

AN ORDINANCE AMENDING THE
SOLID WASTE ORDINANCE OF
PASQUOTANK COUNTY, NORTH
CAROLINA TO PROVIDE FOR
THE BAN OF RECYCLABLE CORRUGATED
CARDBOARD FROM THE PASQUOTANK
COUNTY LANDFILL
ORDINANCE No. 93-1

WHEREAS, pursuant to Section 153A-136 of the General Statutes of North Carolina a County may by ordinance regulate the storage, collection, transportation, use, disposal and other disposition of solid wastes; and

WHEREAS, an ordinance adopted pursuant to Section 153A-136 of the General Statutes of North Carolina may require the source separation of materials from solid waste prior to collection of the solid waste for disposal; require participation in a recycling program which has been approved by a county's board of commissioners and may include any other proper matter; and

WHEREAS, the Pasquotank County Board of Commissioners finds that as solid waste disposal becomes more complex and expensive it is necessary to reduce the flow of solid waste into the Pasquotank County Landfill; and

WHEREAS, the Pasquotank County Board of Commissioners finds that recyclable corrugated cardboard constitutes approximately 12.4 percent of the solid waste disposed of in the Pasquotank County Landfill; and

WHEREAS, since recyclable corrugated cardboard is easily recycled and a ready market exists, the Pasquotank County Board of Commissioners finds that it is necessary to require the separation of recyclable corrugated cardboard from other solid waste at its point of generation so that recyclable corrugated cardboard is recycled.

NOW, THEREFORE, BE IT ORDAINED by the Pasquotank County Board of Commissioners as follows:

Section 1. Section II. Definitions. of the Solid Waste Ordinance of Pasquotank County is amended by adding the following:

S. Recyclable Corrugated Cardboard: - Unwaxed paper boxes and thick layered brown paper, formed with grooves and ridges, used in shipping or in which shipped goods are received.

Section 2. Section IV, paragraph B. of the Pasquotank County Solid Waste Ordinance is amended by adding the following:

10. Recyclable corrugated cardboard generated by commercial, institutional, or industrial establishments or households.

Section 3. Section III. Storage and Disposal is amended by adding a new paragraph to read as follows:

N. Recyclable corrugated cardboard shall be separated from industrial, commercial, institutional and household solid waste and disposed of in a recyclable corrugated cardboard container or delivered to a recyclable corrugated cardboard processing facility.

Section 4. Section VIII. is rewritten to read as follows:

- A. The violation of any provision of this ordinance shall be a misdemeanor punishable by a fine not to exceed \$500.00, or imprisonment for not more than 30 days, or both. Each day's violation of this ordinance is a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve a person of his liability for fees or civil penalties imposed under this ordinance.
- B. In addition, enforcement of this ordinance may be by appropriate equitable remedy, injunction or order of abatement issuing from a court of competent jurisdiction pursuant to Section 153A-123 (d) and (e) of the General Statutes of North Carolina.
- C. In addition to and not in lieu of the criminal penalties and other sanctions provided in this ordinance, a violation of this ordinance may also subject the offender to the civil penalties set forth below.
 - (1) Civil penalties may be recovered by Pasquotank County in a civil action in the nature of debt or may be collected in such other amounts as prescribed in this section within the prescribed time following the issuance of notice for such violation.
 - (2) Notice of violation shall, among other things:
 - (a) State upon its face the amount of the penalty if the penalty be paid within 72 hours from and after the issuance of the notice.

- (b) Notify the offender that a failure to pay the penalties within the prescribed time shall subject the offender to a civil action in the nature of debt for the stated penalty plus an additional penalty in the amount of \$25.00, together with the cost of the action to be taxed by the Court.
- (c) Further provide that the offender may answer the notice of violation by mailing the notice, and stated penalty to the Pasquotank County Finance Office at its mailing address, or by making payment of the Pasquotank County Finance Office at the appropriate address, and that upon payment the case or claim and right of action by Pasquotank County will be deemed compromised and settled.
- (d) State that penalties must be paid within 72 hours from issuance of notice of violation. The notice shall further state that if the notice of violation is not paid within the 72 hour period, court action by the filing of a civil complaint for collection of the penalty may be taken.
- (3) The Pasquotank County Finance Officer is authorized to accept payments in full and final settlement of the claim or claims, right or rights of action which Pasquotank County may have to enforce the penalty by civil action in the nature of debt. Acceptance of the penalty shall be deemed a full and final release of any and all such

claims, or rights of action arising release of any and all such claims, or rights of action arising out of the contended violation or violations.

