

SOLID WASTE RECYCLING, COLLECTION AND DISPOSAL ORDINANCE
PITT COUNTY, NORTH CAROLINA

AUTHORITY & RESPONSIBILITY

PITT COUNTY HAS ADOPTED THE FOLLOWING RULES AND REGULATIONS FOR SOLID WASTE, RECYCLING, COLLECTION AND DISPOSAL FOR THE GENERAL HEALTH AND WELFARE OF THE CITIZENS OF PITT COUNTY UNDER THE AUTHORITY GRANTED UNDER CHAPTER 153A-136 OF THE GENERAL STATUTES OF NORTH CAROLINA AND SHALL GOVERN THE STORAGE, COLLECTION, TRANSPORTATION, DISPOSAL AND RECYCLING OF SOLID WASTE THROUGHOUT PITT COUNTY.

I. REPEAL OF CONFLICTING ORDINANCES.

AFTER THE EFFECTIVE DATE OF THIS ORDINANCE ANY ORDINANCE GOVERNING ANY ASPECT OF THE STORAGE, COLLECTION, TRANSPORTATION, RECYCLING OR DISPOSAL OF SOLID WASTE IN CONFLICT WITH THIS ORDINANCE SHALL BE NULL AND VOID.

II. PURPOSE AND INTENT.

THE PURPOSE OF THIS ORDINANCE IS TO PROVIDE FOR THE PROPER MANAGEMENT OF SOLID WASTE IN PITT COUNTY. IT IS THE INTENT OF THIS ORDINANCE NOT TO CONFLICT OR CONTRADICT ANY ORDINANCE OR RULES AND REGULATIONS OF THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT, HEALTH AND NATURAL RESOURCES, SOLID WASTE MANAGEMENT DIVISION AND THE PITT COUNTY BOARD OF HEALTH.

III. DEFINITIONS.

THE FOLLOWING DEFINITIONS SHALL APPLY IN THE INTERPRETATION OF THIS ORDINANCE OF THESE REGULATIONS:

1. BOARD: BOARD OF COMMISSIONERS OF PITT COUNTY.
2. BULKY WASTE: LARGE ITEMS OF SOLID WASTE SUCH AS HOUSEHOLD APPLIANCES, FURNITURE, JUNK AUTOMOBILES, LARGE JUNK AUTO PARTS, TREES, BRANCHES, STUMPS, AND OTHER OVERSIZE WASTE WHOSE LARGE SIZE PRECLUDES OR COMPLICATES THEIR HANDLING BY NORMAL SOLID WASTE COLLECTION, PROCESSING OR DISPOSAL METHODS.
3. COLLECTION: THE ACT OF REMOVING SOLID WASTE AND RECYCLABLES FROM A POINT OF GENERATION TO A CENTRAL STORAGE OFF SITE POINT OR TO A DISPOSAL SITE, AND FROM A CENTRAL POINT TO A DISPOSAL SITE.
4. COMMERCIAL SOLID WASTE: SOLID WASTE GENERATED BY

STORES, OFFICES, RESTAURANTS, BUSINESSES AND ALL OTHER NONRESIDENTIAL USES.

5. CONSTRUCTION AND DEMOLITION WASTE: WASTE BUILDING MATERIALS, PACKAGING, AND RUBBLE RESULTING FROM CONSTRUCTION, REMODELING, REPAIR, AND DEMOLITION OPERATIONS ON PAVEMENTS, HOUSES, COMMERCIAL BUILDINGS, AND OTHER STRUCTURES.
6. SOLID WASTE MANAGEMENT DIVISION: SOLID WASTE MANAGEMENT DIVISION OF THE DEPARTMENT OF ENVIRONMENT, HEALTH, & NATURAL RESOURCES.
7. GARBAGE: ALL PUTRESCIBLE SOLID WASTE, INCLUDING FOOD WASTE AND FOOD CONTAINERS, ANIMAL AND VEGETABLE MATTER, ANIMAL OFFAL, CARCASSES, AND RECOGNIZABLE INDUSTRIAL BY-PRODUCTS, BUT EXCLUDING SEWAGE AND HUMAN WASTE.
8. HAZARDOUS WASTE: A SOLID WASTE, OR COMBINATION OF SOLID WASTES, WHICH 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, OR DISPOSED OF, OR OTHERWISE MANAGED.
9. HEALTH DIRECTOR: THE DIRECTOR OF THE PITT COUNTY HEALTH DEPARTMENT, OR HIS AUTHORIZED REPRESENTATIVE.
10. INFECTIOUS WASTE: A 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. INSTITUTIONAL SOLID WASTE: SOLID WASTE GENERATED BY EDUCATIONAL, HEALTH CARE, CORRECTIONAL, AND OTHER INSTITUTIONAL FACILITIES.
12. PERSON: ANY INDIVIDUAL, FIRM, PARTNERSHIP, CORPORATION, ASSOCIATION, GOVERNMENTAL UNIT OR AGENCY, OR OTHER LEGAL ENTITY.
13. RADIOACTIVE WASTE MATERIAL: ANY WASTE CONTAINING RADIOACTIVE MATERIAL AS DEFINED IN G. S. 104E-5(14), WHICH IS ADOPTED BY REFERENCE IN ACCORDANCE WITH G. S. 150B-14(C).
14. REFUSE: ALL NON-PUTRESCIBLE WASTE.

