

SOLID WASTE MANAGEMENT ORDINANCE
FOR
SCOTLAND COUNTY, NORTH CAROLINA

PREAMBLE

WHEREAS, the Scotland County Board of Commissioners recognizes the need to provide both short term and long term strategies for addressing solid waste management issues and ensuring protection of the County's natural resources, and;

WHEREAS, the Scotland County Board of Commissioners desires to finance the Solid Waste Management Program through user fees, based on the volume or weight of solid waste disposed in County facilities, and;

WHEREAS, the Board has provided funds to make available to the citizens of Scotland County, full service recycling and solid waste collection sites which are staffed, secure and professionally operated, and;

WHEREAS, the Board seeks to strictly enforce the provisions of State and local laws pertaining to solid waste management, illegal dumping and littering within the unincorporated areas of Scotland County, and;

WHEREAS, the Board has committed to provide a public education campaign to encourage Scotland County residents to utilize the most responsible methods of solid waste collection, transportation, disposal, and recycling.

NOW, THEREFORE BE IT ORDAINED BY THE SCOTLAND COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:

SECTION 1. ENACTMENT:

This is an Ordinance establishing regulations for the storage, collection, recycling, transportation and disposal of solid waste within Scotland County, and enforcement thereof, as required by state law.

SECTION 2. PURPOSE AND STATUTORY AUTHORITY:

The purpose of this Ordinance is to regulate the storage, collection, transportation, and disposal of solid waste in Scotland County. This Ordinance is adopted pursuant to the authority contained in G.S. 153A-121, et seq., 132.1, 136, 274 et seq., 278, and 291 et seq., - 293, and 130A-309.0, et seq., 309.09A, 309.09B, and 309.09D.

SECTION 3. APPLICABILITY:

Unless otherwise indicated, the Ordinance applies to both publicly-owned and privately-owned non-hazardous solid waste management facilities located within the

unincorporated area of Scotland County and to incorporated municipalities by agreement with the County. It shall be unlawful for any person to dispose of solid waste in a manner inconsistent with this Ordinance.

SECTION 4.

DEFINITIONS:

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

1. Aluminum Can
A cylindrical receptacle typically used to hold beverages.
2. Bulky Waste:
Large items of solid waste such as furniture, large non-ferrous auto parts, trees, stumps, and other oversized 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 (or materials that have been separated for the purpose of recycling) to a transfer station, processing facility, or disposal facility.
4. Commercial Solid Waste:
All types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential, and industrial waste, and municipal solid waste generated by "Home Occupations."
5. Composting:
The controlled decomposition of organic waste by naturally occurring bacteria, yielding a stable, humus-like, pathogen-free final product resulting in volume reduction of 30% - 75%.
6. Construction and Demolition Waste:
Solid Waste resulting solely from 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 non-hazardous material.

7. County Solid Waste Facilities:
Collective term meaning all county owned and operated disposal facilities including, but not limited to, the sanitary landfill, transfer station, demolition area, tire disposal area, yard waste disposal area, recycling and solid waste collection sites.
8. Garbage:
All putrescence waste, including animal parts and carcasses, and recognizable industrial by-products, but excluding sewage and human waste.
9. Hazardous Waste:
Solid waste, or a combination of solid waste, 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.
10. 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.
11. Industrial Solid Waste:
Solid waste generated by industrial processing and manufacturing.
12. 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.
13. Institutional Solid Waste:
Solid waste generated by educational, health care, correctional, and other institutional facilities.
14. Land-clearing Debris:
Solid waste that is generated solely from land-clearing activities.
15. Licensed Solid Waste Hauler:
Any individual, corporation, company, association,

partnership, unit of government or other legal entity permitted and approved as a solid waste collector by the Scotland County Engineer.

16. 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 2521.4 (b)(1), or those substances excluded from the definition of "solid waste" in this Ordinance.
17. 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.
18. Municipal Solid Waste Management Facility:
Any publicly or privately owned solid waste management facility permitted by the North Carolina Division of Solid Waste that receives municipal solid waste for processing, treatment, or disposal.
19. Pathological Waste:
Human tissues, organs, and body parts, and the carcasses and body parts of any animal that were known to have been exposed to pathogens that are potentially dangerous to humans, during research, or were used in the production of biological, or in vitro testing of pharmaceuticals, or that died with a known or suspected disease transmissible to humans.
20. Person:
Any individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, or other legal entity.
21. Putrescence:
Solid waste capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisances from odors and gases, such as kitchen waste, offal, and animal carcasses.

