

RUTHERFORD COUNTY SOLID WASTE ORDINANCE

DIVISION 1. GENERALLY

Sec. 1. Short title of article.

This article may be cited as the county solid waste ordinance.

Sec. 2. Purpose of article.

The purpose of this article is to regulate the storage, collection and disposal of all forms of solid waste in the county.

Sec. 3. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Any term not specifically defined in this section shall be defined as set forth in the state solid waste management rules, 10 NCAC 10 G, section .0100, as amended from time to time.

Bulky waste means large items of solid waste such as household appliances, furniture, automobiles, large auto parts, trees, branches, stumps, and other oversize waste, the large size of which precludes or complicates its handling by normal solid waste collection, processing or disposal methods.

Collection means the act of removing solid waste 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.

Collection site means a site used for the storage of solid waste.

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

Commercial solid waste means solid waste generated by stores, offices, restaurants, warehouses and other non-manufacturing commercial activities.

Commercial unit means that portion of real estate, including appurtenances, buildings or parts of buildings, over which the proprietor or managing agent of a commercial business or operation has control by virtue of ownership, tenancy, franchise or agency as to such property.

Disposal means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any water, including groundwaters.

Division of health services means the division of health services of the state department of human resources.

Garbage means all putrescible waste, including animal offal and carcasses, and recognizable industrial by-products, but excluding sewage and human waste.

Hazardous waste means a solid waste, or combination of solid wastes which, 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 or disposed of or otherwise managed.

Health director means the director of the county health department.

Industrial solid waste means solid waste generated by industrial processes and manufacturing.

Infectious waste means 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.

Institutional solid waste means solid waste generated by educational, health care, correctional, and other institutional facilities.

Premises means a definite portion of real estate, including land with its appurtenances, a building or part of a building.

Putrescible waste means solid waste capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors and gases, such as kitchen wastes, offal and carcasses.

Radioactive waste material means any waste containing radioactive material as defined in section 104E-5(14) of the General Statutes.

Recycling means the process by which recovered resources are transformed into new products in such a manner that the original products lose their identity.

Refuse means all non-putrescible waste.

Residential unit means that portion of land, including appurtenances, buildings or parts of buildings, over which the resident has control by virtue of ownership of such property or by being the occupant, tenant or lessee of such property.

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

Solid waste means 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, semisolid or contained gaseous material resulting from industrial, institutional, commercial and agricultural operations, and from community activities. The term does not include:

- (1) Fowl and animal fecal waste;

- (2) Solid or dissolved material in:
- (a) Domestic sewage and sludges generated by the treatment thereof in sanitary sewage collection, treatment and disposal systems which are designed to discharge the effluents to the surface waters;
 - (b) Irrigation return flows; and
 - (c) 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 (Public Law 92-500), as amended, and permits granted under section 143-215.1 of the General Statutes by the environmental management commission; except that any sludges that meet the criteria for hazardous waste under the federal Resource Conservation and Recovery Act (Public Law 94-580), as amended, shall also be a solid waste for the purposes of this article;
- (3) Oils and other liquid hydrocarbons controlled under article 21A of chapter 143 of the 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 (Public Law 94-580), as amended, shall also be a solid waste for the purposes of this article;
- (4) Any radioactive material as defined by the State Radiation Protection Act, Sections 104E-1 through 104E-23 of the General Statutes; or
- (5) Mining refuse covered by the state Mining Act, sections 74-46 through 74-68 of the General Statutes, and regulated by the state mining commission as defined under section 143B-290 of the General Statutes; except that any specific mining waste that meets the criteria for hazardous waste under the federal Resource Conservation and Recovery Act (Public Law 94-580), as amended, shall also be a solid waste for the purposes of this article.

Solid waste collector means any person who collects or transports solid waste by whatever means, including but not limited to, highway, rail, and navigable waterway.

Solid Waste Director means the director of the county solid waste department.

Solid waste disposal site or site means any place at which solid wastes are disposed of by incineration, sanitary landfill, demolition landfill or any other acceptable method.

Solid waste receptacle means a large metal container used for the temporary storage of solid waste and capable of being automatically emptied into collection vehicles.

Tire means a continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle or farm machine.

Sec. 4. Penalty for violation of article.

In addition to and separate and apart from the specific remedies set forth in this article, any person who violates any provision of this article shall be guilty of a misdemeanor and shall be punished.

