

ORDINANCE PROVIDING FOR THE MANAGEMENT OF SOLID WASTE IN SURRY COUNTY

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF SURRY COUNTY:

Section I. Purpose and Statutory Authority. The purpose of this ordinance is to regulate the storage, collection, and disposal of solid wastes in Surry County, and to protect the public health and welfare. This ordinance is adopted pursuant to the authority contained in G.S. 153A-121, -132.1, and -136.

Section II. Definitions. The following definitions apply in the interpretation and enforcement of this ordinance:

- A. Bulky waste: Large items of solid waste such as household appliances, furniture, automobiles, large auto parts, trees, branches, stumps and other oversize wastes whose large size precludes or complicates their handling by normal solid waste collection, processing or disposal methods.
- B. Collection: The act of removing solid wastes from a point of generation to a central storage point or to a disposal site, and from a central storage point to a disposal site.
- C. Commercial solid waste: Solid wastes generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities.
- D. 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.
- E. Division of Health Services: Division of Health Services of the N. C. Department of Human Resources.
- F. Garbage: All putrescible solid wastes, including food wastes and food containers, animal and vegetable matter, animal offal, carcasses, and recognizable industrial by-products, but excluding sewage and human wastes.
- G. Hazardous wastes: Wastes, or a combination of wastes, in a solid, liquid, contained gaseous, or semisolid form that may cause, or contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness, taking into account the toxicity of such waste, its persistence and degradability, its potential for accumulation or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or other organisms.
- H. Health Director: The director of the Surry Health Department, or his authorized representative.
- I. Industrial solid waste: Solid wastes generated by industrial processes and manufacturing.
- J. Infectious waste: (1) Equipment, instruments, utensils, and fomites (any substance that may harbor or transmit pathogenic organisms) of a disposable nature from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease and must therefore, be isolated as required by public health agencies; (2) laboratory wastes, such as pathological specimens (e.g., all tissues, specimens of blood elements, excreta, and secretions from patients or laboratory animals) and disposable fomites attendant thereto; (3) surgical operating room pathologic specimens and disposable fomites attendant thereto, and similar disposable materials from outpatient areas and emergency rooms.
- K. Institutional solid waste: Solid wastes generated by educational, health care, correctional, and other institutional facilities.
- L. Person: Any individual, firm, partnership, corporation, association, governmental unit or agency, or other legal entity.
- M. Radioactive waste: Any wastes that emit ionizing radiation spontaneously.

- N. Refuse: Solid wastes, excluding garbage and ashes, collected from residences, commercial establishments, and institutions.
- O. Solid waste: Hazardous or non-hazardous garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, institutional, commercial, and agricultural operations, and from community activities. The term does not include: (a) fowl and animal fecal waste; (b) solid or dissolved material in (i) domestic sewage and sludges generated by the treatment thereof in sanitary sewage disposal systems which have a design capacity of more than 3,000 gallons or which discharge effluents to the surface waters; (ii) irrigation return flows; and (iii) wastewater discharges and the sludges incidental thereto and generated by the treatment thereof which are point sources subject to permits granted under section 402 of the Clean Water Act, as amended (P. L. 92-500), and permits granted under G. S. 143-215.1 by the Environmental Management Commission; (c) oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143, North Carolina General Statutes; (d) any radioactive material as defined by the North Carolina Radiation Protection Act, G.S. 104E-1 through G.S. 104E-23; or (e) mining refuse covered by the North Carolina Mining Act, G.S. 74-46 through G.S. 74-68, and regulated by the North Carolina Mining Commission.
- P. Solid waste collector: Any person who for hire, collects, transports, or disposes of solid wastes.
- Q. Solid waste disposal site: A location at which solid wastes are disposed of by incineration, sanitary landfill, or other approved method.
- R. Solid waste receptacle: Large metal container used for the temporary storage of solid wastes and capable of being automatically emptied into collection vehicles.

Section III. Storage and Disposal.

- A. No owner, occupant, tenant, or lessee of any property may deposit, store, or permit to accumulate any solid wastes upon his property that is not stored or disposed of in a manner prescribed by this ordinance.
- B. The owner, occupant, tenant, or lessee of any property shall remove or cause to be removed all solid wastes from his property at least once each month (30-day period), and at least once each week (7-day period) if required for health sanitation reasons.
- C. Garbage shall be stored only in a container that is durable, rust resistant, non-absorbent, watertight, and easily cleaned, with a close-fitting, fly-tight cover in place, with adequate handles or bails to facilitate handling. The capacity of the container may not exceed 35 gallons.
- 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 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.
- F. Solid waste shall be disposed of only in one of the following ways:
 - 1. In a sanitary landfill approved and permitted by the Division of Health Services;
 - 2. In an incinerator that has all required local, state, and federal air pollution control permits;
 - 3. In solid waste receptacles provided by the county, or by private collectors, licensed by the health director.
 - 4. A householder may dispose of solid wastes 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.
 - 5. By any other method, including reclamation and recycling processes that has been approved by the Division of Health Services.
- H. Infectious, hazardous, and radioactive wastes shall be disposed of

according to written procedures approved by the Division of Health Services.

1. Any person collecting and transporting solid wastes generated on his property for disposal at an approved disposal site shall comply with Section VI.F.1 and 2. of this ordinance concerning vehicles and containers.

Section IV. Landfill Management.

- A. The sanitary landfills of Surry County may be used for the disposal of solid wastes by any person who is a resident or property owner of Surry County during regular hours of operation of the landfill. Solid wastes shall be disposed of at the landfill in the manner and according to the procedures required by the landfill manager or his representative.
- B. The following wastes may not be disposed of in the landfills without permission of the landfill manager or his representative.
 1. Bulky wastes;
 2. Construction and demolition wastes;
 3. Tires, unless they have been quartered or shredded;
 4. Infectious wastes;
 5. Wet sludge;
- C. Radioactive wastes shall not be disposed of in the landfills.

