

ALAMANCE COUNTY RECYCLING ORDINANCE

WHEREAS, the General Assembly of North Carolina in G.S. § 130A-309.03(a)(5) has found that the failure or inability to economically recover material and energy resources from solid waste results in the unnecessary waste and depletion of our natural resources; such that, maximum recycling and reuse of the resources must be considered goals of the State; and

WHEREAS, G.S. § 130A-309.09B(a) requires that each local government in North Carolina initiate a recyclable materials recycling program by July 1, 1991; and

WHEREAS, G.S. § 130A-309.09B(a)(3) encourages local governments to separate marketable plastics, glass, metal, and all grades of paper for recycling prior to final disposal; and

WHEREAS, G.S. § 130A-309.09B(d) provides that counties shall give consideration to and are encouraged to use for-profit organizations in fulfilling the responsibilities under the recycling programs; and

WHEREAS, pursuant to G.S. § 130A-309.04, it is the goal of the State of North Carolina to reduce the municipal solid waste stream through source reduction, reuse, recycling, and composting on a per capita basis which provides for a reduction of twenty-five percent (25%) by June 30, 1993 and of forty percent (40%) by June 30, 2001; and

WHEREAS, a county may, pursuant to G.S. § 153A-121, by ordinance define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the County; and

WHEREAS, pursuant to G.S. § 153A-134, a county may license and regulate businesses operating within its borders; and

WHEREAS, pursuant to G.S. § 153A-136, a county may by ordinance regulate the activities of persons, firms, and corporations, both public and private, regarding the storage, collection, transportation, use, disposal, and other disposition of solid waste, including requiring the source separation of materials from solid waste prior to collection of the solid waste for disposal and requiring participation in a recycling program which has been approved by the Board of Commissioners; and

WHEREAS, the Board of Commissioners has enacted a recycling program, to comply with the above-referenced State mandates, which includes entering into an agreement with Browning-Ferris Industries of South Atlantic, Inc. for the disposal of certain Target Recyclables and special waste; and

WHEREAS, it is necessary in order to effectuate the recycling program to regulate the collection and disposal of certain recyclable materials generated by residential consumers.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS FOR THE COUNTY OF ALAMANCE DOTH ORDAIN:

I.

DEFINITIONS

1. "Person" means any natural person, any firm, business, partnership, municipal corporation, or corporation, both public and private, located in Alamance County.

2. "Commercial Generator" means any generator of Target Recyclables located in Alamance County other than a Residential Generator, and includes but is not limited to businesses, institutions, and public entities.

3. "Residential Generator" means an individual household, dwelling, apartment, or other place of residence located in Alamance County which produces Target Recyclables.

4. "Commercial Hauler" means any Person, whether or not for hire or profit, which collects and/or transports Target Recyclables originated from a location other than the Person's residence or place of business. The operation of a Buy-back Center shall not be deemed activities of a Commercial Hauler. Excluded from this definition is any eleemosynary organization.

5. "Target Recyclables" as to Residential Generators means newspapers, corrugated cardboard, aluminum cans, steel cans, category 2 high density polyethylene ("HDPE"), milk and water bottles or jugs, category 1 polyethylene terephthalate ("PET") beverage containers, metal coat hangers, food and beverage glass bottles and glass jars which are either clear or green or brown in color; and as to Commercial Generators means in addition to these items listed cardboard tubes and office paper (including computer paper and shredded office paper).

6. "Facility" means the recycling facility operated by Browning-Ferris Industries of South Atlantic, Inc. located in Alamance County with which the County of Alamance has a contract to accept Target Recyclables generated within Alamance County or such other facility having a contract to accept Target Recyclables with the County of Alamance which shall be designated by resolution as a facility within the meaning of this term.

7. "Buy-back Center" means a commercial venture consisting of the purchase or repurchase from the public of Target Recyclables or other recyclable materials for resale or reuse at a location where Residential Generators and Commercial Generators bring Target Recyclables or other recyclable materials to the center.

II.

PARTICIPATION IN RECYCLING PROGRAM

1. All Persons including both Residential and Commercial Generators and Commercial Haulers shall participate in the Alamance County Recycling Program as provided herein.

2. All Persons including both Residential and Commercial Generators shall separate from their solid waste prior to collection of the solid waste for disposal all Target Recyclables.