Sec. 5. Recovery of costs incurred in correction of violations.

In addition to criminal penalties in this ordinance, any person who violates the terms of this article, and, in so violating this article, causes an expense to the county in correcting the violation, shall pay to the county the costs actually incurred by the county in correcting the violation of this article.

Sec. 6. Adoption of state waste management rules.

In addition to the terms and provisions of this article, the state solid waste management rules as set forth in chapter 10 of the state administrative code, subchapter 10G, as amended from time to time, are hereby incorporated into and made a part of this article by reference. A violation of the state solid waste management rules shall also be a violation of this article.

Sec. 7. Administration and enforcement of article.

The solid waste director of the county shall administer and enforce the provisions of this article.

Sec. 8. Authority to establish fees.

The board of commissioners may establish a fee schedule for the collection of solid waste and for the use and availability of a disposal facility in accordance with G. S. 65.153A-292 as may be amended from time to time.

Sec. 9. Storage and disposal of solid waste generally.

No owner, occupant, tenant or lessee of any property shall deposit, store or permit to accumulate any garbage or solid waste upon such property except in the following manner:

- (1) Garbage shall be stored in a container meeting the following requirements, or other type of container conforming to the intent of this article:
 - (a.) Containers shall be durable, rust-resistant, nonabsorbent, watertight, rodent-proof and easily cleanable, with a close-fitting, flytight cover in place, and with adequate handles or bails to facilitate handling.
 - (b.) Containers are not to exceed thirty-five (35) gallons capacity when manually handled.

It shall be unlawful for any person to store garbage of a perishable or offensive nature for more than one (1) week in any type of container.

- (2) Solid waste or garbage shall not be deposited, stored or permitted to accumulate on any property in such a manner that it provides food or harborage for rodents and vermin or creates a fire or safety hazard.
- (3) It shall be unlawful for any person occupying any dwelling or dwelling unit to place or leave outside of any building longer than thirty (30) days any dilapidated furniture, icebox, refrigerator, stove or other appliance, machinery, equipment, building material or other item which is either in a wholly or partially rusted, wrecked, junked, dismantled or inoperative condition which, in the opinion of the health director, constitutes a potential public health hazard. This section shall not apply to a licensed junk dealer. If a potential public health hazard exists, the health department shall give the occupant or owner written notice that, unless the potential hazard is removed within thirty (30) days, then prosecution under this article will be instituted.
- (4) It shall be unlawful for any person to leave outside of any building or dwelling, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has an airtight snap lock or other device thereon without first removing the snap lock or doors from the icebox, refrigerator or any other container, except for containers that are crated, strapped or locked to such an extent that it is impossible for a child to obtain access to any airtight compartment thereof.

- (5) No person shall throw, dump, deposit or cause to be thrown, dumped or deposited solid waste on property owned by himself or another person; upon any public highway, street or road; upon public parks or recreation areas; or upon any other public property, except that property specifically designated for that use.
- (6) It shall be unlawful for any person to dispose of solid waste at any place other than in a manner approved by law. Acceptable means of solid waste disposal include the following:
 - (a) Contracting with a licensed/permitted solid waste collector.
 - (b) Hauling solid waste to a public sanitary landfill site, or designated county-owned solid waste/recycling center.
Only residential waste shall be deposited in county-owned solid waste/recycling centers.
 - (c) Burning solid waste in an incinerator that has all required local, state and federal air pollution control permits.
 - (d) Any other method, including reclamation and recycling processes, that has been approved by the state division of health services.
- (7) Where there is more than one premise located in a residential building or mobile home park, it shall be the responsibility of the owner or person in charge of each building or mobile home park to see that the residents of said building or mobile home park dispose of their solid waste in a lawful manner and in one of the following manners: (1) pay the annual solid waste fees as established hereof for each residential unit or mobile home; (2) contract with a licensed/permitted solid waste collector; or (3) the owner or person in charge of the building or mobile home park may collect and transport solid waste to the county sanitary landfill after meeting the following requirements:
 - (a) Apply for and be approved by the county for the establishment of an account for the purposes of billing and collection of appropriate solid waste disposal fees and display the county identification numbers.
 - (b) Vehicles and containers used for the collection and transportation of solid waste 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. Should spillage occur, the material shall be recovered by the solid waste hauler and returned to the vehicle or container, and the area properly cleaned.
 - (c) Any person collecting and transporting solid waste generated on his own property for disposal at an approved disposal site shall comply with section with applicable section on vehicles and containers.

