

L. J. W. Co

AN ORDINANCE  
GOVERNING THE COLLECTION, TRANSPORTATION  
AND DISPOSAL OF SOLID WASTE

Sec. I. Definitions.

The following definitions shall apply in the interpretation and enforcement of these regulations:

- 1) Solid waste. "Solid waste" means any 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 containing gaseous material resulting from industrial, institutional, commercial, and agricultural operations, and from community activities. such terms does not include:
  - a) Fowl and animal fecal waste;
  - b) Solid or dissolved material in:
    - 1) Domestic sewage and sludges generated by the treatment thereof in sanitary sewage disposal systems which have a design capacity of more than three thousand (3,000) gallons or which discharge effluents to the surface waters;
    - 2) Irrigation return flows; and
    - 3) Waste water 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 (PL 92-500), and permits granted under General Statutes of North Carolina 143-215.1 by the environmental management commission; or
  - c) Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the General Statutes of North Carolina;
  - d) Any radioactive material as defined by the North Carolina Radiation Protection Act, General Statutes of North Carolina 104E-1 through 104E-23; or
  - e) Mining refuse covered by the North Carolina Mining Act, General Statutes of North Carolina 74-46 through 74-68, and regulated by the North Carolina Mining Commission (as defined under General Statutes of North Carolina 143B-190).
- 2) Garbage. The word "garbage" means all putrescible solid waste, including vegetable matter, animal offal, carcasses of animals, and recognizable industrial by-products, but excluding human body waste and animal manure. Used milk cartons, or other discarded food containers shall be included in this definition.
- 3) Person. The word "person" means any individual, firm, governmental unit, organization, partnership, corporation, company or other legal entity.
- 4) Premises. The word "premises" means each single residential dwelling unit housed in a building used for residential purposes,

or mobil home, or a structure used for residential purposes on any property. "Premises" also means each unit contained in any structure serving a separate owner, tenant, lessee, or used for any purpose other than residential.

- 5) Sanitary landfill. The words "sanitary landfill" mean a method of disposing of solid waste on land in a sanitary manner without creating nuisances or hazards to public health or safety by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of compacted earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.
- 6) Junk dealer. "Junk dealer" shall mean any person who is licensed to operate a junkyard as specified in the Davie County Zoning Ordinance regulating junkyards and junk dealers.
- 7) Disposal. "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 waters, including groundwaters.
- 8) Hazardous 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:
  - 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) Open burning. "Open burning" means any fire wherein the products of combustion are emitted directly into the outdoor atmosphere and are not directed thereto through a stack or chimney, incinerator, or other similar devices.
- 10) Open dump. "Open dump" means a solid waste disposal site which is not a sanitary landfill or an incinerator.
- 11) Spoiled food. "Spoiled food" means any food which has been removed from sale by the United States Department of Agriculture, North Carolina Department of Agriculture, Food and Drug Administration, or any other regulatory agency having jurisdiction in determining that food is unfit for consumption.
- 12) Demolition pits. "Demolition pits" means a pit approved and licensed by the North Carolina Department of Human Resources, Division of Health Services for stumps, limbs, and demolition waste not acceptable or too large for the county landfill.
- 13) Health director. "Health director" means the Davie County Health Director or his duly authorized representative.
- 14) Bulky waste. "Bulky waste" means large items of solid waste such as automobiles, large auto parts, trees, branches, stumps, and other oversized waste whose large size precludes or complicates their handling by normal waste collection and disposal methods.

Sec. II. Areas where exclusive collection permits may be granted.

For the purpose of providing for proper collection, transportation and disposal of solid waste within Davie County, the board may create specific geographic areas where exclusive collection permits may be granted.

Sec. III. Licenses and permits.

a) Pursuant to Chapter 153, Article 22 of the North Carolina General Statutes the county manager, as agent, may prepare a resolution for the board granting a license to any person, firm, or corporation to engage in the collection and disposal of solid waste. The board may grant to those licensed under this chapter the exclusive right to collect, transport and dispose of solid waste for compensation within the entire county or within specified areas of the county and prohibit unauthorized persons, firms, or corporations from engaging in the same service within the area where the exclusive right has been granted. The permit shall be displayed at the licensee's place of business.