3. All Commercial Haulers shall and are hereby required to obtain a license from the Alamance County Health Department issued pursuant to the Alamance County Solid Waste Ordinance prior to entering into the collection or transportation of Target Recyclables.

4. All Commercial Haulers which collect or transport Target Recyclables from Residential Generators shall transport and dispose of those Target Recyclables at the Facility. No Target Recyclable from Residential Generators shall be transported outside of the boundaries of the County of Alamance except when necessary as part of a normal collection route or as necessary as the most direct route to the Facility.

5. It shall be a violation of this Ordinance for anyone to place any garbage, trash, or refuse in a container for Target Recyclables provided the container is marked so as to indicate it is to be used only for Target Recyclables.

III.

UNAUTHORIZED PICK-UP

1. It shall be a violation of this Ordinance for any Person unauthorized by the County of Alamance, for those areas outside of the territorial limits of any municipality located in Alamance County, or unauthorized by any municipality, for those areas within the territorial limits of such municipality, to collect or pick up or cause to be collected or picked up any Target Recyclable which has been placed at the curb by any Residential Generator or Commercial Generator for collection, or placed in a container or box by a Residential or Commercial Generator for collection or pick up by a Commercial Hauler.

2. It shall be a violation of this Ordinance for any Person unauthorized by the County of Alamance to collect or pick up or cause to be collected or picked up any Target Recyclable placed in a drop-off center provided for the use of the public by virtue of or on account of a contract with the County of Alamance.

IV.

TERRITORIAL JURISDICTION

1. It is the intent of the Board of Commissioners for this Ordinance to be applicable county-wide including all municipalities contained within the County of Alamance. This Ordinance shall be in full force and effect within the boundaries of any given municipality located within the boundaries of the County of Alamance on and after the effective date of this Ordinance or the date the governing board of the municipality by resolution permits the applicability of this Ordinance within the municipality, whichever is later.

2. Should all the municipalities located within the County of Alamance not allow this Ordinance to be applicable within their jurisdiction, this Ordinance shall be applicable to that part of the County not within a municipality and applicable to those municipalities which have by resolution permitted this Ordinance to be applicable within their boundaries.

V.

PENALTIES

1. Any violation of this Ordinance is a misdemeanor punishable by fine of not more than five hundred (\$500.00) dollars or imprisonment for not more than 30 days, or both fine and imprisonment. For a continuing offense, each day's violation is a separate offense.

2. This Ordinance may be enforced by an appropriate equitable remedy issuing from a Court of competent jurisdiction.

VI.

SEVERABILITY

If any part of this Ordinance, or any application of this Ordinance to a person or condition, is held invalid, the invalidity shall not affect the validity of other parts of this Ordinance or the legitimate application of this Ordinance to other persons or conditions. To this end, the provisions of this Ordinance are declared to be severable.

VII.

EFFECTIVE DATE

This Ordinance shall be in effect from and after July 1, 1992.

This the 7th day of October, 1991.

W. B. Zenger, Jr.
Chairman

Ray W. Kaye
Vice Chairman

Commissioner
Jack
Commissioner

Frank Bennett
Commissioner

ALAMANCE COUNTY
SOLID WASTE ORDINANCE

BOARD OF COMMISSIONERS FOR THE COUNTY OF ALAMANCE DOETH ORDAIN:

Section I PURPOSE

Be it ordained by the Alamance County Board of Commissioners that the following regulations for the protection of the public health and safety are hereby adopted pursuant to authority granted by Section 136 of Chapter 153A of the General Statutes of North Carolina, and shall, among other things, govern the storage, collection, transporting, and disposal of solid waste in Alamance County.

Section II DEFINITIONS

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

A. Areas requiring daily coverage: Areas designated for the disposal of solid waste, and which necessitate a daily covering of soil or other material as approved by the State.

B. Board: Board of Commissioners of Alamance County.

C. Bulky waste: The remains of, or pieces and parts of, large items of solid waste such as household appliances, furniture, automobiles, large auto parts, machinery, trees, stumps, or other tree remnants greater than six inches in diameter and other oversized or nonputrescible solid waste, both combustible and noncombustible, whose large size precludes or complicates their handling by normal solid waste collections, processing or disposal methods.

D. Buy-back Center: A commercial venture consisting of the purchase or repurchase from the public of Target Recyclables or other recyclable materials for resale or reuse at a location where Residential Generators and Commercial Generators bring Target Recyclables or other recyclable materials to the center.