22. 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.
23. Radioactive Waste:
Waste containing any material, whether solid, liquid, or gas, that emits ionizing radiation spontaneously.
24. 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.
25. Recycling and Solid Waste Collection Sites:
A facility owned and operated by the County consisting of containers and/or compactors and other appurtenances for the collection of recyclables and solid waste.
26. Refuse:
Solid waste, other than putrescence garbage or ashes, from residences, commercial establishments, and institutions.
27. Regulated Medical Waste:
Blood and body fluids in individual containers in volumes greater than 20 ml., micro-biological waste, and pathological waste that has not been treated pursuant to rules promulgated by the Department.
28. 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.
29. Sanitary 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 facility. A facility for disposal of solid waste on land in a sanitary manner in accordance with rules concerning sanitary landfills adopted pursuant to G.S. Chapter 130A, Article 9.

30. Scrap Tire:
A tire that is no longer suitable for its original purpose because of wear, damage or defect.
31. 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.
32. Sharps:
Needles, syringes, and scalpel blades.
33. Sludge:
Any solid, semisolid, 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.
34. Solid Waste:
Any hazardous or non-hazardous garbage, refuse or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, domestic sewage and sludge 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:
- (1) Fecal waste from animals, fowls other than humans;
 - (2) Solid or dissolved material in
 - (a) Domestic sewage and sludge generated by treatment thereof in sanitary sewage collection, treatment, and disposal systems that are designed to discharge effluents to surface waters;
 - (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 the Federal Resources, Conservation and Recovery Act 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 the Federal Resources, Conservation and Recovery Act shall also be a solid waste for purposes of this definition;
 4. Any source, special nuclear or by-product 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. 74-76 et seq., 74-68 and regulated by the North Carolina Mining Commission. However, any specific mining waste that meets the criteria for hazardous waste under the Federal Resources, Conservation and Recovery Act shall also be a solid waste for the purposes of this definition.
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35. Solid Waste Collector:
Any person who collects or transports solid waste.
 36. Solid Waste Disposal Site:
A location at which solid waste is disposed of by incineration, sanitary landfill, or other approved method.
 37. Solid Waste Receptacle:
Container used for the temporary storage of solid waste while awaiting collection.
 38. Source Separation:
Setting aside recyclable materials at their point of generation by the generator.
 39. Tires:
A continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle as defined in G.S. 20-4.01(23).
 40. Transfer Station:
A site at which solid waste is concentrated for transport to a processing facility or disposal site. A transfer station may be fixed or mobile.

41. 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.
42. White Goods:
Inoperative and discarded refrigerators, unit air conditioners, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.
43. Yard Trash:
Solid waste consisting solely of vegetative matter resulting from landscaping maintenance, including grass, leaves, branches and similar organic material.

SECTION 5. GENERAL SOLID WASTE DISPOSAL:

As a public service, the Scotland County Board of Commissioners has authorized the operation of a sanitary landfill, a demolition area, and tire disposal area, yard waste disposal area, recycling and solid waste collection sites to serve the citizens of Scotland County. These facilities shall be utilized in accordance with the terms and conditions of this ordinance and in compliance with applicable state and federal regulations.

SECTION 6. PROHIBITED SOLID WASTE ACTIVITIES:

- (a) It shall be unlawful for any person to throw, dump, or causes to be dumped any garbage, refuse rubbish, litter, junk, appliances, equipment, cans, bottles, paper, lumber, building materials, trees, tree limbs, brush, or other forms of solid waste anywhere in the unincorporated areas of the County, except as may be permitted by County regulations, without the expressed written authorization of the Board of Commissioners.
- (b) The provisions of subsection (a) above do not apply to the dumping on private property, with the owner's permission, of inert waste, including but not limited to sand, dirt, broken brick, blocks or broken pavement or other suitable material which would not create a nuisance or health hazard provided the owner or owners of the property on which such material is dumped meet state health department requirements;

- C. If any of the material dumped in violation of the provisions of subsection (a) above can be identified as having last belonged to, been in the possession of, sent to or received by, or to have been the property of any person prior to its being dumped as prohibited herein, such identification shall be prima facie evidence that such person dumped or caused to be dumped such matter or material in violation of this Ordinance.
- D. Every County resident shall be responsible for ensuring that the solid waste generated by their home or business is properly disposed of at the County landfill, or by contracting with an approved Solid Waste Collector, or disposed at a Recycling and Solid Waste Collection Center.