b) All applicants for permits to collect, transport, and dispose of solid waste for any fiscal year commencing July 1, 1985, shall file written application with the county manager on or before the fifteenth day of February prior to the year in question and 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 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 paragraph shall be confidential and shall not be regarded as public information;
- 6) Planned routes and areas of the county the application expects to serve;
- 7) Schedule of fees the applicant plans to charge.
- 8) Any information the board may hereafter request.

c) Existing contracts shall be subject to a yearly review with the information designated in the above subsection (b) being presented to the county manager on or before the fifteenth day of February of the year in question.

d) The county manager shall bring before the board in the month of March, applications for permits and a review of existing contracts to collect, transport and dispose of solid waste for the fiscal year following said meeting commencing July 1, and may grant to the applicants adjudged by the board to be most suitable an exclusive permit for the collection of solid waste in each of said areas. The term of said permit (s) shall not exceed seven (7) years from the effective date and shall be renewable.

e) The board reserves the right to receive applications for permits and the right to create additional areas out of any one or more of the areas previously designated following the date for applications to be filed with the county manager in such event all applicants with pending applications shall be given (10) ten days written notice by mail of such intent. The board further reserves the right to revoke any permit granted, upon satisfactory proof of the inability of failure of the licensee to properly perform the duties covered by the permit and contract in a satisfactory manner or for any of the grounds set

out in Sec. IX after the licensee has been given an opportunity for a hearing upon (10) ten days written notice by mail before the hearing setting forth the grounds for revocation.

f) In the event a permit has been granted to a licensee for any one or more of said areas and the licensee, for any cause, ceases to perform the services required of him, and it is determined that his license shall be revoked, or in the event the licensee, otherwise for any cause, ceases to perform the services required by the permit and contract, the board shall, at its first meeting, held subsequent to the expiration of fifteen (15) days after the cessation of service or the surrender of the permit, receive applications for a permit for the area involved and at said meeting or as soon thereafter as practicable grant to the applicants who, in the judgment of the board, are suitable, a permit for the period commencing with the date of the meeting above provided for and ending the thirtieth day of June subsequent thereto.

g) 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 chapter. 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.

h) Before the county issues a permit pursuant to this chapter, the county manager or his duly authorized representative shall determine that all facilities, equipment and proposed operating methods the applicant plans to use in the solid waste collection business are in compliance with this chapter and applicable regulations of the North Carolina Commission for Health Services.

i) It shall be unlawful for any person, firm, or corporation to engage in the business of collecting, transporting, and disposing of solid waste in Davie County outside of any municipality, except under the authority in full force and effect given by a permit as hereinabove provided for.

#### Sec. IV. Fees.

a) All residential, commercial, industrial and special haul service rates shall be approved by the board.

b) The licensee shall be responsible for the collection of all fees for his services to be rendered to the citizens and customers within his assigned area.

c) The licensee shall collect and the customer shall pay a monthly fee, approved by a resolution of the board, for roadside collection and disposal of solid waste from the customer's premises at least once a week.

d) The licensee may provide special haul services to all persons within the county, at a rate approved by the board.

e) For additional services, and for commercial customers, the customer and the licensee may enter into agreements satisfactory to them as to fees and the services to be rendered. In the event a licensee and customer are unable to agree upon the special services to be rendered and the remuneration to be paid therefore, the board will, upon application of either the licensee or the customer, or both of them, mediate the dispute at a hearing of the matter at their next regular meeting subsequent to the expiration of not less than ten (10) days after the applicant for a hearing has given the other party involved written notice of his intent to present the matter to the board, or as soon after the expiration of the said ten (10) days as is convenient.

f) Any change in any collection rates, whether it be residential, commercial, or special hauling, must be justified to the board and be agreed to and approved by the board.

g) The licensee shall serve all customers on state maintained roads, within his territory who apply for such service. Services may be discontinued in the event that a customer becomes in arrears in fees due the licensee for two (2) months; however, the licensee shall resume services for the customer who becomes in arrears

in fees as above stated upon receipt by the licensee of all fees in arrears, together with the fee in advance for one month. New customers may be billed one month in advance of service.