E. Charitable organization: An organization as defined in Section 501(c)(3) of the Internal Revenue Code which is primarily set up for the purposes of receiving and redistributing donated goods.

F. Collection: The act of removing solid waste, residential household garbage or recyclable material 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.

G. Commercial Generator: Any generator of Target Recyclables located in Alamance County other than a Residential Generator, and includes but is not limited to businesses, institutions, and public entities.

H. Commercial Hauler: Any Person, whether or not for hire or profit, which collects and/or transports Target Recyclables originated from a location other than the Person's residence or place of business. The operation of a Buy-back Center shall not be deemed activities of a Commercial Hauler. Excluded from this definition is any eleemosynary organization.

I. Commercial solid waste: Solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities.

J. Construction and demolition waste: Solid waste including, but not limited to, waste building materials, packaging, and rubble resulting from construction, remodeling, repair, or demolition operations on pavements, houses, commercial

buildings, or other structures, but not including inert debris, land-clearing debris, or yard trash.

K. DEHNR: Department of Environment, Health and Natural Resources of North Carolina.

L. Garbage: All putrescible waste, including food waste, animal offal and carcasses, and recognizable industrial by-products, but excluding sewage and human waste, and shall mean and include all such substances from all public and private establishments except residences.

* M. Hazardous waste: A solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may:

a. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

N. Health Director: The director of the Alamance County Health Department, or his authorized representative.

O. Industrial solid waste: All garbage and refuse from other than residential establishments.

P. Inert debris: Solid waste solely consisting of material that is virtually inert and is likely to retain its physical and chemical structure under expected conditions of disposal.

Q. Institutional solid waste: Solid waste generated by educational, health care, correctional, and other institutional facilities.

R. Land-clearing debris: Solid waste generated solely from land clearing activities.

S. Medical waste: Any solid waste which 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, or those substances excluded from the definition of solid waste.

T. Person: Any individual, partnership, corporation, company, association, governmental unit or agency, or other legal entity.

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

V. Radioactive waste: Any waste that emits ionizing radiation spontaneously.

W. Refuse: All non-putrescible waste, including ashes.

X. Residential Generator: An individual household, dwelling, apartment, or other place of residence located in Alamance County which produces Target Recyclables.

Y. Residential household garbage: All putrescible waste, including food waste, and non-putrescible waste both combustible and non-combustible, originating from residences, including paper, cardboard, plastic or metal food or household chemical containers, wood objects, glass, bedding, crockery, metals, and other similar objects or materials, but specifically excluding yard trash after January 1, 1993, bulky waste, animal offal and

carcasses.

2. Solid waste: Hazardous or non-hazardous garbage, residential household garbage, yard trash, refuse, 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 being accumulated, stored or treated prior to being discarded, or has served its original intended use and is generally discarded, including solid, liquid, semi-solid, 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 collection, treatment, and 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 Water Pollution Control 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 source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954 as amended (42 U.S.C § 2011), or 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 74-68, and regulated by the North Carolina Mining Commission.

AA. Solid waste disposal site: A location permitted by DEHNR at which solid waste is disposed of by incineration, sanitary landfill, demolition landfill, or other approved method.

BB. Solid waste receptacle: Large metal container, commonly known as a dumpster, used for the temporary storage of solid waste and capable of being automatically emptied into collecting vehicles or transported to the county landfill.

CC. Target recyclables: As to Residential Generators means newspapers, corrugated cardboard, aluminum cans, steel cans, category 2 high density polyethylene ("HDPE"), milk and water bottles or jugs, category 1 polyethylene terephthalate ("PET") beverage containers, metal coat hangers, food and beverage glass bottles and glass jars which are either clear or green or brown in color; and as to Commercial Generators means in addition to these items listed cardboard tubes and office paper (including computer paper and shredded office paper).

DD. White goods: Inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.

EE. Yard trash: Solid waste solely consisting of vegetative matter resulting from landscaping maintenance, including grass clippings.

Section III REMOVAL AND DISPOSAL OF WASTE

A. No owner, occupant, tenant, or lessee of any property shall deposit, store, or permit to accumulate any solid waste upon his property that is not stored or disposed of in a manner prescribed by this ordinance.