Sec. 10. Disposal of dead animals.

In order to provide for the safe disposal of the bodies of dead animals, one of the following procedures shall be followed by animal owners in the county for disposal of dead animals:

- (1) Burial on the animal owner's property. If the cause of death can be determined by the owner of the animal or a local veterinarian, then the body of the animal should be buried on the land of the animal owner.
- (2) Disposal by a commercial processing firm.

- (3) Transport to the county landfill. If an animal owner does not have the equipment necessary to bury the body of an animal, then the body of the animal can be disposed of at the county landfill. The bodies of all animals disposed of at the landfill must be disposed of according to instructions from the employees of the landfill and at such locations as from time to time determined by the employees of the landfill.

Sec. 11. Disposal of scrap tires.

- (1) Scrap tires shall be disposed of only at a site approved by the board and only in such manner as approved by the board.
- (2) The board may set reasonable fees for the disposal of scrap tires, and all persons disposing of scrap tires shall pay the established fee.
- (3) It shall be unlawful for any person to dispose of a scrap tire in the county except as provided by this article. Each scrap tire disposed of in violation of this article shall be a separate offense.

Sec. 12. Use of county landfill, county waste/recycling centers--generally.

All persons using sanitary landfills or solid waste/recycling centers operated by the county shall abide by the rules and regulations governing their use. A violation of such rules and regulations shall constitute a violation of this article.

Sec. 13. Same--Use of landfill.

The Rutherford County Sanitary Landfill may be used for the disposal of solid waste by Rutherford County residents or non-resident property owners. The landfill shall be open during business hours as established by the Rutherford County Solid Waste Department. In emergency situations, the landfill shall be opened for additional hours as may be directed by the solid waste director or authorized 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 a manner and according to the procedures required by the Rutherford County Solid Waste Department.

The following activities shall be prohibited at the Rutherford County Landfill:

- (1) Loitering or rummaging about landfills and removing articles therefrom.
- (2) Depositing material at any point in the landfill except where indicated by authorized employees of the landfill or by official signs.
- (3) Discharging firearms or explosives by unauthorized personnel.
- (4) Driving any vehicle in excess of fifteen (15) miles per hour.

The following wastes shall not be disposed of in the Rutherford County Sanitary Landfill:

- (1) Radioactive waste;
- (2) Hazardous waste;
- (3) Burning and smoldering materials;
- (4) Liquid waste;

- (5) All materials regulated by Senate Bill 111;
- (6) Land clearing debris, stumps, tree trunks, etc.; and
- (7) The following waste may be accepted on a conditional basis only:
 - (a) Tires;
 - (b) Sludges;
 - (c) Barrels;
 - (d) Sharps;
 - (e) Dead animals;
 - (f) Springs, wire, cable, bands, plastic packaging, and similar materials in large quantities, or in lengths exceeding three (3) feet.

Sec. 14. Same--Use of solid waste/recycling centers.

- (1) Solid waste/recycling centers are maintained at numerous sites throughout the county for the convenience of county residents, on land owned by the county. Solid waste may be deposited in the solid waste/recycling centers only in accordance with the provisions of this article.
- (2) All solid waste shall be deposited inside the solid waste/recycling centers in indicated containers. No solid waste shall be left at the solid waste/recycling center outside of a designated container.
- (3) No person may remove any item from a solid waste/recycling center, climb on or into a designated container, or damage or willfully set fire to or attempt to set fire to contents of any designated container.
- (4) Commercial, industrial and institutional solid waste may not be deposited in the county-owned solid waste/recycling centers.
- (5) The following wastes may not be deposited in the solid waste/recycling centers:
 - (a) Radioactive waste;
 - (b) Dead animals;
 - (c) Burning or smoldering materials, or any other materials that will create a fire hazard;
 - (d) Sludge;
 - (e) Cable, wire, spring, steel and similar materials in large quantities or in lengths exceeding three (3) feet.

Sec. 15. Operation of landfills.

Any landfill located in the county shall be operated according to rules and regulations providing standards for solid waste disposal adopted by the state commission for health services, bulletin no. 411. The operational requirements for a sanitary landfill, as outlined in the state administrative code, as amended, are made a part of this article by reference.

Sec. 16. Closing of illegal dumps.

