division;
- (2) In an incinerator that has all required local, state, and federal control permits;
- (3) By any other method, including recycling and resource recovery, that has been approved by the Division.

H. In addition to the methods listed in subsection G., above, solid waste may be disposed of in solid waste receptacles provided by county only in accordance with the provisions of this ordinance.

I. 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.

J. Construction wastes must be disposed of at disposal sites approved and permitted by the Division.

K. Regulated medical, hazardous, and radioactive waste must be disposed of according to written procedures approved by the Division.

L. Any person collecting and transporting solid waste generated on such person's property for disposal at an approved disposal site shall be covered, leakproof, durable and easily cleaned.

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

N. Open burning of solid waste is prohibited.

O. A person operating or having operated an open dump for disposal of solid waste or a person who owns land on which such an open dump is or has been operating shall immediately close the site in accordance with 15A NCAC 13B Section .0502.

Section IV. ⁶² LANDFILL ORDINANCES
Disposal of Solid Waste - LANDFILL

A. The county sanitary landfill may be used for the disposal of solid waste by county residents and nonresident property owners. The landfill shall be open during business hours as established by the Board of Commissioners. In emergencies, the landfill may be opened for additional hours as directed by the county manager or the manager's representative. Except when open during regular business hours the landfill shall be kept locked, and entry shall not be permitted. Solid waste shall be disposed of at the landfill in the manner and according to procedures established by the director of the Solid Waste Department.

B. The following waste may not be disposed of in the county sanitary landfill or in any privately-owned municipal solid waste landfill:

- (1) Burning or smoldering materials, or any other materials that would create a fire hazard;
- (2) Hazardous waste;
- (3) Lead-acid batteries;
- (4) Liquid waste;
- (5) Untreated regulated medical waste;
- (6) Radioactive waste;
- (7) Used oil;
- (8) Yard waste, wood waste;
- (9) White goods;
- (10) Aluminum and metal cans;
- (11) Tires

C. The following wastes may be accepted on a conditional basis only or may require special treatment before they are placed in the landfill:

- (1) Asbestos; accepted for disposal if properly package^d in accordance with 40 CFR 61 and G.S. 150-B14 (c) and 24 hour notice is given. *(doubled bagged in 6 mil poly bags and closed with a tie)*
- (2) Animal carcasses; one hour notification prior to delivery but not after 3 PM
- (3) ~~Tires; separate from all other waste and deposited in designated area only.~~
- (3) Barrels or Drums; both ends cut out and barrels and drums flattened.
- (4) *ASHES; Accepted only if in plastic bags or cardboard boxes*

Conditionally acceptable wastes may be disposed of in accordance with Division regulations and policies promulgated by the director. Generators of conditionally acceptable waste shall obtain prior approval from the landfill office before transporting conditionally approved wastes to the landfill.

D. *SEE ATTACHED*

E. ~~#1~~ No person may loiter or rummage about the landfill or remove articles therefrom.

F. ~~#1~~ No person may deposit material at any point in the landfill except where indicated by authorized employees of the landfill or by official signs.

SECTION IV, DISPOSAL OF SOLID WASTE (INSERT)

D. THE FOLLOWING WASTES MAY BE ACCEPTED AT THE LANDFILL FOR ~~THE~~ THE PURPOSE OF RECYCLING, AND REQUIRE SPECIAL HANDLING TO PROPERLY SEPARATE AND DISPOSE OF. DISPOSAL MUST BE IN COMPLIANCE WITH STATE SOLID WASTE RULES, FEDERAL REGULATIONS AND

APPLICABLE DIVISION (1) COUNTY SOLID WASTE MANAGEMENT REGULATIONS

(1) TIRES; MUST BE SEPARATED AND STACKED IN THE DESIGNATED AREA, CONTAINER OR TRAILER. ~~MUST BE DISPOSED OF IN ACCORDANCE WITH SECTION 1100 OF THE SOLID WASTE RULES AND GS 130A 309.58, BOTH COVERING SCRAP TIRE DISPOSAL, AS WELL AS COUNTY SOLID WASTE DEPARTMENT PROCEDURES.~~

(2) WHITE GOODS (APPLIANCES); MUST BE SEPARATED AND STACKED IN ^{THE} DESIGNATED AREA, CONTAINER OR TRAILER. ~~MUST BE DISPOSED OF IN ACCORDANCE WITH APPLICABLE ^{STATE} SOLID WASTE RULES AND FEDERAL REGULATIONS, AS WELL AS ^{COUNTY} SOLID WASTE DEPARTMENT PROCEDURES.~~