15. SOLID WASTE: ANY HAZARDOUS OR NONHAZARDOUS GARBAGE, REFUSE, OR SLUDGE FROM A WASTE TREATMENT PLANT, WATER 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, 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; OR
 - B. SOLID OR DISSOLVED MATERIAL IN:
 - (i) DOMESTIC SEWAGE AND SLUDGES GENERATED BY THE TREATMENT THEREOF IN SANITARY SEWAGE COLLECTION, TREATMENT AND DISPOSAL SYSTEMS WHICH ARE DESIGNED TO 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 FEDERAL WATER POLLUTION CONTROL ACT, AS AMENDED (P.L. 92-500), AND PERMITS GRANTED UNDER G. S. 143-215.1 BY THE ENVIRONMENTAL MANAGEMENT COMMISSION; EXCEPT THAT ANY SLUDGES THAT MEET THE CRITERIA FOR HAZARDOUS WASTE UNDER THE FEDERAL RESOURCE CONSERVATION AND RECOVERY ACT (P. L. 94-580) AS AMENDED, SHALL ALSO BE A SOLID WASTE FOR THE PURPOSES OF THIS ARTICLE: OR
 - C. OILS AND OTHER LIQUID HYDROCARBONS CONTROLLED UNDER ARTICLE 21A OF CHAPTER 143 OF THE NORTH CAROLINA GENERAL STATUTES; EXCEPT THAT ANY SUCH OILS OR OTHER LIQUID HYDROCARBONS THAT MEET THE CRITERIA FOR HAZARDOUS WASTE UNDER THE FEDERAL RESOURCE CONSERVATION AND RECOVERY ACT (P.L. 94-580) AS AMENDED, SHALL BE A SOLID WASTE FOR THE PURPOSES OF THIS ARTICLE; OR
 - D. ANY RADIOACTIVE MATERIAL AS DEFINED BY THE NORTH CAROLINA RADIATION ACT, G.S. 104E-1 THROUGH 104E-23; OR

- E. MINING REFUSE COVERED BY NORTH CAROLINA MINING ACT, G.S. 74-46 THROUGH 74-68 AND REGULATED BY THE NORTH CAROLINA MINING COMMISSION (AS DEFINED UNDER G.S. 143B-290); EXCEPT THAT ANY SPECIFIC MINING WASTE THAT MEETS THE CRITERIA FOR HAZARDOUS WASTE UNDER THE FEDERAL RESOURCE CONSERVATION AND RECOVERY ACT (P.L. 94-580) AS AMENDED, SHALL ALSO BE A SOLID WASTE FOR THE PURPOSES OF THIS ARTICLE.
16. SOLID WASTE COLLECTOR: ANY PERSON WHO COLLECTS, TRANSPORTS REFUSE OR SOLID WASTE FOR COMPENSATION, OTHER THAN ONE WHO REMOVES REFUSE OR SOLID WASTE FROM HIS OWN PREMISES. PERSONS WHO REMOVE WASTE FOR MORE THAN 5 FAMILIES OR BUSINESSES ARE COLLECTORS EVEN THOUGH THE WASTE IS COLLECTED FROM THAT PERSON'S OWN PROPERTY.
 17. SOLID WASTE DISPOSAL SITE: A LOCATION AT WHICH SOLID WASTES ARE DISPOSED OF BY INCINERATION, SANITARY LANDFILL, OR OTHER APPROVED METHOD.
 18. SOLID WASTE RECEPTACLE: LARGE CONTAINER USED FOR THE TEMPORARY STORAGE OF SOLID WASTE AND CAPABLE OF BEING AUTOMATICALLY EMPTIED INTO COLLECTION VEHICLES.
 19. ASHES: REFUSE RESULTING FROM THE BURNING OF WOOD, COAL, OR OTHER COMBUSTIBLE MATERIALS.
 20. INDUSTRY: A PLACE OF BUSINESS EMPLOYING MORE THAN TEN INDIVIDUALS AND ENGAGED IN THE MANUFACTURE OR ASSEMBLY OF A PRODUCT OR PRODUCTS.
 21. INDUSTRIAL WASTE: WASTE MATERIALS FROM PROCESSING PLANTS, FACTORIES OR MANUFACTURING OPERATIONS INCLUDING, BUT NOT LIMITED TO: SAWDUST, SHAVINGS, FEATHERS, EXCELSIOR, CARTONS, BOXES, METAL, GLASS, PAPER, WOOD, TEXTILES, CHEMICALS OR PLASTICS.
 22. RECYCLING: THE SEPARATION, COLLECTING, PROCESSING AND MARKETING OF A WASTE MATERIAL AND MANUFACTURING TO CREATE A USEFUL PRODUCT.
 23. SELF-UNLOADING VEHICLES: ANY VEHICLE WHICH DOES NOT HAVE TO BE UNLOADED MANUALLY.
 24. YARD WASTE: WASTE CONSISTING OF LEAVES, LIMBS, GRASS TRIMMINGS, UNPAINTED AND UNTREATED WOOD AND OTHER VEGETATIVE MATERIAL.
 25. LITTER: ANY MATERIAL WHICH IS BLOWN, THROWN OR OTHERWISE DEPOSITED ON PUBLIC OR PRIVATE PROPERTY IN VIOLATION OF STATE OR LOCAL LAWS AND ORDINANCES OR WITHOUT THE PROPERTY OWNER'S PERMISSION. LITTER INCLUDES, BUT IS NOT LIMITED TO: PAPER, CARDBOARD,

BUILDING DEBRIS, YARD WASTE, TIRES, ETC.