Any person having an illegal solid waste dump shall, upon notification by the health director, take the following actions:

- (1) Implement effective rat control measures for at least two (2) weeks after closing the dump to prevent rat migration to adjacent properties, if determined necessary by the health director.
- (2) Compact and cover existing solid waste with at least two (2) feet or more of compacted earth approximately two (2) weeks after any necessary rat control baiting.
- (3) Implement erosion control measures by grading and seeding as necessary.
- (4) Post signs indicating the dump site closure.

Sec. 17. Testing of land where waste has been deposited required prior to erection of building.

No building shall be erected on any land where there has been or is being any garbage or solid waste deposited until tests are made of the property showing there is no danger in the future of settling or explosion due to methane gas being formed from the solid waste that has been deposited.

DIVISION 2. COMMERCIAL COLLECTION, TRANSPORT AND DISPOSAL

Sec. 18. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

License means a license to collect, transport or dispose of solid waste, issued pursuant to this division.

Licensee means a person holding a license issued pursuant to this division.

Sec. 19. Authority to grant licenses.

For the purpose of providing for the proper collection, transportation, recycling and disposal of solid waste, a license to perform such service will be required by the county.

Sec. 20. License required; exceptions.

- (1) It shall be unlawful for any person to engage in the business of collecting, transporting and disposing of solid waste, outside of any municipality, but within any area in the county, except under the authority in full force and effect given by a license as provided for in this division.
- (2) This section shall not apply to valid religious, charitable or civic organizations which are collecting, transporting, recycling or disposing of solid waste as a fund-raising project.

- (3) Any valid religious, charitable or civic organization collecting, transporting, recycling or disposing of solid waste as a fund-raising project is recommended to use the county designated recycling center for all recyclable materials. (Rutherford County Vocational Workshop, Mrs. Judy Toney, Director.)

Sec. 21. Licenses subject to provisions of article, amendments to article; unauthorized licenses void.

Any and every license issued shall be subject to the provisions of this article, as amended from time to time, except any amendment that may be made affecting the duration of a license existing at the time of the enactment of the amendment. Any license transferred or assigned without the express written authority of the board shall be void and of no effect, and any collection thereunder is in violation of this article.

Sec. 22. Application, issuance, revocation of license.

- (1) **Application.** All applicants for licenses to collect, transport, dispose of or recycle solid waste for any fiscal year (commencing July 1) shall file written application with the county manager on or before February 15 prior to the fiscal year in question and shall furnish the following information:
 - (a) The name and address of the applicant, and whether the applicant is a sole proprietorship, corporation or partnership, with disclosure of all ownership interest if requested by the county manager.
 - (b) A list of the equipment possessed, available or to be obtained by the applicant;
 - (c) The number of employees the applicant expects to use in the business;
 - (d) The experience of the applicant in solid waste collection;
 - (e) A balance sheet or equivalent financial statement prepared by a certified public accountant or other person satisfactory to the board, as of the close of the applicant's last business year, showing the net worth of the business. All financial data submitted in compliance with the requirements of this subsection shall be confidential and shall not be regarded as public information;
 - (f) Planned routes and areas of the county the applicant expects to serve;
 - (g) A schedule of the fees the applicant plans to charge; and
 - (h) Any other information the board may reasonably request.
- (2) License haulers need only pay annual license fees for renewal of license.
- (3) **Revocation.** The board reserves the right to withdraw any license upon satisfactory proof of the inability of the licensee or upon the failure of the licensee to properly perform the duties covered by the license and contract in a proper and satisfactory manner, after the licensee has been given an opportunity for a hearing before the board, by written notice setting out the time and place of the hearing, at least ten (10) days before the hearing.

- (4) Investigation of facilities and proposed operation to be made prior to issuance. Before the county issues a license pursuant to this section, the county manager or his duly authorized representative shall determine that all facilities, equipment and proposed operating methods that the applicant plans to use in the solid waste collection business are in compliance with this article and applicable regulations of the division of health services.

Sec. 23. License fee.

The licensee shall pay to the county the sum of one hundred dollars (\$100.00) for the issuance of each license.

Sec. 24. Sale, transfer of license; changes in ownership of business.

No license granted under the provisions of this division shall be sold, assigned, pledged or transferred, except after application to and written approval by the board, nor shall it be transferred by change in ownership or control of a licensee without application and written approval by the Board.