(3) SCRAP METALS; MUST BE SEPARATED AND DEPOSITED IN THE DESIGNATED AREA OR CONTAINER. ~~THESE OTHER MATERIALS THAT COMPLY WITH ^{COUNTY} SOLID WASTE DEPARTMENT PROCEDURES.~~

(4) USED OIL; MUST BE MOTOR OIL ONLY AND MUST BE DEPOSITED IN DESIGNATED CONTAINERS.

(5) USED BATTERIES; MUST BE PLACED IN DESIGNATED CONTAINERS OR TRAILERS.

G. No person may discharge firearms, fireworks, or explosives on landfill property except duly sworn law enforcement officers.

H. The maximum allowable speed of vehicles at the landfill is ~~ten~~²⁵ miles an hour.

I. Children under the age of 14 must remain inside vehicles while at the landfill.

J. The provisions of this section are applicable to all parts of the county not within a city as defined in section 153A-1 (1); provided that if a city, so defined, has by resolution permitted this section or any part thereof to be applicable within such city, it shall so apply. Notwithstanding the foregoing, the provisions of this section are applicable to property of the county used for governmental purposes and located within a city.

K. All solid waste management activity described in this article is subject to the restrictions imposed by state and federal laws and regulations. In the event of conflict between the provisions of this ordinance and any state and federal law, the latter shall prevail.

BOXSITE ORDINANCES

Section V. ⁽⁰²⁾ Solid Waste Receptacles (Boxsites)
⁽⁰²⁾ DISPOSAL OF SOLID WASTE - BOXSITES

A. Solid waste receptacles are maintained at ^{Box} sites throughout the county for the convenience of county residents, on land owned or leased by the county. Solid waste may be deposited in the receptacles only in accordance with the provision of this ordinance.

B. The following wastes may not be deposited in solid waste receptacles:

- ** (1) Asbestos;
- (2) Burning or smoldering materials, ^{ashes,} or any other materials that would create a fire hazard;
- * (3) Commercial waste;
- * (4) Construction waste;
- (5) Hazardous waste;
- * (6) Industrial waste;
- * (7) Institutional waste;
- *** (8) Lead-acid batteries;
- (9) Liquid waste;
- (10) Radioactive waste;
- (11) Regulated medical waste;
- ** (12) Tires;
- *** (13) Used oil;
- ** (14) White goods;
- (15) Yard waste;
- (16) Sludges;
- ** (17) Barrels;
- (18) Sharps not properly contained;

* (19) Bulky wastes; *Other than furniture*

* (20) Large animal carcasses (~~100~~⁵⁰ pounds or more)

~~***~~ (21) Scrap Metal

* May be taken to the county landfill ~~***~~ (22) Aluminum Cans

** May be taken to the County landfill on a conditional basis.

~~***~~ May be taken to the county landfill ~~or~~ to selected boxsites on a conditional basis.

C. All solid waste intended for disposal in a solid waste receptacle shall be in plastic bags or suitable containers and deposited inside the container. No solid waste may be left at the solid waste receptacle site outside the receptacle.

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

E. No solid waste collectors shall deposit waste in a solid waste receptacle provided and maintained by the county.

F. No person shall deposit solid waste in a solid waste receptacle provided and maintained by Davidson County unless such person is a resident of Davidson County. Any person that desires to deposit solid waste in a receptacle provided and maintained by Davidson County may be required to present identification and/or verification that said person is authorized to so deposit such waste pursuant to the provisions of this ordinance. Said identification shall be presented to any employee of the county designated to control said waste receptacle sites or any individual place in control of said solid waste receptacle sites by virtue of contract or agreement with the county.

G. No solid waste generated outside the boundaries of Davidson County may be deposited in a solid waste receptacle provided and maintained by the county.

H. No person shall go upon or remain on the premises and/or real property on which a solid waste receptacle provided and maintained by the county is located except to dispose of solid waste pursuant to the terms and provisions of this ordinance.

I. Brown goods (furniture) may be disposed of ~~at~~ in the open top boxes solid waste receptacles at the boxesites on the 1st and 3rd Thursday of each month.