26. LITTERING: THE PLACING OR FAILING TO TAKE STEPS TO PREVENT BLOWING, THROWING OR OTHERWISE DEPOSITING OF ANY MATERIAL ON PUBLIC OR PRIVATE PROPERTY IN VIOLATION OF STATE OR LOCAL LAWS AND ORDINANCES OR WITHOUT THE PROPERTY OWNER'S PERMISSION. LITTER INCLUDES, BUT IS NOT LIMITED TO: PAPER, CARDBOARD, BUILDING DEBRIS, YARD WASTE, TIRES, ETC.
27. RECYCLING SITES: THOSE SITES WHICH ACCEPT SOLID WASTE AND RECYCLABLES FROM CITIZENS FOR TRANSPORTATION TO THE LANDFILL OR APPROPRIATE MARKETS.

IV. RECYCLING.

ALL PERSONS, FIRMS OR CORPORATIONS USING THE LANDFILL AND RECYCLING CENTERS SHALL SEPARATE THE FOLLOWING MATERIALS FROM THEIR WASTE:

1. WHOLE TIRES;
2. YARD WASTE;
3. WHITE GOODS;
4. LEAD ACID BATTERIES;
5. USED OIL;
6. CORRUGATED CARDBOARD FROM NONRESIDENTIAL ESTABLISHMENTS (CARDBOARD PACKAGING, THAT IS CONTAMINATED DUE TO THE NATURE OF ITS CONTENTS, IS EXEMPT);
7. ANY OTHER MATERIALS WHICH THE PITT COUNTY BOARD OF COMMISSIONERS MAY REQUIRE TO BE SEPARATED.

V. LANDFILL ADMINISTRATION AND OPERATION.

AS A PUBLIC SERVICE, THE BOARD OF COMMISSIONERS HAVE AUTHORIZED THE OPERATION OF A LANDFILL(S) TO BE USED BY THE PITT COUNTY CITIZENS. THE LANDFILL AND RECYCLING CENTERS MAY BE USED BY CITIZENS DURING THE TIMES AND UNDER THE CONDITIONS SET FOR BY THE BOARD AND THIS ORDINANCE.

SECTION 1. HOURS OF OPERATION.

THE LANDFILL SHALL BE OPEN ON SUCH A SCHEDULE AS MAY BE SET BY THE BOARD OF COMMISSIONERS. HOURS OF OPERATION SHALL BE POSTED ON THE LANDFILL GATE AND GATES LOCATED AT THE RECYCLING CENTERS. OPERATION HOURS ARE SUBJECT TO CHANGE WHEN DETERMINED NECESSARY BY THE PITT COUNTY BOARD OF COMMISSIONERS.

VI. LANDFILL MANAGEMENT.

A. THE SANITARY LANDFILL OF PITT COUNTY MAY BE USED FOR THE DISPOSAL OF SOLID WASTE BY ANY PERSON WHO IS A RESIDENT OF PITT COUNTY DURING REGULAR HOURS OF OPERATION OF THE LANDFILL. SOLID WASTE SHALL BE DISPOSED OF AT THE LANDFILL IN THE MANNER AND ACCORDING TO THE PROCEDURES REQUIRED BY THE LANDFILL SUPERVISOR OR HIS REPRESENTATIVE.

B. THE FOLLOWING WASTES MAY NOT BE DISPOSED OF IN THE LANDFILL WITHOUT THE EXPRESS WRITTEN CONSENT OF THE LANDFILL MANAGER:

1. BULKY WASTE;
2. ANIMAL AND FOUL FECAL MATTER;
3. DEAD ANIMALS;
4. INFECTIOUS WASTE;

C. RESTRICTIONS, PROHIBITIONS AND INSPECTION.

WASTE BROUGHT TO THE COUNTY LANDFILL SHALL BE OBSERVED AND INSPECTED FOR PROHIBITED MATERIALS. THE HAULER MAY BE REQUIRED TO REMOVE UNACCEPTABLE MATERIALS AT THE DISCRETION OF THE LANDFILL SUPERVISOR.