#### Sec. V. Collection and transportation of solid waste.

a) The licensee shall be responsible for the satisfactory collection and transportation of all solid waste in his area to a county operated disposal site or facility.

b) Vehicles or solid waste containers used by the licensee for the collection and transportation of garbage, or refuse containing garbage, shall be covered, leakproof, durable and of easily cleanable construction. These shall be cleaned as often as necessary but not less than twice a year to prevent a nuisance or insect breeding, and shall be maintained in good repair. The licensee shall have adequate solid waste container and vehicle cleaning facilities. The licensee shall close all lids on solid waste containers after the containers are emptied and shall plug all drains in solid waste containers (where required by local and state regulations). Vehicles shall display in three-inch letters, the name and address of the hauler and the cubic yardage of the vehicle.

c) 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 and/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.

d) All trucks and other equipment and methods of disposal shall conform with the North Carolina Department of Human Resources, Division of Health Services, Environmental Health Section Bulletin No. 411 establishing solid waste management rules, or as amended or reprinted.

e) The licensee shall maintain in his employment a sufficient number of employees to adequately serve the area herein assigned to him 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 Davie County.

f) The licensee shall submit an annual report to the county manager, which shall contain, but not be limited to the following:

- 1) The total number of residential customers and the number of residential customers added and dropped.
- 2) The total number of industrial customers and the number of industrial customers added and dropped.
- 3) The number of complaints which are filed, organized in categories such as districts or type of compliants but not limited to, with a report on their final disposition.
- 4) Changes in routes.
- 5) New and replacement equipment.
- 6) Any other information which the board or the licensee believes to be of importance.
- 7) Figures for the month in question of the previous year.

g) The licensee shall be responsible for actively campaigning for new customers by using all available sources and for working toward the goal of one hundred (100) per cent collection in his designated area.

h) The licensee(s) as designated by the board shall be responsible for keeping the county owned solid waste containers sites in a clean and sanitary condition and shall deposit the container solid waste at the county sanitary landfill as often as necessary to eliminate unsanitary conditions at the container sites.

#### Sec. VI. Storage, accumulation and disposal of garbage and solid waste.

- a) No owner, occupant, tenant, or lessee of any property shall deposit,

store, or permit to accumulate any garbage or solid waste upon such property that is not stored or disposed of in the following manner:

- 1) It shall be unlawful for any person to store any garbage in any container that is not durable, rust resistant, nonabsorbent, watertight, rodentproof, and easily cleanable with a closefitting, fly-tight cover in place with adequate handles or bails to facilitate handling, not to exceed thirty-five (35) gallons capacity, or other types of containers conforming to the intent of this law. It shall also be unlawful for any person to store garbage of a perishable or offensive nature for more than one 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 will provide food or harborage for rodents and vermin or will create a fire or safety hazard.
- 3) It shall be unlawful for any occupant of any dwelling or dwelling unit to place or leave outside of any building longer than seventy-two (72) hours 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 problem. This section shall not apply to a licensed junk dealer.
- 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 said snap lock or doors from said icebox, refrigerator or any other container of any kind which is 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 or on 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 garbage or solid waste at any place other than in a manner approved by law. Acceptable means of solid waste dispose includes the following:
  - a) Contracting with franchised garbage service;
  - b) Hauling garbage and solid waste to a public sanitary landfill site.
  - c) Burying garbage and solid waste on the property owners' property in a safe and sanitary manner and at a depth and with proper cover sufficient to prevent the uncovering of the same by animals or fowl, and at a distance from any body of water, sufficient to prevent contamination.
  - d) Burning solid waste in an incinerator that has all required local, state and federal air pollution control permits.
  - e) By any other method, including reclamation and recycling processes, that has been approved by the North Carolina Division of Health Services.
- 7) Where there is more than one premises 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 contract with the licensed garbage collector and to pay for the regular collection of all garbage from each premises. An owner of a multipremises building or mobile home park may apply to the health director for an exemption if he can show that he is now disposing of garbage in a safe and

sanitary manner as outlined in this chapter. It is the responsibility of the owner or person managing rental property to see that the residents dispose of their garbage in a lawful manner.

b) Any landfill located in Davie County shall be operated according to rules and regulations providing standards for solid waste disposal adopted by the North Carolina Commission for Health Services (Bulletin No. 411). The operational requirements for a sanitary landfill as outlined in the North Carolina Administrative Code 10 NCAC, .115, or as amended, are made a part of this chapter by reference.

c) The sanitary landfill of Davie County may be used for the disposal of solid wastes by any person who is a resident of Davie 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 superintendent or his representative.