SECTION 7.

APPROVED SOLID WASTE DISPOSAL METHODS:

No person shall dispose of any solid waste in Scotland County except by one of the following methods. However this section shall not be construed so as to prevent any person from properly disposing of items on his own property, as may be permitted by this ordinance, state and federal regulations:

- A. Approved sanitary landfill;
- B. Approved demolition area;
- C. Approved Recycling and Solid Waste Collection Site;
- D. Approved solid waste incinerator;
- E. Approved recycling or reclaiming operation;
- F. Approved private recycling or solid waste container;
- G. Approved yard waste disposal area;
- H. Approved transfer station.

SECTION 8.

OPEN BURNING:

Open burning of solid waste is prohibited, except that nothing in this Ordinance shall prohibit controlled burning regulated by the North Carolina Division of Forest Resources, and residents shall be permitted to burn household non-hazardous waste in metal cans, with proper drainage, when such burning is done within 72 hours of placing the material in the can, consistent with other bans which may be issued due to general fire conditions. In any event that any provisions of this Ordinance conflict with the regulations of that State Agency, those State regulations shall control.

SECTION 9.

OPERATIONAL POLICIES:

The following operational policies, unless otherwise stated, shall be applicable to the sanitary landfill, transfer station, demolition area, tire disposal area, yard waste disposal area, recycling and solid waste collection sites, recycling handling facilities and any other such facilities as the Board of Commissioners may authorize.

- A. The solid waste facilities are operated as authorized by the Board of Commissioners under the supervision of the County Engineer, or his designee.
- B. Solid waste facilities shall be open on such schedule as may be established by the Board of Commissioners. Facilities will be open to the public only when a County employee or agent is on duty and the gate is open.
- C. Open burning of solid waste on site is prohibited.
- D. Vehicles shall observe the posted speed limit of 10 m.p.h. and all other directional signs.
- E. Children younger than twelve (12) years of age shall not be allowed outside of vehicles.
- F. Solid waste facilities are intended for the disposal of solid waste generated within Scotland County only. In addition, Recycling and Solid Waste Collection Sites are intended for use only by households and businesses located within the unincorporated area of the County or by incorporated municipality as may be authorized by the Board of Commissioners.
- G. Salvaging, scavenging and loitering is prohibited unless the Board of Commissioners authorize such operations for the benefit of the County.
- H. Solid waste shall be observed and inspected for prohibited materials. Persons delivering solid waste to the County landfill facilities shall upon request define full nature, content, and source of all materials delivered. All solid waste delivered to the County Solid Waste Facilities must be separated into various categories and disposed of in the appropriate area. Vehicles arriving with mixed loads will be instructed on the proper disposal area(s). Solid waste will be

accepted only in the appropriate disposal area. Persons disposing of unacceptable materials may be required to remove such materials at the discretion of the County Engineer. All costs incurred by the County for the removal of prohibited material shall be recoverable from the person disposing of such material and from the persons generating such material.

- I. Solid Waste shall be disposed of at these facilities in the manner and according to procedures established by the County Engineer or his representative. It shall be the responsibility of persons generating solid waste to insure that such solid waste is disposed of in accordance with the requirements of this ordinance.
- J. No person may discharge firearms, fireworks, or explosives on any solid waste facility property.

SECTION 10.

LANDFILL MANAGEMENT

- 1. The County Sanitary Landfill may be used for the disposal of solid waste by County businesses, residents and nonresident property owners. The landfill shall be open during business hours as established by the Board. 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 County Engineer or his representative.

- 2. The following waste may not be disposed of in the County Sanitary Landfill or in any privately-owned municipal solid waste landfill:
 - (a) Burning or smoldering materials, or any other materials that would create a fire hazard;
 - (b) Hazardous waste;

- (c) Lead-acid batteries;
- (d) Liquid Waste;
- (e) Untreated regulated medical waste;
- (f) Radioactive waste;
- (g) Used oil;
- (h) White goods;
- (i) Anitfreeze;
- (j) Aluminum cans;
- (k) Yard waste;
- (l) Corrugated cardboard.