THE FOLLOWING SHALL NOT BE ACCEPTABLE FOR DEPOSIT IN THE LANDFILL:

1. SLUDGES AND OTHER SEMI-SOLID FLUIDS;
2. CONTAINERS CONTAINING UNACCEPTABLE WASTE;
3. LOGS AND LARGE LIMBS OF FOUR INCHES OR MORE IN DIAMETER AND MORE THAN SIX FEET IN LENGTH;
4. AUTOMOBILE AND TRUCK BODIES;
5. METAL DRUMS OF MORE THAN 30 GALLON CAPACITY UNLESS THE TOP AND BOTTOM HAVE BEEN REMOVED OR THE DRUMS HAVE BEEN CRUSHED;
6. LAND CLEARING DEBRIS (ROOT MAT, SMALL STUMPS, ETC.);
7. HOT ASHES;
8. HAZARDOUS WASTE;
9. INFECTIOUS WASTE NOT STERILIZED BY APPROVED METHODS;
10. EXPLOSIVES OF ANY KIND;

11. ASBESTOS WASTE NOT PACKAGED IN ACCORDANCE WITH 40 CFR 61;
12. PATHOLOGICAL WASTE NOT STERILIZED BY APPROVED METHODS;
13. ANY OTHER MATERIALS WHICH MAY BE DETERMINED TO BE HAZARDOUS BY THE LANDFILL SUPERVISOR OR FEDERAL, STATE OR COUNTY AUTHORITIES, LAWS OR ORDINANCES;
14. ~~ANY~~ MATERIAL WHICH MAY BE DESIGNATED BY THE PITT COUNTY BOARD OF COMMISSIONERS.

VII. SOLID WASTE OR REFUSE STORAGE AND DISPOSAL.

A. NO OWNER, OCCUPANT, TENANT, OR LESSEE OF ANY PROPERTY MAY DEPOSIT, STORE, OR PERMIT TO ACCUMULATE ANY SOLID WASTE UPON 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) UNLESS PRIOR APPROVAL IS OBTAINED FROM THE HEALTH DEPARTMENT.

C. GARBAGE SHALL BE STORED ONLY IN A CONTAINER THAT IS DURABLE, RUST RESISTANT, NONABSORBENT, WATERTIGHT, AND EASILY CLEANED, WITH A CLOSE-FITTING, FLY-TIGHT COVER IN-PLACE, WITH ADEQUATE HANDLES TO FACILITATE HANDLING. SOLID WASTE RECEPTACLES, AS DEFINED BY THIS ORDINANCE, MAY ALSO BE USED FOR STORAGE PROVIDED THEY MEET THE REQUIREMENTS OF THIS SUBSECTION. 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 NOT PROVIDE HARBORAGE TO RODENTS AND VERMIN AND WILL NOT CREATE A FIRE HAZARD.

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 WASTES FOR LONGER THAN 72 HOURS.

F. NO OWNER, OCCUPANT, TENANT, OR LESSEE OF A 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.

G. SOLID WASTE SHALL BE DISPOSED OF ONLY IN ONE OF THE FOLLOWING WAYS:

1. IN A SANITARY LANDFILL;

2. IN AN INCINERATOR THAT HAS ALL REQUIRED LOCAL, STATE, AND FEDERAL AIR POLLUTION CONTROL PERMITS;
3. A HOUSEHOLDER MAY DISPOSE OF SOLID WASTE GENERATED AT HIS RESIDENCE ON HIS PROPERTY IN A MANNER APPROVED BY THE HEALTH DIRECTOR, AND THE HEALTH DIRECTOR SHALL PUBLISH A LIST OF GENERALLY APPROVED METHODS OF DISPOSAL. THE FOLLOWING ARE APPROVED METHODS OF DISPOSAL:
 - A. BURYING WASTE IN A SAFE AND SANITARY MANNER APPROVED BY THE HEALTH DIRECTOR.
 - B. BY BURNING REFUSE IN AN INCINERATOR OF TYPE APPROVED BY THE HEALTH DIRECTOR AS SAFE AND SANITARY.
 - C. BY BURYING SOLID WASTE IN A SANITARY LANDFILL THAT IS DESIGNED, OPERATED AND EQUIPPED IN ACCORDANCE WITH THE SOLID WASTE MANAGEMENT RULES OF THE N. C. DIVISION OF HEALTH SERVICES.
4. BY ANY OTHER METHOD, INCLUDING RECLAMATION AND RECYCLING PROCESSES, THAT HAS BEEN APPROVED BY THE SOLID WASTE MANAGEMENT DIVISION.

H. IN ADDITION TO THE METHODS LISTED IN NO. 3 ABOVE, SOLID WASTE MAY BE DISPOSED OF IN SOLID WASTE RECEPTACLES PROVIDED BY THE COUNTY IN A MANNER APPROVED BY THE COUNTY.

I. CONSTRUCTION AND DEMOLITION WASTES MAY BE DISPOSED OF AT DISPOSAL SITES APPROVED BY THE DIVISION OF SOLID WASTE MANAGEMENT.

J. ANY PERSON COLLECTING AND TRANSPORTING SOLID WASTE GENERATED ON HIS PROPERTY FOR DISPOSAL AT AN APPROVED DISPOSAL SITE SHALL COMPLY WITH THIS ORDINANCE IN ALL RESPECTS.

VIII. REFUSE OR SOLID WASTE COLLECTION, TRANSPORTATION AND VEHICLE REQUIREMENTS.

SECTION 1. SOLID WASTE OR REFUSE COLLECTION.