(4) The civil penalty for violation of this ordinance is \$50.00.

(5) Notwithstanding the provision of paragraph c(4) of this Section, all trucks, rollofs, flat beds whether compacted or uncompactd, containers of municipal solid waste or construction debris and waste from a single source containing twenty-five percent (25%) or more by weight or volume of recyclable corrugated cardboard shall pay as civil penalty the following:

a. For the first violation a written warning and civil penalty of the then existing per ton tipping fee assessed for disposal of solid waste at the Pasquotank County Landfill;

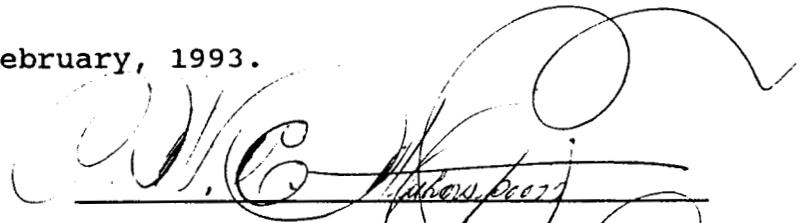
b. For the second and any subsequent violation a civil penalty in the amount of two times the then existing per ton tipping fee assessed for disposal of solid waste at the Pasquotank County Landfill.

(6) The notice of violation referred to in this section may be delivered to the person violating the provisions of this ordinance in person, or may be mailed by first class mail to the person at his last known address.

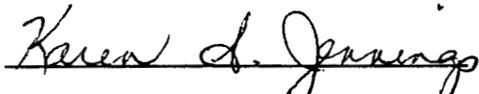
Section 5. Sections 1., 2., 3 and Section 4 paragraphs A, B, C(1)(2)(3)(4) of this ordinance shall be effective on April 1, 1993.

Section 6. Section 4, paragraph C(5) of this ordinance shall be effective September 1, 1993.

ADOPTED this the 1st day of February, 1993.


Chairman, Board of Commissioners

ATTEST:


Clerk to the Board

Motion by Commissioner Owens

Second by Commissioner Clinkscates

Vote: Ayes 7 Naves 0

WHEREAS, the Board of County Commissioners of Pasquotank County desires to adopt an ordinance to regulate the storage, collection and disposal of solid waste in Pasquotank County and in an effort to regulate the same, do adopt the following ordinance:

Section I. The purpose for this ordinance is to regulate the storage, collection and disposal of solid waste in Pasquotank County. This ordinance is adopted pursuant to the authority contained in N.C.G.S. 153A-121, N.C.G.S. 153A-132.1 and N.C.G.S. 153A-136.

Section II. Definitions

A. Agricultural waste: Plants, roots, seeds, fruits, or other products of farming operations that are naturally grown for human or animal consumption.

B. Board: Board of County Commissioners of Pasquotank County.

C. Bulky waste: Large items of solid waste such as household appliances, furniture, automobiles, large auto parts, trees, branches, stumps, and other oversize wastes whose large size precludes or complicates their handling by normal solid waste collection, processing or disposal methods.

D. Collection: The act of removing solid wastes from a point of generation to a central disposal site.

E. Commercial solid waste: Solid wastes generated by stores, restaurants, warehouses, and other commercial activities.

F. Construction and demolition waste: Waste building materials, and rubble resulting from construction, remodeling, repair, and

demolition operations on pavements, houses, commercial buildings and other structures, including tree trimming and land clearing debris.

G. Household Garbage: All putrescible solid wastes, including food wastes and food containers, animal and vegetable matter, and animal offal and other garbage that is normally produced in residential dwellings, but excluding sewage and human wastes.

H. Hazardous wastes: Wastes, or a combination of wastes, in a solid, liquid, contained gaseous, or semisolid form that may cause, or contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness, taking into account the toxicity of such waste, its persistence and degradability, its potential for accumulation or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the health of persons or other organisms.

I. Industrial solid waste: Solid wastes generated by industrial processing and manufacturing.

J. Infectious waste: (1) Equipment, instruments, utensils, and fomites of a disposable nature from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease and must therefore, be isolated as required by public health agencies; (2) laboratory wastes, such as pathological specimens (e.g., all tissues, specimens of blood elements, excreta, and secretions from patients or laboratory animals) and disposable fomites (any substance that may harbor or transmit pathogenic organisms) attendant thereto; (3) surgical operating room pathologic specimens and disposable fomites attendant thereto, and similar disposable materials from outpatient areas and emergency rooms.