3. The following waste may be disposed of at the Scotland County Landfill on a conditional basis only (state regulations require that this waste receive special treatment before they are placed in a landfill). Twenty-four hours notice must be given to the Landfill Operator prior to the delivery of:

- (a) Asbestos;
- (b) Barrels;
- (c) Sharps;

Conditionally acceptable waste may be disposed of in accordance with Department regulations and policies promulgated by the County Engineer and adopted by the Board of Commissioners. Generators of conditionally acceptable waste shall obtain prior approval from the landfill operator at least three working days before transporting conditionally approved wastes to the landfill.

4. Scrap tires must be transported directly to the approved location at the Scotland County Sanitary Landfill, or the special Scotland County Scrap Tire Collection point located on Highland Road, or recycled or reused in a manner permitted under State and Federal Law. Further, scrap tires may be transported directly to any other tire disposal facility permitted under State and Federal Law. Individuals and firms generating in excess of 25 scrap tires per year, shall file a report with the County Engineer every January 1st, on a form supplied by that office.

SECTION 11. RECYCLING AND SOLID WASTE COLLECTION SITES:

Container sites for solid waste and recyclable materials shall be provided throughout the County for use by residences and businesses within the unincorporated area of the County only; or by others as may be authorized by the Board of Commissioners.

SECTION 12. COLLECTION SITE DISPOSAL RESTRICTIONS:

The Recycling and Solid Waste Container Sites are not intended for collection of large, bulky items or materials requiring specialized handling. The following items shall not be acceptable for deposit in the containers:

- A. Liquid used motor oil and transmission fluid may be accepted in designated containers;
- B. Lead-acid batteries except in designated area;
- C. Construction debris except in limited quantities;
- D. Demolition debris except in limited quantities;
- E. Any waste collected for a fee, charge, tax, or other compensation;
- F. Furniture, white goods, or scrap metals except in designated containers;
- G. Roofing materials;
- H. Commercial, industrial or institutional waste;
- I. Aluminum cans except in designated containers, (Effective July 1, 1994);
- J. Sharps unless contained in a rigid, leak-proof, puncture resistant container;
- K. Yard waste except in designated containers and limited in size to four (4) feet in length and six (6) inches in diameter;
- L. Any item not acceptable at the County Transfer Station, or Sanitary Landfill.

SECTION 13 DEPOSIT OF MATERIALS IN CONTAINERS:

All solid waste shall be placed inside the appropriate on-site container. Materials deposited in the containers such as cardboard boxes and other packaging materials shall be reduced to its smallest volume by bending, breaking and compressing the material before placing it into the containers. No solid waste, bagged or loose, may be left at the solid waste receptacle site on the ground or outside the receptacle.

SECTION 14

RECYCLABLES:

Containers shall be designated for the deposit of acceptable recyclable materials. Recyclable materials shall be placed inside the appropriate container.

SECTION 15

USE OF RECYCLABLES AND SOLID WASTE COLLECTION SITES:

The use of the container sites is intended for those residences and commercial businesses located in the unincorporated areas of Scotland County.

SECTION 16

INDUSTRIAL WASTE:

Industrial waste shall not be deposited at the container sites. Industrial waste shall be disposed of at the County Landfill or other approved disposal areas.

SECTION 17

CONTRACT COLLECTIONS:

No solid waste which has been collected by a contract hauler for a fee, charge, tax, or other compensation shall be accepted at the Recycling and Solid Waste Collection site. Such waste shall be disposed of at the County Landfill or other approved solid waste facilities.

SECTION 18

TIRE DISPOSAL AREA:

The tire disposal area shall serve as a collection point for discarded automobile tires, truck tires, tractor tires, etc. All tires must be stacked neatly in the collection trailer as to take advantage of the maximum storage capacity of the trailer.

SECTION 19

FEES:

General:

The cost of providing the solid waste management program in the County shall be recovered by tipping fees. These fees are intended to recoup the cost of operating solid waste collection, recycling, and disposal facilities. Fees will be in accordance with the current schedule of fees adopted by the Board of Commissioners. As provided by state law, fees can only be utilized for the specific purpose for which they were collected.