B. The owner, occupant, tenant, or lessee of any property shall remove or cause to be removed all residential household garbage from his property at least once each week (7-day period).

C. Residential household 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 32 gallons. Solid waste receptacles, as defined by this ordinance, may also be used for storage provided they meet the requirements of this subsection. The number of containers shall be adequate to store one week's accumulation of residential household garbage. Each container shall be kept clean so that no odor or other nuisance condition exists. Garbage bags, the capacity of which shall not exceed 32 gallons, are a permissible residential household garbage container.

D. Residential household garbage shall be stored in a manner that will not harbor rodents and vermin and will not create a fire hazard.

E. No owner, occupant, tenant, or lessee of a building or dwelling, other than a licensed junk dealer, shall place or leave, or cause to be placed or left, outside a building or dwelling any solid waste for longer than two weeks. Residential household garbage shall not be placed or left outside a building or dwelling for longer than one week.

F. Solid waste shall be disposed of in one of the following ways:

1. In a sanitary landfill approved by the DEHNR.
2. In an incinerator that has all required local, state, and federal air pollution control permits.
3. If by an individual, and if generated at his residence on his property, in a manner approved by the health director and any other appropriate authority.
4. By any other method, including reclamation and recycling processes, that has been approved by DEHNR.

G. In addition to the methods listed in Section III(F) above, only residential household garbage may be disposed of in solid waste receptacles provided by the county at the landfill.

H. Construction and demolition waste may be disposed of at solid waste disposal sites approved by DEHNR.

I. Medical, hazardous, and radioactive waste shall be disposed of according to written procedures approved by the DEHNR.

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

K. Any person licensed and franchised to collect residential household garbage shall not be required to pick up more than three (3) containers of garbage, each container to be no larger than 32 gallons, in accordance with Section VII(H).

Section IV SANITARY LANDFILL

A. The sanitary landfill and solid waste receptacles of Alamance County may be used only for the disposal of solid waste generated in Alamance County by any person who is a resident of Alamance County during regular hours of operation of the landfill and solid waste receptacles. (1) In order to determine residency in Alamance County, the landfill attendant is authorized to ask for identification. Anyone refusing to provide the information requested will be denied use of the solid waste facilities. Solid waste and residential household garbage shall be disposed

of at the landfill in the manner and according to the procedures required by the landfill manager or his representative. (2) Anyone not disposing of their waste at the landfill as directed by the management shall be subject to administrative penalties for costs or damages incurred as provided in Section VIII of this ordinance.

B1. The following waste shall not be accepted in the landfill:

- a. Radioactive waste;
- b. Medical waste (except as provided in SECTION III(I));
- c. Wet sludge;
- d. Live ashes;
- e. Hazardous waste; provided, however, asbestos may be disposed of in the landfill upon approval by the State of North Carolina and in a manner approved by the health director;
- f. Solid waste generated outside of the boundaries of Alamance County;
- g. Soils of an unknown point or origination which have not met state requirements for waste determination testing and analysis;
- h. Bulky waste except as provided for in IV(B2) and IV(D);
- i. Target recyclables.

B2. The following waste shall not be buried in the landfill in areas requiring daily coverage:

- a. Bulky waste excluding furniture and small household appliances.
- b. Construction and demolition waste.
- c. Tires.
- d. Asbestos.
- e. Yard trash (effective January 1, 1993).

C. Diseased dead animals shall be placed in heavy duty plastic bags. The bags shall be sealed and plainly marked as to contents and disease. Landfill manager reserves the right to refuse acceptance of certain diseased animals.

D. Yard trash and land-clearing debris deposited at landfill shall contain pieces of wood no greater than 6 inches in diameter.

E. A tipping fee shall be charged to all users of the landfill. This tipping fee charge or total charge shall be based on the number of tons of material brought for disposal, except that there may be a minimum fee. The Board shall adopt a schedule of fees from time to time which shall be effective until amended or replaced.

F. A tipping fee shall not be charged on certain material as designated by the Board. Charitable organizations shall not be charged a tipping fee for those donated items unusable as a part of their operation. The North Carolina Department of Transportation shall not be charged a fee for disposing of roadside garbage.

G. A surcharge equal to the applicable tipping fee or Twenty-five Dollars (\$25.00), whichever is greater, shall be assessed against any person who empties loads containing any amount of target recyclables into the landfill. This surcharge shall be assessed in addition to any applicable tipping fee. This surcharge shall not be assessed against the North Carolina Department of Transportation or charitable organizations.