THE OWNER, OCCUPANT, TENANT OR LESSEE OF ANY PREMISES UPON WHICH GARBAGE IS STORED SHALL REMOVE, OR CAUSE TO BE REMOVED ALL GARBAGE FROM SAID PREMISES AT LEAST ONCE A WEEK. REFUSE COLLECTORS SHALL REMOVE ALL SOLID WASTE FROM THE PREMISES, WHEN THEY RECEIVE COMPENSATION FOR THIS SERVICE. THE WORK SHALL BE DONE IN A CLEAN ORDERLY MANNER AND ANY REFUSE THAT IS SPILLED SHALL BE CLEANED UP, AND THE PREMISES LEFT IN A SANITARY CONDITION.

SECTION 2. SOLID WASTE OR REFUSE TRANSPORTATION.

NO SOLID WASTE COLLECTOR SHALL TRANSPORT SOLID WASTE IN A CONVEYANCE THAT HAS NOT BEEN APPROVED BY THE HEALTH DIRECTOR. ALL VEHICLES, EXCEPT THOSE OWNED BY INDIVIDUALS HAULING THEIR OWN SOLID WASTE, SHALL DISPLAY AN IDENTIFYING TAG OR DECAL IN ORDER TO GAIN ENTRANCE TO THE COUNTY LANDFILL. THESE VEHICLES MUST BE IDENTIFIED BY A SPECIAL LANDFILL USE PERMIT DECAL ISSUED BY THE HEALTH DEPARTMENT.

THE DRIVERS OF ALL VEHICLES USED TO COLLECT, TRANSPORT, AND DEPOSIT WASTE IN THE COUNTY LANDFILL MAY BE REQUIRED TO SUPPLY INFORMATION GIVING THE NAME AND ADDRESS OF THE OWNER OF THE VEHICLE, THE SOURCE AND THE TYPE OF WASTE TO BE DEPOSITED AND THE WEIGHT AND SIZE OF THE VEHICLE. IDENTIFICATION MAY BE REQUIRED OF DRIVERS. SUCH IDENTIFICATION MAY BE A CURRENT DRIVER'S LICENSE OR OTHER ACCEPTABLE IDENTIFICATION.

SECTION 3. MINIMUM VEHICLE REQUIREMENTS.

ALL VEHICLES USED FOR THE COLLECTION OF SOLID WASTE OR REFUSE COLLECTION SHALL BE LEAK PROOF, AND COVERED WITH A CANVAS OR OTHER DURABLE MATERIAL TO PREVENT LEAKAGE OR SPILLAGE OF THE REFUSE, UNLESS IT IS CONSTRUCTED IN SUCH A MANNER TO ASSURE THERE IS NO SPILLAGE OF WASTES. VEHICLES IN WHICH REFUSE OR SOLID WASTE IS HAULED SHALL BE CLEANED DAILY.

VEHICLES WHICH ARE NOT SELF UNLOADING WILL BE SUBJECT TO CONTROL BY THE LANDFILL SUPERVISOR SO AS TO MINIMIZE VEHICLE CONGESTION AND PROVIDE EASY ACCESS TO THE FILL SITE FOR SELF-UNLOADING VEHICLES.

SECTION 4. VEHICLE COVERS OR TIES.

ALL VEHICLES, BOTH PRIVATE AND COMMERCIAL, USED FOR THE TRANSPORTATION OF SOLID WASTE SHALL PROVIDE THAT ALL SOLID WASTE OR OTHER ITEMS TO BE DISPOSED OF BE COVERED OR LOADS SECURED BY SOME EFFECTIVE MEANS SUCH TO PREVENT THE SPILLAGE OR LOSS OF WASTE WHILE BEING TRANSPORTED. "EFFECTIVE MEANS" SHALL MEAN DURABLE, HEAVY PLASTIC OR CANVAS TIED DOWN OR SECURED TO COVER ALL THE LOAD. LOADS CONSISTING OF BUILDING RUBBISH, LIMBS, BULK ITEMS SHALL BE LOADED AND SECURED WITH ROPE OR TIE DOWNS TO ASSURE SPILLAGE DOES NOT OCCUR. IN THE EVENT THE LOAD IS NOT COMPLETELY COVERED, THE LANDFILL SUPERVISOR OR HIS REPRESENTATIVE SHALL BE THE FINAL AUTHORITY AS TO WHETHER THE LOAD IS PROPERLY SECURED.

SECTION 5. SOLID WASTE OR REFUSE COLLECTOR PERMITS.

NO PERSON SHALL COLLECT AND TRANSPORT OR DISPOSE OF SOLID WASTE WITHOUT A WRITTEN PERMIT FROM THE HEALTH DIRECTOR, AND ALL SUCH PERSONS FOLLOW THE RULES AND REGULATIONS SET FORTH IN THE SOLID WASTE ORDINANCE OF THE PITT COUNTY BOARD OF HEALTH. THIS SUBSECTION SHALL NOT APPLY TO ANY PERSON DISPOSING OF SOLID WASTE

FROM HIS OWN RESIDENCE OR PROPERTY. THE HEALTH DIRECTOR SHALL ISSUE A PERMIT ONLY WHEN, UPON INSPECTION, HE FINDS THAT THE FACILITIES, EQUIPMENT AND PROPOSED OPERATING METHODS OF THE APPLICANT ARE IN COMPLIANCE WITH THE REQUIREMENTS OF THESE REGULATIONS.

IX. BULK SOLID WASTE RECYCLING SITES.

SECTION 1. RURAL RECYCLING SITES.