Section VI. Resource Recovery and Recycling

A. Each person who owns, leases, or manages a residence, residential unit, or place of business, industry, commerce, or other place providing goods or services, or institution, church, or school is encouraged to remove recyclable materials from the solid waste generated as outlined in subsection B and make them available for recycling as outlined in subsection C. Nothing in this ordinance is intended to prevent any person from donating or selling recyclable materials to any other person.

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B. When available for recycling, all recyclable material shall be separate from other solid waste. Recyclable material shall not be mixed with or disposed of with other solid waste. Recyclable material shall consist of the following items and shall be prepared for recycling as directed:

- (1) Glass; All brown, green, and clear glass shall be rinsed.
- (2) Cans; Except for aluminum cans, all metal cans shall be rinsed, cut out at both ends, the paper label removed, and flattened. Aluminum cans shall be rinsed and flattened.
- (3) Plastic milk jugs; All plastic milk jugs shall be rinsed and flattened or crushed. The caps shall be removed.
- (4) Plastic soft drink bottles; Bottles shall be rinsed, caps removed and flattened or crushed.
- (5) Cardboard; Corrugated cardboard only (sandwich type), no pizza boxes, single ply boxes, waxed or treated boxes. Boxes shall be flattened.

(6) Newsprint; Bundled but not tied, not in plastic bags and not wet.

C. All recyclable material, subject to change according to markets, shall be placed in the designated recycling containers provided by the county at drop-off centers.

D. Ownership of recyclable materials

(1) After recyclable material has been placed in a designated container at the Drop-off collection center designated by the county or its authorized agent, the recyclable material shall become the property of the county or its authorized agent.

(2) No person, other than a county employee or the county's authorized agent, ^{acting in behalf of the county,} may remove recyclable material from a designated container that has been placed at a designated recycling location or collection center.

Section VII. Permitting of Commercial Solid Waste Collectors

A. No person may engage in business as a solid waste collector except under a permit issued by the county pursuant to this ordinance. In addition to a business license or any other permit required by Davidson County, all persons now or hereafter engaged in the collection of solid waste in the unincorporated portions of the county shall annually register their businesses with the Department of Solid waste and annually apply to the Department of Solid Waste for the issuance of a collection permit to operate their business. All persons subject to this section shall register with the Department of Solid Waste and apply for a renewal permit no later than December 31st of each calendar year in which they do business; provided, however, any new business shall register with the Department of Solid Waste and shall obtain a collection permit before it commences business.

B. All permits granted by the county pursuant to this section shall be non-exclusive for all of Davidson County. All permits shall be issued for the calendar year beginning January 1st. Any permit issued under this section shall expire on December 31st of the calendar year for which it is issued.

C. All permits herein shall be a mere grant or privilege to carry on business during the term of the permit subject to all terms and conditions imposed by this ordinance and related laws, applicable provisions of this ordinance and other ordinances and resolutions of the county relating to such business.

D. Applications for permits to engage in the business of solid waste collection shall be filed with the county Solid Waste Department on forms approved by the Director. The applicant shall furnish the following information:

- (1) Name and address of the applicant and whether a sole proprietorship, corporation, or partnership, with disclosure of the ownership interests;
- (2) A current list of the equipment possessed, available, or to be obtained by the applicant, including motor vehicle permit tag number and the Annual Vehicle Inspection number in accordance with 49 CFR 396;
- (3) Number of employees the applicant expects to use in the business;
- (4) Experience of the applicant in solid waste collection;
- (5) Planned routes and area of the county the applicant expects to serve including a map of the routes;
- (6) Schedule of fees the applicant expects to charge. All fee information will be kept confidential;
- (7) Evidence of liability insurance coverage on a current certificate of Insurance;
- (8) Name, location and state permit number of the facility where collected waste is to be disposed of.

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E. Before issuing a permit pursuant to this section, the Director shall inspect or cause to be inspected all facilities and equipment the applicant plans to use in the solid waste collection business.

F. (1) The Director may issue the applicant a permit only when he finds that the applicant's facilities, equipment, and proposed operating methods are in compliance with this ordinance and applicable rules of the Division and that the applicant will perform solid waste collection in an efficient and sanitary manner. A condition of the permit shall be that the applicant will perform solid waste collection in an efficient and sanitary manner. A condition of the permit shall be that the permittee shall serve every person who contracts with him for solid waste collection in such a manner that the permittee does not cause the person to be in violation of this ordinance.

