

**AN ORDINANCE  
FOR THE MANAGEMENT OF  
SOLID WASTE IN THE UNINCORPORATED  
AREAS OF LEE COUNTY**



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**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS FOR LEE COUNTY:**

**Section I. Purpose and Statutory Authority**

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

**Section II. Definitions**

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

- A. Board: Board of Commissioners for Lee County.
- B. Bulky Waste: Large items of solid waste such as 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.
- C. Collection: The act of removing solid waste (or materials that have been separated for the purpose of recycling) to a transfer station, processing facility, or disposal facility.
- D. Commercial Solid Waste: All types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial waste.
- E. Construction and Demolition Waste: Solid waste resulting solely from the construction, remodeling, repair, or demolition operations on buildings, or other structures, but does not include inert debris, land-clearing debris, yard debris, or used asphalt, asphalt mixed with dirt, sand, gravel, rock, concrete, or similar nonhazardous material.
- F. Department: The Department of Environment, Health and Natural Resources.

G. Garbage: All putrescible waste, including animal offal and carcasses, and recognizable industrial by-products, but excluding sewage and human waste.

H. Hazardous Waste: 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.

I. Incineration: The process of burning solid, semi-solid, or gaseous combustible wastes to an inoffensive gas and a residue containing little or no combustible material.

J. Industrial Solid Waste: Solid waste generated by industrial processes and manufacturing.

K. Inert Debris: Solid waste that consists solely of material that is virtually inert and that is likely to retain its physical and chemical structure under expected conditions of disposal.

L. Institutional Solid Waste: Solid waste generated by educational, health care, correctional, and other institutional facilities.

M. Land-Clearing Debris: Solid waste that is generated solely from land-clearing activities.

N. Landfill: A disposal facility or part of a disposal facility where waste is placed in or on land and that is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or surface storage facility.

O. Medical Waste: Any solid waste that is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, but does not include any hazardous waste, radioactive waste, household waste as defined in 40 C.F.R. 261.4(b) (1), or those substances excluded from the definition of "solid waste" in this ordinance.

P. Municipal Solid Waste: Solid waste resulting from the operation of residential, commercial, industrial, governmental, or institutional establishments that would normally be collected, processed, and disposed of through a public or private solid waste management service. Municipal solid waste does not include hazardous waste, sludge, or solid waste from mining or agricultural operations.

Q. Municipal Solid Waste Management Facility: Any publicly or privately-owned solid waste management facility permitted by the Department that receives municipal solid waste for processing, treatment, or disposal.

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

S. Person: Any individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, or other legal entity.

T. Putrescible: Solid waste capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors and gases, such as kitchen waste, offal, and animal carcasses.

U. Processing: Any technique designed to change the physical, chemical, or biological character or composition of any solid waste so as to render it safe for transport; amenable to recovery, storage, or recycling; safe for disposal; or reduced in volume or concentration.

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

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

X. Refuse: Solid waste, other than garbage or ashes, from residences, commercial establishments, and institutions.

Y. Regulated Medical Waste: Blood and other body fluids in individual containers in volumes greater than 20 ml., microbiological waste, and pathological waste that has not been treated pursuant to rules promulgated by the Department.

Z. Resource Recovery: The process of obtaining material or energy resources from discarded solid waste that no longer has any useful life in its present form and preparing the solid waste for recycling.

AA. 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 G.S. Ch. 130A, Article 9.

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

CC. Septage: Solid waste that is a fluid mixture of untreated and partially treated sewage solids, liquids, and sludge of human or domestic origin that is removed from a septic tank system.

DD. Sharps: Needles, syringes, and scalpel blades.

EE. Sludge: Any solid, semi-solid, or liquid waste generated from a municipal, commercial, institutional, or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility, or any other waste having similar characteristics and effects.