THE FOLLOWING FIRMS, INSTITUTIONS, OR PERSONS WILL NOT BE ALLOWED TO DEPOSIT WASTES INTO RURAL CONTAINERS WITHOUT WRITTEN APPROVAL FROM THE BOARD OF COUNTY COMMISSIONERS:

- A. COMMERCIAL AND INDUSTRIAL FIRMS AND APARTMENT COMPLEXES.
- B. REFUSE COLLECTORS WHO RECEIVE COMPENSATION FOR DISPOSAL OF SOLID WASTE.
- C. HANDLERS OF HAZARDOUS WASTE OR ITEMS PROHIBITED FROM ACCEPTANCE AT THE LANDFILL.
- D. GOVERNMENTAL AGENCIES, SCHOOLS, AND NON-PROFIT ORGANIZATIONS.
- E. ANY OTHER NONRESIDENTIAL GENERATOR.

THESE GROUPS (A-E) MAY DEPOSIT SEPARATED RECYCLABLES AT THE SITE WITH THE WRITTEN PERMISSION OF THE SOLID WASTE DEPARTMENT.

SECTION 2. RESTRICTED ITEMS NOT TO BE DEPOSITED AT THE RECYCLING SITES.

- A. RESTRICTED ITEMS: THE FOLLOWING ITEMS ARE NOT TO BE PLACED IN THE BULK CONTAINERS UNLESS SPECIFICALLY AUTHORIZED IN WRITING BY THE SOLID WASTE DEPARTMENT:
 - 1. ITEMS CITED UNDER SECTION VI (LANDFILL MANAGEMENT) PARAGRAPHS B AND C OF THIS ORDINANCE;
 - 2. CONSTRUCTION, LAND CLEARING MATERIALS;
 - 3. CONCRETE, ROADWAY MATERIAL DEBRIS;
 - 4. PESTICIDES, HERBICIDES;
 - 5. STUMPS;
 - 6. HAZARDOUS WASTES;
 - 7. ANIMAL OR FOUL FECAL MATTER AND OTHER ANIMAL OR FOUL WASTES;

8. ASHES.

- B. VEHICLES: THE CONTAINER SITES ARE DESIGNED TO FACILITATE THE DISPOSAL OF SOLID WASTE IN THE BULK CONTAINERS. ALL VEHICLES WHICH ARE NOT ON THE SITE TO DISPOSE OF SOLID WASTE ARE PROHIBITED. THESE INCLUDE BUT ARE NOT LIMITED TO: FOUR WHEEL DRIVE VEHICLES, (NOT DISPOSING OF WASTES), TRAIL OR DIRT MOTORCYCLES, BICYCLES, GO-CARTS OR OTHER SMALL MOTORIZED VEHICLES.
- C. NO PERSON SHALL BE ON THE SITE EXCEPT FOR THE PURPOSE OF DEPOSITING WASTE OR RECYCLABLES.

X. DISPOSAL OF AGRICULTURAL CHEMICAL CONTAINERS.

PLASTIC AGRICULTURAL CHEMICAL CONTAINERS MAY BE DISPOSED OF AT THE RECYCLING CENTERS. METAL CONTAINERS MAY BE DISPOSED OF AT THE LANDFILL. IN DISPOSAL OF THESE CONTAINERS THE FOLLOWING RULES SHALL BE OBSERVED:

- 1. DISPOSAL OF ALL AGRICULTURAL CHEMICAL CONTAINERS SHALL BE DONE IN ACCORDANCE WITH ALL RULES AND REGULATIONS SET FORTH BY THE N. C. DEPARTMENT OF AGRICULTURE.
- 2. ALL CONTAINERS SHALL BE EMPTIED OF ALL CHEMICAL CONTENTS AND SHALL HAVE BEEN RINSED WITH WATER (INSIDE AND OUTSIDE) AND EMPTIED. **PLASTIC CONTAINERS SHALL BE PRESSURE RINSED BY A METHOD APPROVED BY THE SOLID WASTE DEPARTMENT.**
- 3. ALL STEEL, METAL, PLASTIC, OR OTHER IMPERVIOUS CONTAINERS SHALL HAVE HOLES IN THE SIDES, TOP, AND BOTTOM SO WATER WILL NOT STAND IN THE CONTAINERS.
- 4. ALL CONTAINERS (CANS, DRUMS, BARRELS) HAVING A CAPACITY OF GREATER THAN THIRTY (30) GALLONS SHALL HAVE THE TOP AND BOTTOM REMOVED TO ASSURE COMPACTION.
- 5. ALL PAPER, PLASTIC OR OTHER BAG MATERIAL SHALL BE SHAKEN, OR CLEANED SUCH THAT CHEMICAL RESIDUE DOES NOT BECOME AIRBORNE DURING LANDFILLING PROCEDURES.

THE HAULER SHALL INFORM THE LANDFILL ATTENDANT WHEN AGRICULTURAL CHEMICAL CONTAINERS ARE BEING DISPOSED OF AT THE LANDFILL.