Sec. 25. Bond, insurance requirements for licensees.

The applicant for a license, upon being awarded the right to collect and dispose of solid waste by the board as provided in this division, shall secure and present to the county manager a good and sufficient surety bond or liability insurance policy covering and insuring the payment of such damages as may be caused by the licensee to the premises or property upon which it may enter for the purpose of collecting or disposing of solid waste, in the sum of not less than one hundred thousand dollars (\$100,000.00), or such greater sum as deemed appropriate by the County Manager and Solid Waste Director considering the size and capacity of the licensee and the number of customers served. Further, a certificate of insurance shall be provided evidencing this coverage and the fact that the applicant has disclosed to his insurance carrier that he intends to haul solid waste as a commercial carrier. Such policy shall contain a hold harmless clause indemnifying the county against claims made against the licensee.

Sec. 26. Responsibilities of licensee--General service.

The licensee shall serve every person who contracts with it for solid waste collection in such a manner that the licensee does not cause the person to be in violation of this article. The licensee shall not discriminate against any person for contract purposes in violation of the Civil Rights Act, as amended, on the basis of race, color, creed, religion, national origin, physical impairment, or sex.

Sec. 27. Same--Collection and transportation of waste.

- (1) The licensee shall be responsible for the satisfactory collection and transportation of all solid waste to a county-operated disposal site or facility or to a licensed recycling center.
- (2) Vehicles shall display, in three-inch numbers and/or letters, in an area visible on the driver's side door or the left front fender, the county issued identification numbers.
- (3) Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak or spill therefrom, and shall be adequately secured or covered to prevent spillage therefrom. Should spillage occur the material shall be recovered immediately by the solid waste hauler and returned to the vehicle or container, and the area properly cleaned.

- (4) - All trucks and other equipment and methods of disposal shall conform with the State Department of Human Resources, Division of Health Services, Environmental Health Section Bulletin No. 4, as amended or reprinted, establishing solid waste management rules.
- (5) The licensee shall maintain in its employment a sufficient number of employees and shall own and control sufficient equipment and machinery to perform the duties and services of collecting, transporting and disposing of the solid waste in the county.
- (6) The licensee shall submit reports to the county manager on no more than a monthly basis, which shall contain the total number of residential customers and the number of residential customers added and dropped.
- (7) The licensee shall be responsible for actively campaigning new customers using all available sources and for working toward the goal of one hundred (100) percent collection in the county.
- (8) The licensees as designated by the board shall be responsible for keeping the area around the containers which they service AT THE COUNTY-OWNED SOLID WASTE/RECYCLING CENTERS in a clean and sanitary condition and shall deposit the containers of solid waste at the county sanitary landfill and/or other appropriate sites or recycling centers as requested.

Sec. 28. . Application for account.

All municipalities, businesses, contract haulers and licensed/ permitted haulers, before depositing any waste in the county sanitary landfill must first comply with the following:

- (1) Apply for and be approved for the establishment of an account for billing and collection of appropriate solid waste disposal fees and display the county identification numbers.
- (2) Vehicles and containers used for the collection and transportation shall be covered, leakproof, durable, and easily clean-able. They shall be cleaned as often as necessary to prevent a nuisance and insect breeding and shall be maintained in good repair. Should spillage occur, the material shall be recovered by the solid waste hauler and returned to the vehicle or container, and the area properly cleaned.

Sec. 29. Declaration of Hauler.

Every property owner with a residential dwelling located on his property, and the property is located outside a municipality with a municipal collection, must declare within 60 days of the first billing of fees of 1992 and thereafter by July 1 of each year whether that property will be serviced by a licensed/permitted solid waste collector. If the property owner does not make such a declaration by July 1 of each year, the property owner shall be subject to the annual solid waste fee as time to time assessed by the Board of County Commissioners. Once the annual fee has been assessed against a property, there will be no refund of the fee during the following year.

Sec. 30. Lien for Fees

The annual solid waste fee as time to time assessed by the Board of County Commissioners shall be billed with county property taxes, shall be payable in the same manner as property taxes, and, in the case of nonpayment, may be collected in any manner by which delinquent personal or real property taxes can be collected, and the fees shall be a lien on the real property described on the bill that includes the fee.

Adopted this the 4th day of May, 1992.


Chairman, Board of Commissioners

Attest:


Clerk, Board of Commissioners