H. No material shall be removed from the landfill or solid waste receptacles without permission of the landfill manager.

I. No lead acid batteries, used motor oil or white goods shall be disposed of at the landfill.

Section V SOLID WASTE RECEPTACLES

A. Solid waste receptacles are maintained for the convenience of county residents/property owners on land owned or leased by the county. Solid waste shall be deposited in the solid waste receptacles only in accordance with the provisions of this ordinance.

B. All solid waste shall be deposited inside the solid waste receptacle. No solid waste shall be left at the solid waste disposal site outside the receptacle.

C. Commercial, industrial and institutional solid waste shall be deposited in solid waste receptacles only with the permission of the landfill manager.

D. The following waste shall not be deposited in solid waste receptacles:

1. Hazardous waste;
2. Liquid solid waste;
3. Medical waste;
4. Radioactive waste;
5. Bulky waste;
6. Tires;
7. Construction and demolition waste;
8. Burning or smoldering material, or any other material that would create a fire hazard;
9. Solid waste generated outside of the boundaries of Alamance County;
10. Dead animals;
11. Target recyclables.

E. No person shall climb on or into a receptacle, or damage any receptacle.

F. The landfill attendant will direct only vehicles with small amounts of waste (1/2 ton size pickup truck or trailer or less) to use the solid waste receptacles for disposal of residential household garbage. At no time are the solid waste receptacles to be used to dispose of any waste other than residential household garbage. Permission to use the solid waste receptacles located at the landfill shall be obtained from the landfill manager.

Section VI LICENSING

A. No person shall engage in solid waste or residential

household garbage collection for a fee except under a license issued by the health director pursuant to this ordinance. All Commercial Haulers shall obtain a license from the health director pursuant to this ordinance. Licensing is a prerequisite to holding a franchise. However, issuance of a license does not insure the granting of a franchise by the Board. A solid waste license shall not authorize a license to engage in the collection of residential household garbage or recyclable material that has been separated at the curb. A separate license shall be required for each type of collection.

B. Application for a license to engage in solid waste, residential household garbage or recyclable material collection shall be filed with the health director on forms approved by the health director and shall include payment of an application fee as set by the Board. Charitable groups or other eleemosynary organizations shall not be required to pay an application fee. The applicant shall furnish the following information:

1. Name and address of the applicant and whether a sold 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, including number and type of solid waste receptacles or other containers used for the storage or collection of solid waste, residential household garbage or recyclable material, and number and type of vehicles used for the transportation and disposal of solid waste, residential household garbage or recyclable material. Each vehicle shall be identified by vehicle number assigned by the applicant, make, model, and license tag number;
3. Number of employees the applicant expects to use in the business;
4. Experience of the applicant in solid waste, residential household garbage or recyclable material 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. Areas of the County the applicant expects to serve.

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, residential household garbage or recyclable material 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, residential household garbage or recyclable material collection in an efficient and sanitary manner.

2. If the health director denies an applicant a license, the applicant may request a hearing before the Alamance County Board of Health. The Board of Health shall keep summary minutes of the hearing and within one week after the hearing shall give the applicant written notice of its decision either granting the license or affirming the health director's denial of the license. The applicant may appeal the Board of Health's decision to the Board of Commissioners by giving written notice of appeal to the County Manager within ten days of receipt of the

board of Health's decision following the hearing. After a hearing on the appeal, the Board of Commissioners shall either affirm the denial or direct the health director to issue the license.

3. A license shall be valid for a period of one year from the date of issuance.

E. Licensee shall submit information as requested by the health director pertinent to the solid waste, residential household garbage or recyclable material collection operation. Each licensee shall maintain an accurate and complete log of the licensee's collection and transportation activities indicating the daily route of each vehicle, points of collection, times of collection, driver of the vehicle, and times of disposal of the solid waste, residential household garbage or recyclable material at the sanitary landfill. Each licensee shall promptly make available to the health director upon request any and all daily log information concerning the collection, transportation and disposal of solid waste, residential household garbage or recyclable material pursuant to this section.

F. 1. Vehicles and containers used for the collection and transportation of solid waste, residential household garbage or recyclable material 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. Vehicles and containers shall display in letters at least three inches high the name and address of the licensee, the vehicle number assigned by the licensee, and the capacity (cubic yardage) of the vehicle.