XI. SCAVENGING.

NO PERSON SHALL REMOVE OR SALVAGE ANYTHING WHATSOEVER FROM THE SANITARY LANDFILL, THE MUNICIPAL TRANSFER SITES, THE RECYCLING SITES OR ANY OTHER SOLID WASTE HANDLING FACILITY OWNED OR OPERATED BY PITT COUNTY UNLESS THE COUNTY ELECTS TO SALVAGE OR AUTHORIZE SALVAGE OF A MATERIAL SUBSTANCE FOR THE BENEFIT OF THE COUNTY.

XII. LIABILITY.

PITT COUNTY, AS A PUBLIC SERVICE, PROVIDES THE SANITARY LANDFILL AND THE RURAL RECYCLING SITES WHICH MAY BE USED BY PRIVATE CITIZENS AT THE TIME AND UNDER CONDITIONS SET FORTH IN THIS ORDINANCE. WHILE THE COUNTY OFFERS THIS CONVENIENCE, THE COUNTY SHALL NOT BE RESPONSIBLE FOR DAMAGE TO PRIVATE PROPERTY NOR PERSONAL INJURY WHICH MAY OCCUR ON THE SITE. NEITHER THE COUNTY NOR ITS EMPLOYEES SHALL BE LIABLE FOR DAMAGE TO PRIVATE VEHICLES OR PERSONAL INJURY TO PERSONS USING THE SANITARY LANDFILL OR RURAL RECYCLING CENTERS.

XIII. FEES.

THE SOLID WASTE DEPARTMENT, FINANCE OFFICER AND THE TAX DEPARTMENT ARE HEREBY AUTHORIZED TO COLLECT SUCH FEES AS MAY BE ESTABLISHED FROM TIME TO TIME IN COMPLIANCE WITH THE LAWS AND REGULATIONS OF THE STATE OF NORTH CAROLINA BY THE ACTION OF THE PITT COUNTY BOARD OF COMMISSIONERS.

THE FINANCE OFFICER IS HEREBY EMPOWERED TO GRANT MONTHLY CHARGE ACCOUNT PRIVILEGES TO PERSONS, FIRMS, CORPORATIONS AND INSTITUTIONS WHO APPLY AND IN THE OPINION OF THE FINANCE OFFICER DEMONSTRATE AN ACCEPTABLE CREDIT HISTORY. THE FINANCE OFFICER IS AUTHORIZED TO SUSPEND CREDIT PRIVILEGES TO ANYONE WHOSE ACCOUNT IS PAST DUE AND TO USE ANY MEANS AVAILABLE UNDER THE LAW TO COLLECT DELINQUENT ACCOUNTS. THE FINANCE OFFICER IS EMPOWERED TO CHARGE INTEREST IN THE AMOUNT OF 1 1/2% PER MONTH ON ANY PAST DUE ACCOUNTS.

IN CASE THE LANDFILL SCALE IS INOPERABLE FOR ANY REASON, FEES SHALL BE BASED ON THE CAPACITY OF THE VEHICLE AT THE FOLLOWING WEIGHTS:

- | | |
|----------------------|---------------------|
| 1. UNCOMPACTED WASTE | 200 LBS./CUBIC YARD |
| 2. COMPACTED WASTE | 600 LBS./CUBIC YARD |

THE SOLID WASTE DEPARTMENT MAY WAIVE DISPOSAL FEES ON PROPERLY SEPARATED RECYCLABLES OR MATERIALS WHICH MAY BE USED TO BENEFIT THE COUNTY. THESE MATERIALS INCLUDE BUT ARE NOT LIMITED TO:

1. ANY RECYCLABLE ITEMS WHICH ARE COLLECTED AND MARKETED BY THE COUNTY;
2. DIRT;
3. CONCRETE;
4. GRAVEL;
5. ANY ITEMS WHICH MAY BE UTILIZED BY THE COUNTY IN THE OPINION OF THE LANDFILL SUPERVISOR.

XIV. ENFORCEMENT, PENALTIES AND REMEDIES.

1. THE EMPLOYEES OF THE SOLID WASTE DEPARTMENT ARE HEREBY EMPOWERED TO ISSUE CIVIL CITATIONS UPON THE OBSERVANCE OF A VIOLATION OF THIS ORDINANCE. IT IS THE INTENT OF THIS ORDINANCE THAT EACH PERSON IS RESPONSIBLE FOR THE PROPER MANAGEMENT OF HIS OWN WASTE AND IS RESPONSIBLE FOR ALL ACTS INVOLVING VEHICLES AND EQUIPMENT OWNED BY HIM. THE OWNER OF A VEHICLE SHALL BE RESPONSIBLE FOR DUMPING, LITTERING AND OTHER VIOLATIONS IN WHICH HIS VEHICLE IS USED. THE ADDRESSEE OF FIRST CLASS MAIL SHALL BE RESPONSIBLE FOR THE PROPER MANAGEMENT OF THE PAPER ASSOCIATED WITH THAT MAIL WHEN IT BECOMES WASTE. THE PRESENCE OF FIRST CLASS MAIL IN WASTE MATERIAL SHALL BE PRIMA FACIE EVIDENCE THAT THE ADDRESSEE OWNS THAT WASTE. THE SOLID WASTE DEPARTMENT IS FURTHER EMPOWERED TO ALLOW PERSONS TO PERFORM CLEANUP WORK IN A QUANTITY AND AT A TIME SATISFACTORY TO THE DEPARTMENT IN LIEU OF PROSECUTION AND/OR CIVIL PENALTIES FOR VIOLATIONS.