FF. Solid Waste: Any hazardous or nonhazardous garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, domestic sewage and sludges generated by the treatment thereof in sanitary sewage collection, treatment and disposal systems, and other material that is either discarded or is being accumulated, stored or treated prior to being discarded, or has served its original intended use and is generally discarded, including solid, liquid, semi-solid, or contained gaseous material resulting from any industrial, institutional, commercial and agricultural operations and from community activities. The term does not include:

- (1) Fecal waste from fowls and animals other than humans;
- (2) Solid or dissolved material in
  - a. Domestic sewage and sludges generated by treatment thereof in sanitary sewage collection, treatment, and disposal systems that are designed to discharge effluents to the surface waters; and
  - b. Irrigation return flows; and
  - c. Wastewater discharges and the sludges incidental to and generated by treatment which are point sources subject to permits granted



under Section 402 of the Water Pollution Control Act, as amended (P.L. 92-500), and permits granted under G.S. 143-215.1 by the Environmental Management Commission. However, any sludges that meet the criteria for hazardous waste under RCRA shall also be a solid waste for purposes of this definition;

- (3) Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the General Statutes. However, any oils or other liquid hydrocarbons that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this definition;
- (4) Any source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011);
- (5) Mining refuse covered by the North Carolina Mining Act, G.S. 74-46 through 74-68 and regulated by the North Carolina Mining Commission. However, any specific mining waste that meets the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this definition.

GG. Solid Waste Collector: Any person who collects or transports solid waste.

HH. Solid Waste Disposal Site: A location at which solid waste is disposed of by incineration, sanitary landfill, or other approved method.

II. Solid Waste Receptacle: Container used for the temporary storage of solid waste while awaiting collection.

JJ. Source Separation: Setting aside recyclable materials at their point of generation by the generator.

KK. Tire: A continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle as defined in G.S. 20-4.01(23).

LL. Transfer Station: A site at which solid waste is concentrated for transportation to a processing facility or disposal site. A transfer station may be fixed or mobile.

MM. Used Oil: Any oil that has been refined from crude oil or synthetic oil and, as a result of use, storage, or handling, has become unsuitable for its original purpose.

NN. White Goods: Inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.

OO. Yard Trash: Solid waste consisting solely of vegetative matter resulting from landscaping maintenance.

PP. Bags: Plastic bags of sufficient size and strength to hold up to 32 gallons and which are capable of being closed.

### Section III. Storage and Disposal

A. No owner, occupant, tenant, or lessee of any property may 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, water tight, and easily cleaned, with a close-fitted, fly-tight cover in place, with adequate handles or bails to facilitate handling. The number of containers shall be adequate to store one 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 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.

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 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, or other receptacle that has an air tight door without first removing the door.

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

- (1) In a landfill or transfer station approved by the Department;

- (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 Department.

H. In addition to the methods listed in subsection G., above, refuse may be disposed of in solid waste receptacles provided by the county.

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 said solid waste is placed in a receptacle or at a location designated for the deposit of solid waste.

J. Construction waste must be disposed of at disposal sites approved and permitted by the Department.

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

L. Any person collecting and transporting solid waste generated on such person's property for disposal at an approved disposal site shall comply with Sections VIII.F.1 and 2 of this ordinance concerning vehicles and containers.

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

N. Open burning of solid waste is prohibited.

#### **Section IV. Landfill or Transfer Station Management**

A. The county construction and demolition landfill may be used for the disposal of construction and demolition waste by county residents and non-resident property owners. The landfill or transfer station shall be open during business hours as established by the board. In emergencies, the landfill or transfer station may be open for additional hours as directed by the county manager or the manager's representative. Except when open during regular business hours, the landfill or transfer station shall be kept locked, and entry shall not be permitted. Solid waste shall be disposed of at the landfill or transfer station in the manner and according to procedures established by the solid waste director, transfer station manager, or their representative.

B. The following waste may not be disposed of in the county construction and demolition landfill, transfer station or 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) White goods;
- (9) Yard trash;
- (10) Anti-freeze (ethylene glycol);
- (11) Aluminum cans.

C. No person may loiter or rummage about the landfill or transfer station to remove articles therefrom.

D. No person may deposit material at any point in the landfill or transfer station except where indicated by authorized employees or by official signs.