Disposal:

All solid waste will be weighed and a disposal fee will be charged based on weight to cover the cost of disposal in the designated area. When scales are inoperable, the fee schedule will be based on volume. The amount of the disposal fee will be in accordance with the current schedule of fees adopted by the Board of Commissioners.

Payment of Disposal Fees:

Unless prior arrangements have been made with the County Engineer for periodic billing, all haulers must pay applicable disposal fees at the time the solid waste is delivered. Regular billings will be accomplished in a manner as authorized by the Board of Commissioners. Interest in the amount of one and one-half percent (1½%) per month will be added to unpaid balances. Additional credit will be withheld on delinquent accounts as directed by the Board of Commissioners. Fees equivalent to all expenses, including bank charges, but not less than \$15.00 will be charged for each returned check.

Recyclable Materials:

There will be no fee charged for acceptable recyclable materials that have been properly separated from the municipal solid waste stream by category. The County Engineer or his authorized personnel shall determine the acceptability of recyclable materials.

SECTION 20

SOLID WASTE STORAGE:

General Storage:

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 consistent with the requirements of this Ordinance.

Storage of Solid Waste:

Refuse shall be stored in a manner that will not provide harborage to rodents and vermin and which will not create a fire hazard, health hazard, or public nuisance.

Storage Containers:

Garbage shall be stored only in a leak proof container with a lid which is durable and easily cleaned. Containers shall be kept clean so that no odor or other nuisance condition exists.

Removal of Solid Waste:

The owner, occupant, tenant or lessee of any property shall remove or cause to be removed all solid waste from his property at such intervals so as not to create a fire hazard, health hazard or public nuisance. It shall be unlawful for any person to allow garbage or refuse to accumulate or remain on any premises for longer than is reasonably necessary to remove and properly dispose of same as required herein.

Abandoned Refrigerator Storage:

No person shall leave outside of any building or dwelling in any place accessible to children, any abandoned or unattended refrigerator, freezer, ice box or other airtight receptacle without first removing the door or locking the door closed.

SECTION 21

SOLID WASTE COLLECTION AND TRANSPORTATION:

General:

Solid waste within Scotland County shall be collected and transported according to the following requirements of this Ordinance and any applicable State law.

- A. The entry into the County Solid Waste Facilities of any vehicle signifies the consent of the owner and driver of the vehicle for its solid waste contents to be inspected so that the County can insure that no prohibited substance is brought into the area.
- B. All vehicles used to collect, transport, and deposit waste at the County Solid Waste Facilities may be required to supply information giving the name and address of the owner of the vehicle, the source and type of waste to be deposited, and the weight and size of the vehicle.
- C. All vehicles and containers used for the collection of solid waste or refuse collection shall be leak proof and covered with a canvas or other durable material to assure that there is no spillage of waste. If spillage should occur, the material shall be picked up immediately by the driver of the vehicle from which it spilled and returned to the vehicle or container and the area properly cleaned. Vehicles and containers in which refuse or solid waste is hauled shall be cleaned to prevent odor or other nuisance condition.

- D. All vehicles which are not self-unloading shall arrive at the County Waste Facilities no later than one-half ($\frac{1}{2}$) hour before the close of the normal operating day. Vehicles which are not self unloading will be subject to control by the County Engineer so as to minimize vehicle congestion and provide easy access to the fill site for self-unloading vehicles.
- E. All vehicles, both private and commercial, used for the transportation of solid waste or other items to be disposed of at County Solid Waste Facilities shall be covered or loads secured by some effective means 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 the entire load, front to rear and side to side. Loads consisting of building rubbish, limbs, or bulky items shall be secured with rope or tie downs to assure spillage does not occur.
- F. No vehicle shall be allowed to deposit waste at the County Solid Waste Facilities unless the waste is enclosed in the vehicle or secured by methods stated in this section. The County Engineer or his representative shall determine the adequacy of the covering and his decision shall be final.
- G. It shall be the responsibility of the driver of the vehicle to make arrangements with the County Engineer concerning delivery of items requiring special handling or immediate covering.

SECTION 22

LICENSED SOLID WASTE COLLECTORS:

- A. Private solid waste haulers or collectors transporting solid waste or recyclables to designated County Solid Waste Facilities must be approved and licensed by the County Engineer as provided by this Ordinance.
- B. Each vehicle transporting solid waste or recyclables shall display a use license issued by the County Engineer.
- C. No licensed solid waste collector shall transport solid waste or recyclables in a conveyance that has not been approved by the County Engineer.