Section V. Solid waste receptacles.

- A. Solid wastes may be deposited in receptacles provided by the county.
- B. All solid wastes shall be deposited inside the solid waste receptacle. No solid waste may be left at the solid waste disposal site outside the receptacle.
- C. The following wastes may not be deposited in solid waste receptacles:
 1. Hazardous wastes;
 2. Liquid wastes;
 3. Infectious wastes;
 4. Radioactive wastes;
 5. Bulky wastes;
 6. Tires;
 7. Construction and demolition wastes;
 8. Burning or smoldering materials, or any other materials that would create a fire hazard.
- D. No person may remove any item from a solid waste receptacle, climb on or into a receptacle, or damage any receptacle.

Section VI. Licensing of solid waste collectors.

- A. No person shall engage in business as a solid waste collector except under a license issued by the health director pursuant to this ordinance.
- B. Applications for licenses to engage in the business of solid waste collector shall be filed with the health director on forms approved by the health 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;
 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 plans to charge.
- C. Before issuing a license pursuant to this section, the health 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 health director may issue the applicant a license only when he finds that the applicant's facilities, equipment, and proposed operating methods are in compliance with this ordinance and applicable regulations of the Commission for Health Services 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 health director denies an applicant a license, the applicant may request a hearing before the health director. The health director shall keep summary minutes of the hearing and no later than one week after the hearing shall give the applicant written notice of his decision either granting the license or affirming his denial of the license. The applicant may appeal the health director's decision to the board of health by giving written notice of appeal to the health director within ten days of receipt of the health director's decision following the hearing. After a hearing on the appeal, the board of health, shall either affirm the denial or direct the health director to issue the license.
3. A license shall be valid for a period on one year from the date of issuance.
- E. A licensee shall submit a yearly report to the health 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 health director and pertinent to the solid waste collection business.
- F. 1. Vehicles and containers used for the collection and transportation of solid wastes shall be covered, leakproof, durable, and easily cleanable. They shall be cleaned as often as necessary to prevent a nuisance and insect breeding and shall be maintained in good repair. Cleaning of containers at restaurants shall be the responsibility of restaurant management and shall be cleaned as required by the health director. Such containers shall be kept in a state of good repair by the licensee. Licensee shall keep container tops closed. Vehicles shall display the name and address of the licensee.
2. Vehicles and containers used for the collection and transportation of solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill, and shall be covered to prevent the blowing of material. If spillage or leakage should occur, the material shall be recovered immediately by the licensee and returned to the vehicle or container, and the area property cleaned.
- G. When the health director finds that a licensee has violated this ordinance or the conditions of his license, he shall give the licensee written notice of the violation and inform him that if another violation occurs within thirty days, or in the case of a continuing violation if it is not corrected within ten days, the license will be revoked. If another violation occurs within the thirty day period or if the continuing violation is not corrected within ten days, the health director shall give the licensee written notice that his license is revoked. Upon receipt of the notice of revocation, the licensee shall stop collecting, transportation, or disposing of solid wastes. The health director may reinstate a revoked license if he 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 health by giving written notice of appeal to the Chairman of the Board of Health within ten days of receiving notice of revocation from the health director. After a hearing

on the appeal, the board of health shall either affirm the revocation or direct the health director to reinstate the license.

H. No license issued pursuant to this ordinance shall be assignable.

Section VII. Franchising solid waste collectors.

- A. The Board of County Commissioners may issue exclusive and nonexclusive franchises authorizing persons to collect, transport, and dispose of solid wastes and describing the area for which the franchise is issued.
- B. No person may be issued a franchise by the Board of County Commissioners unless he holds a license issued by the health director to engage in the business of solid waste collector.
- C. Applications for franchises shall be filed with the Board of County Commissioners through the county manager, on forms prescribed by the county manager and shall include a copy of the applicant's license application to the health director and any other information the county manager deems pertinent.
- D. The Board of County Commissioners 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 wastes within the service area.
- E. The Board of County Commissioners shall determine the area for which a franchise is granted.
- F. The Board of County Commissioners 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 three 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 wastes shall be removed from the customer's premises at least once a week, provided the customer is no more than thirty days in arrears in payment of the required collection fees.
- I. The Board of County Commissioners may grant temporary franchises for the collection, transportation, or disposal of solid wastes to provide service in the event of abandonment of an existing franchise or for other cause.
- J. All disputes regarding the granting of a franchise and disagreements concerning franchised areas shall be resolved by the board.
- K. No franchise shall be assignable.
- L. A solid waste collector granted a franchise under this ordinance shall give sixty day's written notice to the Board of County Commissioners before abandoning the franchise.
- M. The Board of County Commissioners 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 schedules;
 - 3. Failure of the franchisee to render prompt and effective service as determined by the Board of County Commissioners to persons within his service area;Failure of the franchisee to comply with any provision of this ordinance or applicable regulations of the Division of Health Services.

Section VIII. Penalties.

Any person violating this ordinance shall be guilty of a misdemeanor punishable by a fine not to exceed fifty dollars (\$50) or imprisonment for not more than thirty (30) days, or both. Each day's violation shall be treated as a separate offense.

Section IX. Effective Date.

This ordinance shall become effective October 1, 1981.

Adopted this 8th day of September, 1981.

Voting For 4

Voting Against 0

Absent 1

BOARD OF COUNTY COMMISSIONERS

/s/ ReElla M. Ball
Vice-Chairman

Attest:

/s/ Martha E. Hiatt
Clerk to the Board