E. No person may discharge firearms, fireworks, or explosives on landfill or transfer station property.

F. The maximum allowable speed of vehicles on the landfill or transfer station property is ten (10) miles per hour.

G. Tires may not be disposed of except where indicated by authorized employees of the landfill, transfer station, or by official signs.

## **Section V. Solid Waste Receptacles**

A. Solid waste receptacles are maintained at five centers in the county for the convenience of county residents and non-resident property owners on lands owned by the county. Solid waste may be disposed of in the receptacles only in accordance with provisions of this ordinance.

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

- (1) Asbestos;
- (2) Burning or smoldering materials, 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) Liquid waste;
- (9) Radioactive waste;
- (10) Regulated medical waste;
- (11) Yard trash;
- (12) Sludges;
- (13) Barrels;
- (14) Sharps not properly contained.

C. Any solid waste intended for disposal in a solid waste receptacle shall be 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 any solid waste container, climb on or into a container, or damage any container.

## **Section VI. Source Separation 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 shall remove recyclable materials from the solid waste generated as required in subsection B and make them available for recycling as required in subsection C. Nothing in this ordinance is intended to prevent any person from donating or selling recyclable materials to any other persons.

B. Any recyclable material shall be separated from other solid waste and made available for recycling. 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 bottles and jars shall be rinsed.
- (2) Cans: Aluminum beverage cans only shall be recyclable and they shall be rinsed.
- (3) Used Oil: Used oil will be accepted only from individual residences with a limit of five (5) gallons per day.
- (4) White Goods: All white goods must be cleaned and free of any foods or other stored items.
- (5) Cardboard: Corrugated cardboard of all types shall be flattened.
- (6) Newsprint: All newsprint shall be protected so that it does not become wet from rain or other forms of precipitation.
- (7) Furniture: Discarded household furniture items will be received from rural residents only.

C. Ownership of recyclable materials:

- (1) After recyclable material has been placed in a designated container at a collection center designated by the County of Lee or its authorized agent, the recyclable material shall become the property of the County of Lee or of its authorized agent.
- (2) No persons other than a county employee or the county's authorized agent may remove recyclable material from a recycling collection center.

## Section VII. Licensing of Solid Waste Collectors

A. No person shall engage in the business as a solid waste collector except under license issued by the county pursuant to this ordinance.

B. Applications for licenses to engage in the business of solid waste collector shall be filed with the solid waste director

for the county on forms approved by such solid waste 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 list of the equipment possessed, available, or to be obtained by the applicant, including motor vehicle license plate numbers;
- (3) Number of employees the applicant expects to use in the business;
- (4) Experience of the applicant in solid waste collection;
- (5) Balance sheet or equivalent financial statement as of the close of the applicant's last business year, showing the net worth of the business;
- (6) Planned routes and areas of the county the applicant expects to serve;
- (7) Schedule of fees the applicant expects to charge;
- (8) Evidence of liability insurance coverage;
- (9) Name and location of the facility where collected waste is to be disposed of.

C. Before issuing a license pursuant to this section the solid waste director shall inspect or cause to be inspected all facilities and equipment the applicant plans to use in the solid waste collection business.

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

(2) If the solid waste director denies an applicant a license, the applicant may appeal the solid waste director's decision to the county engineer by giving written notice of appeal

to the county engineer within ten (10) calendar days of receipt of the solid waste director's decision. The county engineer shall conduct a hearing within thirty (30) calendar days of receipt of the notice of appeal. The county engineer shall keep summary minutes of the hearing and within seven (7) calendar days after the hearing shall give the applicant written notice of his decision either granting the license or affirming the denial of the license. The applicant may appeal the county engineer's decision to the Board of County Commissioners by giving written notice of appeal to the county manager within ten (10) calendar days of receipt of the county engineer's decision following the hearing. The Board of Commissioners shall conduct a hearing within thirty (30) calendar days after receipt of the notice of appeal. The Board of Commissioners shall render a decision within fifteen (15) calendar days following the hearing and shall either affirm the denial or direct the solid waste director to issue the license.