(2) If the Director denies an applicant a permit, an applicant may request a hearing before the Director. The Director shall keep summary minutes of the hearing and ^{within} ~~at least~~ one week after the hearing shall give the applicant written notice of this decision either granting the permit or affirming his denial of the permit. The applicant may appeal the Director's decision to the Board of County Commissioners ^{within 10} ~~by~~ working days of receipt of the Director's decision following the hearing. After a hearing on the appeal, the Board shall either affirm the denial or direct the Director to issue the permit.

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

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G. A permittee shall submit a quarterly report to the Director containing the following information:

- (1) Number of customers added or deleted;
- (2) Changes in routes;
- (3) New and replacement equipment;
- (4) Amount of material collected for recycling (Tonnage);
- (5) Any other information requested by the Director and pertinent to the solid waste collection business.

H. (1) Vehicles and containers used for the collection and transportation of solid waste shall be covered, leakproof, durable, and easily cleaned. They shall be cleaned as often as necessary to prevent a nuisance and insect breeding and shall be maintained in good repair. Each vehicle used in collection shall at all times have clearly visible the identity and telephone number of the collector on both sides of the vehicle with a letter minimum of three inches (3"). Vehicles shall display in numbers at least one inch high the county permit number of the permittee and the permit sticker issued by the Director.

(2) 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 permittee and returned to the vehicle or container, and the area properly cleaned.

I. When the Director finds that a permittee has violated this ordinance or the conditions of the permit, the Director shall give the permittee written notice of the violation and inform him that if another violation occurs within thirty days, or in the case of a continuing violation, if it is not corrected within ten days, the permit will be revoked. If another violation occurs within the thirty day period, or if the continuing violation is not corrected within ten days, the Director shall give the permittee written notice that the permit is revoked. Upon receipt of the notice of revocation, the permittee shall stop collecting, transporting, or disposing of solid waste. The Director may reinstate a revoked permit after the revocation has been in effect for thirty days if the Director finds that the conditions causing the violation have been corrected. A permittee whose permit has been revoked may appeal the revocation to the board of commissioners by giving written notice of appeal to the County Manager within ten days of receiving notice of revocation from the Director. After a hearing on the appeal, the Board shall either affirm the revocation or direct the Director to reinstate the permit.

J. No permit issued pursuant to this section shall be assignable.

K. The applicant shall, at its sole cost and expense, fully indemnify, defend, and hold harmless the county, its officers, boards, commissions and employees against any and all claims, suits, actions, liability and judgements from third parties for damage which may be the result of willful, negligent or tortious conduct or operations arising out of the business of collection, transportation and disposal of solid waste, whether or not the act or omission complained of is authorized,

allowed or prohibited by this ordinance. The collector shall pay all expenses incurred by the county, including attorneys fees and other costs of litigation, in defending itself with regards to all claims and actions mentioned above.

L. Recycling Exemption. Vehicles used exclusively for transporting recyclable materials shall be exempt from this entire section except ~~for~~ the cover requirement provided in Section VII h (1) & (2).

Section VIII. Illegal Storage, Collection and Disposal of Solid Waste.

A. The storage, collection and disposal of solid waste within the area of jurisdiction of this ordinance in a manner not permitted by this ordinance, or state and federal laws and regulations is prohibited. A violation of this ordinance shall subject the offender to criminal prosecution, assessment of a civil penalty or other legal action as more particularly set forth in Section IX of this ordinance.

B. Littering within the area of jurisdiction of this ordinance is prohibited. A violation of this section shall subject the offender to criminal prosecution, assessment of a civil penalty or other legal action as more particularly set forth in Section IX of this ordinance.

C. No person shall place or solicit or knowingly permit the placing of solid waste on property which such person owns or leases, unless such solid waste is generated on such premises and stored as provided in this ordinance or unless such property has been approved as a solid waste disposal site pursuant to this ordinance or the laws and regulations of the state. A violation of this section shall subject the offender to criminal prosecution, assessment of a civil penalty or other legal action as more particularly set forth in Section IX of this ordinance.

D. Pursuant to the provisions of section 153A-140 of the General Statutes of North Carolina, the unlawful storage, accumulation or presence of solid waste on public or private property in the area of jurisdiction of this ordinance in an amount exceeding fifty (50) pounds

or one hundred (100) cubic feet is hereby ordained and declared, subject to the limitations set forth in Article 57 of Chapter 106 of the General Statutes, to be a public nuisance. Such public nuisance shall be abated as provided in Section IX of this ordinance.