2. Vehicles and containers used for the collection and transportation of solid waste, residential household garbage or recyclable material shall be loaded and moved in a manner such that the contents will not fall, leak, or spill, and shall be securely 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 properly cleaned.

G. When the health director finds that a licensee has violated this ordinance, the conditions of his license, or any provision of the Alamance County Recycling Ordinance or the Alamance County Solid Waste Plan, 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, his license shall 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 of either the revocation of his license or the intent to revoke his license, the reasons for revocation, and notice of opportunity for a hearing. The licensee shall have ten days in which to request a hearing of the health director. If the licensee does not respond within the ten day period, the license shall be revoked immediately by giving written notice of revocation to the licensee. Upon receipt of the notice of revocation, the licensee shall stop collecting, transporting, or disposing of solid waste, residential household garbage or recyclable material. If the licensee does respond within the ten day period, the license may not be revoked until after the revocation hearing. The health director may reinstate a revoked license after the revocation has been in effect for thirty days 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 by giving written notice of appeal to the county manager within ten days of receiving notice of revocation from the health director. After a hearing on the appeal, the Board shall either affirm the revocation or direct the health director to reinstate the license. For the purposes of this section, the disposal of solid waste, residential

household garbage or recyclable material at the sanitary landfill by a licensee in violation of Section IV(B) or Section V(D) of this ordinance shall constitute a continuing violation until such waste or recyclable material has been removed from the landfill by the licensee.

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

I. The health director is authorized and empowered to inspect facilities, equipment, or operating methods of any person collecting, transporting, and disposing of solid waste, residential household garbage or recyclable material.

Section VII FRANCHISING

A. No person shall engage in the business of residential household garbage collection unless he holds a franchise issued by the Board authorizing him to collect, transport, and dispose of residential household garbage and describing the area for which the franchise is issued. The Board may also issue franchises for the collection of solid waste or recyclable materials. A solid waste franchise shall not authorize the franchisee to engage in the collection of residential household garbage or recyclable material that has been separated at the curb. A separate franchise shall be required for each type of collection.

B. No person shall be issued a franchise by the Board unless he holds a license to engage in the business of solid waste, residential household garbage or recyclable material collection issued by the health director, in accordance with Section VI of these regulations.

C. Application for a franchise shall be filed with the board through a letter to the County Manager and shall include a copy of the applicant's license application to the health director, payment of the application fee set by the Board, and any other information the Boards deems pertinent.

D. The Board shall grant a franchise only upon a finding that the chosen applicant has been licensed to render service to all persons generating solid waste, residential household garbage or recyclable material within the franchise area, that the applicant is more likely to provide efficient and continuing service in the franchise area than any other applicant for the same franchise area, and that the grant of a franchise to the applicant will best serve the interests of Alamance County in providing for the county-wide collection of solid waste, residential household garbage, and recyclable material.

E. The Board shall determine the area for which a franchise is granted. During the term of any franchise to collect solid waste, residential household garbage, or recyclable material from private residences and until suspension or revocation of such franchise, all other persons shall be prohibited from engaging in the business of solid waste, residential household garbage, or recyclable material collection from residential generators in the area delineated in such franchise.

F. The Board shall approve maximum fees charged by solid waste, residential household garbage, or recyclable material collectors before granting a franchise. Fee schedules may be amended by the Board from time to time.

G. A franchise shall be for a term of five years. Any person who has been granted a franchise to collect, transport, and dispose of solid waste, residential household garbage or recyclable material in delineated areas in Alamance County shall be, subject to the provisions and requirements of this ordinance, awarded a renewal of franchise over any new applicants for the

same or substantially same franchise area for a maximum of one renewal, at which time the franchise shall be reviewed and awarded to the best qualified applicant.

H. Granting of a franchise shall be conditioned upon the franchisee's service to every customer in the franchise area in such a manner that the franchisee does not cause the customer to be in violation of this ordinance. A solid waste, residential household garbage, or recyclable material collector franchised under this ordinance shall present to each customer a schedule of his fees as authorized by this ordinance, to be charged. Residential household garbage 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. However, the franchisee shall not be required to pick up more than three (3) containers of garbage, each container to be no larger than 32 gallons. Until January 1, 1993, yard trash disposed of in the requisite 32 gallon containers shall be part of the three container limit. Any person generating more than three containers per week shall be responsible for proper disposal in accordance with these regulations. All recyclable material and solid waste, other than residential household garbage, shall be removed two times per month with at least two weeks between scheduled collection days.