- D. The County Engineer may issue a license only upon the finding that the applicant's methods are in compliance with the requirement of this Ordinance and that the applicant will perform solid waste and recycling collections in an efficient and sanitary manner.
- E. A licensed hauler shall submit a quarterly report to the County Engineer containing the following information:
 - 1. A listing of customers served including names and addresses;
 - 2. Description of the collection route and area served;
 - 3. A list of all collection equipment;
 - 4. Any other information requested by the County Engineer as may be pertinent to solid waste and recycling collections.
- F. Licenses shall be valid for a period of one year from the date issued.
- G. Licenses shall not be assignable to another party.
- H. Licensed haulers are required to deliver all solid waste collected in Scotland County to designated Solid Waste Facilities for disposal.

SECTION 23

LICENSE APPLICATION:

Applications for license to engage in the business of solid waste collection shall be submitted to the Solid Waste Facility on forms provided by the County Engineer. The application shall contain the following information:

- A. Name and address of the applicant and whether a sole proprietorship, corporation, or partnership, with disclosure of the ownership interests;
- B. A list of the equipment possessed, available, or to be obtained by the applicant, including motor vehicle license tag numbers;
- C. The number of employees the applicant expects to use in the business;
- D. Experience of the applicant in solid waste collection;

- E. Balance sheet or equivalent financial statement as of the close of the applicant's last business year, showing the net worth of the business, or independent auditor's certification of solvency;
- F. Planned routes and the areas of the County the Applicant expects to serve;
- G. Schedule of fees the applicant expects to charge;
- H. Evidence of liability insurance coverage.

SECTION 24

ENFORCEMENT:

Enforcement Officers:

The rules and regulations prescribed in this Ordinance shall be enforced by the the department head or other authorized personnel of the Scotland County Manager's Office, County Engineer, Health Department and Sheriff's Department and any other appropriate agencies having duties and responsibilities in the areas of health, solid waste disposal and law enforcement. These agencies are hereby empowered to issue citations upon a violation of this Ordinance.

SECTION 25

PENALTIES:

General:

The County may exercise any of the following remedies as authorized by North Carolina General Statute.

Refusal of Use of Solid Waste Facilities:

The County Engineer may revoke licenses, and or may deny use of County collection, disposal, transfer and recycling facilities in the following conditions:

- A. The vehicle does not display the proper identification;
- B. The vehicle is hauling prohibited waste;
- C. The driver refuses to pay the appropriate disposal fee as established by this Ordinance;
- D. There is an unpaid balance of disposal fees due to the County;
- E. The vehicle is hauling mixed solid waste which requires various types of handling or disposal to accommodate a single load;

- F. The vehicle or containers are not properly covered or load secured;
- G. The licensed solid waste hauler fails to reach the minimum recycling goals by the dates required;
- H. The licensed solid waste hauler violates other provisions of this Ordinance.

SECTION 26

RESTITUTION FOR DAMAGES:

The County shall be entitled to seek restitution for damages or extra expenses including the cost of clean up, resulting from any violation of this ordinance. The minimum charge for clean up will be \$25.00. Actual charges will be determined by the County Engineer or authorized personnel.

SECTION 27

CIVIL PENALTIES:

The **minimum** civil penalties for violation of this Ordinance shall be as follows:

Scavenging:

Unauthorized salvaging of discarded items:

First Offense	\$25.00
Second Offense	\$50.00
Subsequent Offenses	\$100.00

Illegal Dumping:

Illegal dumping including dumping prohibited materials or quantities of materials at County Solid Waste Facilities, or dumping in unapproved areas:

First Offense	\$100.00
Second Offense	\$200.00
Subsequent Offenses	\$400.00

Dumping in Waterways:

Illegal dumping in waterways including streams, creeks, rivers, lakes or ponds:

First Offense	\$200.00
Second Offense	\$300.00
Subsequent Offenses	\$500.00

Illegal Burning:

Illegal burning of refuse, garbage, rubbish, tires, shingles, asphalt or other petroleum products for the purpose of disposal:

First Offense	\$200.00
Second Offense	\$300.00
Subsequent Offenses	\$500.00

Improper Transportation:

Improper transportation, improper vehicles or improper license by contract haulers of solid waste:

First Offense	\$100.00
Second Offense	\$200.00
Subsequent Offenses	\$400.00

Littering Solid Waste Facilities:

Littering includes failure to place all solid waste spilled in transferring it from the transport vehicle to the container, or leaving solid waste at a closed facility:

First Offense	\$100.00
Second Offense	\$200.00
Subsequent Offenses	\$400.00

Recyclable Corrugated Cardboard:

Any solid waste hauler who disposes of waste containing twenty-five (25) percent or more by weight or volume of corrugated cardboard will be charged according to the following schedule:

First Offense	Written Warning.
Second Offense	Tipping fee of twice the current tipping fee.
Subsequent Offenses	Tipping fee of three (3) times the current tipping fee

Other Violations:

Violations of any other provision of this ordinance or the North Carolina Division of Solid Waste Management rules:

First Offense	\$25.00
Second Offense	\$50.00
Subsequent Offenses	\$100.00

SECTION 28

EQUITABLE ENFORCEMENT:

The provisions of this Ordinance may be enforced by equitable remedy, and any unlawful condition existing or in violation of this Ordinance may be enforced by injunction and order of abatement in accordance with the provisions of G. S. 153A-123.

In assessing the penalties under this Ordinance, the County Engineer shall consider such of the following factors as are pertinent:

- (a) The number of previous violations;
- (b) The number of communications with the offender prior to the subject violation;
- (c) Steps taken by the person to try to comply;
- (d) The estimated amount and quantity of solid waste in the offending load or situation.

SECTION 29 NON-COUNTY RESIDENTS:

All fees and financial penalties in this Ordinance shall apply for non-county residents, including out-of-state residents, at a rate that is double the in-County fee or penalty.

SECTION 30 SEVERABILITY

If any section of this Ordinance is held to be invalid or unenforceable, all other sections shall nevertheless continue in full force and effect.

SECTION 31 OTHER PROVISIONS:

Transfer of ownership:

Upon receipt at the County facilities, ownership of all acceptable solid waste and recyclables passes to the County.

Violations General:

It shall be the duty and responsibility of each citizen to dispose of their solid waste as required by this Ordinance. It shall be a violation of this Ordinance for any person to store, collect, transport, or dispose of any solid waste in a manner inconsistent with the requirements of this Ordinance.

Illegal Dumping:

If any solid waste disposed of in violation of this Ordinance can be identified as having last belonged to, been in the possession of, sent to or received by, or has been the property of any person prior to being disposed of, such identification shall be presumed to be prima facie evidence that such person disposed of or caused to be disposed of such solid waste in violation of this ordinance.

Vandalism:

No person shall loiter, congregate or leave any vehicle unattended on any County-owned solid waste facility.

Prosecution:

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 and that person or firm in violation of this Ordinance shall be subject to a fine not exceeding five hundred dollars (\$500.00) and imprisonment not exceeding thirty (30) days for each offense.

Good Neighbor Provision:

The tipping fee may be waived by the facility attendant for an individual who cleans up trash or other solid waste which was dumped illegally. To be eligible, the citizen claiming the waiver must sign a statement certifying that this occurrence is in fact a good neighbor situation.

Complaints:

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint with the County Manager's Office stating the cause and basis for the complaint. The County Manager or his designee shall record the complaint, investigate and take such actions as may be necessary to enforce this Ordinance.

Liability:

The County provides the solid waste facilities as a public service. However, the County nor its employees shall be liable for any damages to personal property nor personal injury resulting from the use of these facilities.

Appeal:

The Board of Commissioners shall hear and decide appeals and review any orders, requirements, decisions, or determinations made as a result of the administration or enforcement of this Ordinance.

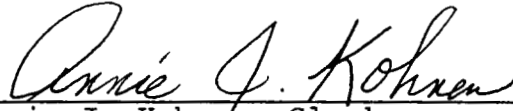
Effective Date:

This Ordinance shall become effective and be in full force from and after the 1st day of October 1994.

Adopted by the Scotland County Board of Commissioners this the 6th day of September, 1994.



J. D. Willis, Jr., Chairman
Board of County Commissioners



Annie J. Kohnen, Clerk
Board of County Commissioners