Section IX. Administration and Enforcement.

A. The Department of Integrated Solid Waste Management shall be responsible for the administration and enforcement of the provisions of this ordinance.

B. Civil Penalty Citations.

1. A violation of this chapter shall subject the offender to the assessment of a civil penalty in an amount set forth in the schedule of civil penalties adopted, from time to time, by the Board of Commissioners of the county. Penalties assessed shall be recovered by the county in a civil action in the nature of debt if the offender does not pay the civil penalty within thirty (30) days after the offender has been cited for the violation. Each day's continuing violation shall constitute a separate offense for the purpose of assessing a civil penalty.

2. The Solid Waste Director shall designate one (1) or more of the employees of the department as solid waste management inspectors. Such inspectors are authorized as public officials to investigate violations of this ordinance and, upon a determination that such a violation has occurred, issue civil penalty citations. The director of the Integrated Solid Waste Management Department shall promulgate written procedures for investigating violations, issuing citations and collecting penalties.

C. A violation of this ordinance is punishable as a misdemeanor

and shall subject the offender to such a fine of five hundred dollars (\$500.00) and confinement as the law of North Carolina may, from time to time, provide. Each day's continuing violation shall constitute a separate offense for the purpose of such prosecution.

D. Abatement of Public Nuisances.

1. Upon reasonable cause to believe that a public nuisance, as defined in Section VIII hereof, exists, the director or his designee, upon not less than ten (10) days' notice to the occupant and owner of the property on which the alleged nuisance is located, shall hold a hearing to determine whether or not such nuisance does, in fact, exist. If the hearing officer makes a determination that a public nuisance exists, he shall enter and serve upon the owner and occupant an order to remove, abate or remedy the nuisance within a reasonable period of time, but not less than (90) days. Such order may be appealed by the owner or occupant to the Superior Court of the county by a petition for review filed with the court not later than ten (10) days following service of the order. Such an appeal tolls the running of the time provided to remove, abate or remedy the nuisance, unless the court determines that the appeal was made frivolously as provided in rule 11 of the Rules of Civil Procedure.

2. upon failure of the owner or occupant of the property or of the person responsible for placing such solid waste on the property to remove, abate or remedy the nuisance within the period the hearing officer has allowed, the director shall remove, abate or remedy the nuisance as provided in the order and charge the cost thereof to the owner and occupant. If such expense is not paid by the owner or occupant, it shall be a lien upon the land or premises where the nuisance arose and shall be collected as unpaid taxes.

E. This ordinance may be enforced by any other remedy at law or equity which the county is authorized to pursue, to include injunctive relief. The civil penalties, criminal prosecution, and other remedies provided in this ordinance are cumulative and not exclusive, and may be independently and separately pursued against the same person for the activity constituting a violation of this ordinance. The enforcement of any remedy provided herein shall not prevent the enforcement of any other remedy or remedies in other provisions of this code or other laws and regulations.

F. Suspension of Privileges.

1. The director is authorized, in addition to any or all of the remedies provided herein, to suspend for a period not to exceed thirty (30) days the privileges of any person authorized hereunder to use any solid waste management facility subject to this ordinance upon a determination by the director that such person has violated a provision of this ordinance. Such suspension shall be imposed only upon notice and hearing pursuant to rules duly promulgated by the director.

2. Upon a determination by the director that a person authorized hereunder to use any solid waste management facility subject to this ordinance has violated provisions of this ordinance on more than one (1) occasion within a period of a year, the director may, upon notice and hearing as set forth above, permanently revoke such person's privilege to use such facility.

2. G. Litter Wardens. The department is authorized to encourage and support a volunteer citizens' program providing for a system of litter wardens in communities which are experiencing problems with littering and illegal dumping of solid waste. The system will operate similarly to or as a part of community watch programs, whereby the litter wardens will patrol problem areas and report littering and illegal dumping and the perpetrators thereof to the department when observed. Such support may include the provision of organizational and training assistance to the litter warden system. The Director of the Integrated Solid Waste Management Department shall promulgate written procedures for coordinating the efforts of the wardens with enforcement officials of the Sheriff's Department, the Health Department and the Integrated Solid Waste Management Department.