The following waste may not be disposed of in the landfill:

- 1) Radioactive wastes;
  - 2) Hazardous waste;
  - 3) Infectious wastes;
  - 4) Wet sludge;
  - 5) Bulky wastes;
  - 6) Any solid waste that creates a difficult operational problem at the landfill;
  - 7) Burning material;
  - 8) Cable, wire, springs, steel and similar materials in large quantities or in lengths exceeding three (3) feet;
  - 9) Dead animals unless with written permission of the county manager.
- d) Any person or persons having an illegal solid waste dump shall upon notification by the health director take the following action:
- 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 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.
  - 5) All person failing to comply with the above enumerated items shall be guilty of a misdemeanor and fined up to \$100.00 on first offense in the discretion of the Court with each day that the violation continues to exist being considered a separate and distinct offense until the dumping site has been corrected as requested.
- e) All persons using sanitary landfills or solid waste containers operated by Davie County shall abide by the rules and regulations governing their use and a violation of such rules and regulations shall constitute a violation of this chapter and violators may be fined up to one hundred dollars (\$100.00) in the discretion of the court with each day a violation continues to exist being considered a separate and distinct offense.
- f) No building or buildings shall be erected on any land or lands where there has been or is being any garbage or solid waste deposited until tests are made of property showing there is no danger in future of settling or explosion due to methane gas being formed from the solid waste that has been deposited.
- g) Any person collecting and transporting solid waste generated on his own property for disposal at an approved disposal site shall comply with subsection V (c) of this chapter concerning vehicles and containers.
- h) There shall be no open burning of garbage by any person.
- i) Demolition pits. Anyone wishing to operate a demolition pit shall make

a written request to the health director, listing the names of persons who will be using the pit, what type of solid waste is to be put into the pit and what use will the land be put when filled. Demolition pits shall be operated in accordance with solid waste rules and regulation of the North Carolina Department of Human Resources, Division of Health Services and shall be approved by the Division of Health Services.

j) Unlawful for an person other than the county to deposit solid waste in a private container without the owners permission.

#### Sec. VII. Bond, insurance; permit fee; transferability; jurisdiction of chapter.

a) The applicant, upon being awarded the right to collect and dispose of solid waste by the board as hereinabove provided for, 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 done by the licensee to the premises or property upon which he may enter for the purpose of collecting or disposing of solid waste, in the sum of not less than ten thousand (\$10,000.00) dollars together with an insurance policy in an amount, determined by the county manager, not be less than the amount the county carried upon itself, insuring the licensee and his employees from personal injury and property damages that may be occasioned by occupational hazards. Such policy shall contain a "hold harmless clause" indemnifying the county against claims made against the licensee.

b) The licensee shall pay to the county the sum of fifty dollars (\$50.00) the issuance of each permit.

c) No license now existing or hereafter granted under the provisions of this chapter, shall be sold, assigned, pledged or transferred, nor shall control thereof be changed by stock transfer or otherwise, or any rights thereunder leased, nor shall any merger of combination affecting said license be made through acquisition or control by stock purchase or otherwise, except after application for and written approval which shall be given if justified by the facts then existing.

d) Any and every license now existing or hereafter issued, shall be subject to the provisions of this chapter and as it may hereafter be amended from time to time, except any amendment or amendments that may be made from time to time affecting the duration of a license or licenses existing at the time of the enactment of the said amendment or amendments. Any license transferred or assigned without the express written authority of the board of county commissioners or its designee shall be void and no effect, and any collection thereunder is in violation of this chapter.

#### Sec. VIII. Violation and penalties.

In addition to and separate and apart from the specific remedies set forth in this chapter, any person who violates any provision of the Davie County Solid Waste Ordinance shall be guilty of a misdemeanor and shall be subject to a fine of not less than fifty dollars (\$50.00) and cost and/or imprisonment for a minimum of thirty (30) days, or both. A separate and distinct violation shall be deemed to have occurred upon each and every day during which such violation continues. Any violation may result in the suspension or loss of license to the licensee.

#### Sec. IX. Revocations.

A permit or license granted under this ordinance may be revoked after notice and hearing as provided in Sec. III (e) upon the grounds set forth in said subsection and for the following reasons:

a) Loss of solid waste permit issued by State of North Carolina;



- b) Non-compliance with the provisions of this ordinance and the rate schedule promulgated by the Board of Commissioners;
- c) Failure to render prompt and effective service to any person within the area in which the licensee had a license or permit to operate.
- d) Any failure to comply with the provisions of this ordinance.

Complaints or grievances may be brought to the Boards attention by submitting same in writing to the county manager.

Sec. X. This ordinance is enacted pursuant to authority vested in GS 153A-136 and shall be effective May 6, 1985.