2. MINIMUM CIVIL PENALTIES FOR VIOLATION OF THIS ORDINANCE SHALL BE THE FOLLOWING:

A. SCAVENGING:

FIRST OFFENSE	\$ 25.00
SECOND OFFENSE	\$ 50.00
SUBSEQUENT OFFENSES	\$100.00

B. ILLEGAL DUMPING INCLUDING DUMPING PROHIBITED MATERIALS OR QUANTITIES OF MATERIALS IN THE SOLID WASTE RECEPTACLES OR LANDFILL, DUMPING IN UNAPPROVED AREAS, PLACING RECYCLABLES IN INAPPROPRIATE CONTAINERS OR GARBAGE IN RECYCLING CONTAINERS:

FIRST OFFENSE	\$100.00
SECOND OFFENSE	\$200.00
SUBSEQUENT OFFENSES	\$400.00

C. IMPROPER TRANSPORTATION, IMPROPER VEHICLES OR IMPROPER LICENSE BY CONTRACT HAULERS OF SOLID WASTE (LEAVING THE COUNTY FACILITY WITHOUT UNLOADING OR PROPERLY COVERING THE LOAD AFTER BEING INFORMED OF IMPROPER TRANSPORTATION CONSTITUTES ANOTHER OFFENSE):

FIRST OFFENSE	\$100.00
SECOND OFFENSE	\$200.00
SUBSEQUENT OFFENSES	\$400.00

D. VIOLATION OF ANY OTHER PROVISION OF THIS ORDINANCE OR THE N. C. DIVISION OF SOLID AND HAZARDOUS WASTE MANAGEMENT RULES:

FIRST OFFENSE	\$100.00
SECOND OFFENSE	\$200.00
SUBSEQUENT OFFENSES	\$400.00

E. LITTERING:

FIRST OFFENSE	\$100.00
SECOND OFFENSE	\$200.00
SUBSEQUENT OFFENSES	\$400.00

F. DELIBERATE REFUSAL TO FOLLOW INSTRUCTIONS OF SOLID WASTE PERSONNEL AT LANDFILL OR RECYCLING CENTERS:

FIRST OFFENSE	\$100.00
SECOND OFFENSE	\$200.00
SUBSEQUENT OFFENSES	\$400.00

G. FAILURE TO OBTAIN APPROVAL OF A RECYCLING PLAN BY MUNICIPALITIES, INDUSTRIES, INSTITUTIONS AND OTHERS OR FAILURE TO IMPLEMENT THE APPROVED PLAN:

FIRST OFFENSE (FIRST 120 DAYS OF VIOLATION)	\$1,000 TOTAL
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SECOND OFFENSE (SECOND 60 DAYS OF CONTINUING VIOLATION)	\$2,000 TOTAL
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SUBSEQUENT OFFENSES (EACH DAY AFTER THE FIRST 180 DAYS OF CONTINUING VIOLATION)	\$1,000 PER DAY
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H. FAILURE TO SEPARATE WASTE IN ACCORDANCE WITH SECTION IV OF THIS ORDINANCE:

FIRST OFFENSE	3 TIMES THE PREVAILING TIPPING FEE OR \$100, WHICHEVER IS GREATER
SECOND OFFENSE	6 TIMES THE PREVAILING TIPPING FEE OR \$200, WHICHEVER IS GREATER
SUBSEQUENT OFFENSES	12 TIMES THE PREVAILING TIPPING FEE OR \$400, WHICHEVER IS GREATER

3. NOT WITHSTANDING THE PENALTIES DESCRIBED IN NO. 2 ABOVE, THE COUNTY MAY SEEK RESTITUTION FOR DAMAGES OR EXTRA EXPENSE CAUSED BY THE VIOLATION OF THIS ORDINANCE IN ANY COURT HAVING JURISDICTION.
4. IN ADDITION TO OR IN LIEU OF THE CIVIL PENALTIES DESCRIBED HEREIN, VIOLATIONS OF THIS ORDINANCE MAY BE PROSECUTED AS MISDEMEANORS IN ACCORDANCE WITH THE GENERAL STATUTES OF NORTH CAROLINA. IN THE CASE OF CRIMINAL VIOLATIONS, EACH DAY A VIOLATION OCCURS OR CONTINUES TO OCCUR SHALL BE A SEPARATE OFFENSE.

XV. SEVERABILITY.

IF ANY PROVISION OR CLAUSE OF THESE REGULATIONS WITH APPLICATION THEREOF TO ANY PERSON OR CIRCUMSTANCES, IS HELD INVALID, SUCH HOLDING SHALL NOT INVALIDATE ANY OTHER PROVISIONS OR CLAUSES OF THESE REGULATIONS AND THE SAME SHALL REMAIN IN FULL FORCE AND EFFECT.

XVI. EFFECTIVE DATE.

THESE RULES AND REGULATIONS SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER THE _____ DAY OF _____, 19 ____.

PITT COUNTY BOARD OF COMMISSIONERS

CHAIRMAN