I. The Board may grant temporary franchises for the collection, transportation, or disposal of solid waste, residential household garbage, or recyclable material 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 determined by the Board.

K. No franchise shall be assignable.

L. A solid waste, residential household garbage, or recyclable material collector granted a franchise under this ordinance shall give sixty days written notice to the Board before abandoning the franchise.

M. Each franchisee shall comply with all provisions of the Alamance County Solid Waste Plan.

N. The Board may terminate or suspend upon notice and hearing 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, residential household garbage, or recyclable material collector;

2. Failure of the franchisee to comply with the authorized fee schedules;

3. Failure of the franchisee to render prompt and effective service to persons within his service area;

4. Failure of the franchisee to comply with any provision of this ordinance or applicable regulations of the DEHNR;

5. Failure of the franchisee to comply with any provision of the Alamance County Solid Waste Plan; or

6. Violation of the Alamance County Recycling Ordinance.

O. Each franchisee for recyclable materials shall:

1. Maintain an office located in Alamance County;

2. Furnish a suitable container for each Residential Unit; and

3. Furnish an education and awareness program to each of the franchisee's customers.
Section VIII PENALTIES

A. Any person violating this ordinance shall be guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) or imprisonment for not more than thirty (30) days, or both. Each day's violation shall be treated as a separate offense.

B. Any violation under the provisions of this ordinance may subject the offender to a civil penalty for the costs to the County to correct such violation in the interest of the public health, safety and welfare. Such penalty shall be assessed by the health director and shall be supported by a written statement of costs incurred by the County to correct such violation, or a civil penalty not to exceed one thousand dollars (\$1,000.00). Such penalty shall be paid within ten days of notification to the offender. If the offender does not pay the penalty within ten days after receiving notice, such penalty shall be recovered by the County in a civil action in the nature of debt.

C. For the purposes of this ordinance, collection, transportation, and disposal of solid waste, residential household garbage and recyclable material in a manner which knowingly constitutes unauthorized encroachment upon an area delineated in any franchise granted hereunder shall be deemed a violation under this ordinance and may subject the offender to the criminal penalties provided herein. Unauthorized encroachment in an area covered by a franchise granted hereunder, whether knowing or innocent, shall be subject to correction by the civil remedies provided by this section.

D. Any violation of this ordinance shall subject the offender to judicial enforcement of this ordinance by an appropriate equitable remedy issuing from a court of competent jurisdiction, or by mandatory or prohibitory injunction and order of abatement issuing from the General Court of Justice and commanding the offender to correct or cease the violation.

Section IX SEVERABILITY

If any sentence, clause, paragraph, subsection, or section of these regulations shall be adjudged invalid and of no effect, such decisions shall not affect the main portions of these regulations.

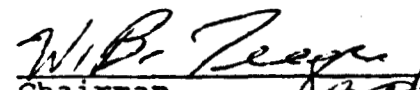
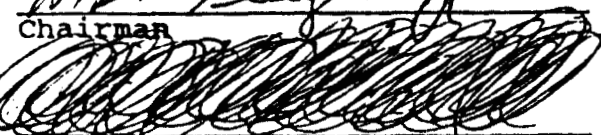
Section X ORDINANCE REPEALED

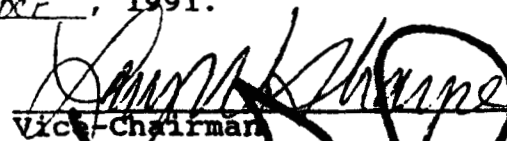

The Alamance County Solid Waste Ordinance adopted August 20, 1990 is repealed effective July 1, 1992.

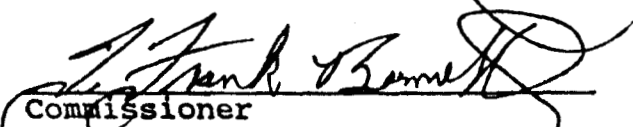
Section XI EFFECTIVE DATE

This ordinance shall be effective on and after July 1, 1992.

This the 2nd day of December, 1991.


Chairman

Commissioner


Vice-Chairman

Commissioner


Commissioner