(3) A license shall be valid for a period of one (1) year from the date of issuance.

E. A licensee shall submit a quarterly report to the solid waste director containing the following information:

- (1) Number of customers added or deleted;
- (2) Changes in routes;
- (3) New and replacement equipment;
- (4) Any other information requested by the solid waste director and pertinent to the solid waste collection business.

F. (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. Vehicles shall display in numbers at least three inches high the county license number of the licensee and the license sticker issued by the solid waste 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 materials. If spillage or leakage should occur, materials shall be recovered immediately by the licensee and returned to the vehicle or container, and the area properly cleaned.

G. When the solid waste director finds that a licensee has violated this ordinance or the conditions of the license, the solid waste director shall give the licensee written notice of the



violation and inform him that if another violation occurs within thirty (30) days, or in the case of a continuing violation, if it is not corrected within ten (10) days, license will be revoked. If another violation occurs within the thirty (30) days period, or, if the continuing violation is not corrected within ten (10) days, the solid waste director shall give notice that the license is revoked. Upon receipt of the notice of revocation, the licensee shall stop collecting, transporting, or disposing of solid waste. The solid waste director may reinstate a revoked license after the revocation has been in effect for thirty (30) days if the solid waste director finds that the conditions causing the violation have been corrected. A licensee whose license has been revoked may appeal the revocation to the Board of County Commissioners by giving written notice of appeal to the county manager within ten (10) days of receiving notice of revocation from the solid waste director. After a hearing on the appeal, the board shall either affirm the revocation or direct the solid waste director to reinstate the license.

H. No license pursuant to this chapter shall be assignable.

### **Section VIII. Franchising Solid Waste Collectors**

A. No person may engage in the business of solid waste collector unless he holds a franchise issued by the Board of County Commissioners authorizing him to collect, transport, and dispose of solid waste and describing the area for which the franchise is issued.

B. No person may be issued a franchise by the board unless he holds a license to engage in the business of solid waste collector issued by the solid waste director.

C. Applications for franchises shall be filed with the board, through the county manager, on forms prescribed by the county manager and shall include a copy of the applicant's license application to the solid waste director and any other information that the board deems pertinent.

D. The board may grant a franchise only upon finding that the applicant will render prompt, efficient, and continuing service to the area for which the franchise is granted and that the applicant has sufficient equipment and personnel to render service to all persons generating solid waste within the service area.

E. The board shall determine the area for which a franchise is granted.

F. The board shall set or approve all fees charged by solid waste collectors before granting a franchise. The board may classify fees according to whether residential, commercial,

institutional, or industrial customers are served, so that reasonable compensation may be provided in accordance with the public interest. Fee schedules may be amended by the board from time to time.

G. A franchise shall be for a term of four (4) years and shall be renewable.

H. A solid waste collector franchised under this ordinance shall present to each prospective customer, in advance of any agreement with that customer, a schedule of his fees as authorized by this ordinance to be charged. All solid waste shall be removed from the customers premises at least once a week provided the customer is no more than thirty (30) days in arrears in payment of the required collection fees.

I. The board may grant temporary franchises for the collection, transportation, or disposal of solid waste to provide service in the event of abandonment of an existing franchise or for other cause.

J. Notwithstanding any other provision of this ordinance to the contrary, the board may grant nonexclusive franchises for the collection of commercial, industrial, institutional, and construction and demolition waste throughout the county.

K. All disputes regarding the granting of a franchise and disagreements concerning franchise areas shall be determined by the Board.

L. No franchise shall be assignable.

M. A solid waste collector granted a franchise under this ordinance shall give thirty (30) days written notice to the board before abandoning the franchise.

N. The board may terminate or suspend all or any portion of a franchise for any of the following reasons:

- (1) Loss of the franchisee's license to operate as a solid waste collector;
- (2) Failure of the franchisee to comply with the authorized fee schedule;
- (3) Failure of the franchisee to render prompt and effective service to persons within his service area;
- (4) Failure of the franchisee to comply with any provisions of this ordinance or applicable rules of the Department.