K. Landfill: Sanitary, demolition, monofills, balefills and any other land areas used for the disposal of bulky, commercial, construction and demolition, hazardous, industrial, infectious, institutional, radioactive, and residential solid waste.

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

M. Radioactive waste: Any wastes that emit ionizing radiation spontaneously.

N. Recyclables: Any items being separated and collected at the recycling/convenience centers for the purpose of being recycled.

O. Solid Waste: 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 material resulting from industrial, institutional, commercial, and agricultural operations, and from community activities. This term does not include: (a) fowl and animal fecal waste; (b) solid or dissolved material in (i) domestic sewage and sludges generated by the treatment thereof in sanitary sewage disposal systems which have a design capacity of more than 3,000 gallons or which discharge effluent to the surface waters; (ii) irrigation return flows; and (iii) wastewater discharges and the sludges incidental thereto and generated by the treatment thereof which are point sources subject to permits granted under section 402 of the Clean Water Act, as amended (P.L. 92-500), and permits granted under G.S. 143-215.1 by the Environmental Management Commission; (c) oils and other liquid hydrocarbons controlled under Article A of Chapter 143, North Carolina General Statutes; (d) any radioactive material as defined by the North Carolina Radiation Protection Act, G.S. 104E-1 through G.S. 104E-23;

or (e) mining refuse covered by the North Carolina Mining Act, G.S. 74-46 through G.S. 74-68, and regulated by the North Carolina Mining Commission.

P. Solid waste disposal site: A location at which solid wastes are disposed of by sanitary landfill, or other approved method.

Q. Solid waste receptacle: (1) A large metal container (also known as a dumpster) used for the temporary storage of solid wastes and capable of being automatically emptied into collection vehicles, containing no more than 8 cubic yards, which shall be designated household garbage and trash; (2) Large trailer body container (also known as a roll-off container) being no smaller than 20 cubic yards and capable of being substantially larger which is designated for large items such as trees, limbs, washing machines, refrigerators and major household appliances;

R. Recycling/Convenience Centers: A manned center which is operated for the purpose of accepting household waste and recyclables from the public.

Section III. Storage and Disposal

A. Large airtight containers: No person shall abandon large airtight containers and appliances such as refrigerators that have not been rendered incapable of being made airtight again or have been rendered incapable of locking or closing. The said container or airtight appliance, all household garbage and other refuse covered by this ordinance shall be stored in such a manner or fashion as individual homeowners or garbage contractors may choose so long as the same does not constitute or create a health hazard.

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

this ordinance or other applicable state and federal regulations.

C. The owner, occupant, tenant, or lessee of any property shall remove or cause to be removed all solid waste from his property in such a period of time so that the same shall not constitute a health hazard.

D. Garbage shall be stored in such containers as the owner, occupant, tenant, or lessee may choose so long as the same is kept clean and does not produce an odor or other nuisance condition.

E. Refuse shall be stored in a manner that will not provide harborage to rodents and vermin and will not create a fire hazard.

F. No owner, occupant, tenant, or lessee of any building or dwelling, may leave outside the building or dwelling, in a place accessible to children, any abandoned or unattended icebox, refrigerator or other receptacle that has an airtight door without first removing a locking or closing mechanism of the said door.

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

1. In Pasquotank County's Sanitary Landfill as approved by the North Carolina Department of Environment, Health & Natural Resources;

2. In such other disposable area as has obtained all local, state, and federal air pollution control permits;

3. By any other method, including reclamation and recycling processes, that has been approved by the North Carolina Department of Environment, Health & Natural Resources.

H. In addition to the methods listed in Section III.G., above, household garbage may be disposed of only at Pasquotank County convenience/recycling centers. Provided that the said

recycling/convenience centers provided by Pasquotank County shall not be used at any time by any commercial or for profit hauler or transporter of garbage or solid waste.

I. Construction and demolition wastes shall be separated from household garbage and disposed of at a demolition site in the Pasquotank County Landfill as approved by Pasquotank County or its designees.

J. Infectious, hazardous, and radioactive wastes shall be disposed of according to written procedures approved by the North Carolina Department of Environment, Health & Natural Resources.

K. Any person collecting and transporting solid wastes for disposal shall dispose of the same at the landfill provided by Pasquotank County.

L. Disposal of asbestos must be arranged through the Solid Waste Director at least three working days prior to removing it from its original location, except for material that contains less than 2% asbestos and is non-friable which may be disposed of with regular household garbage at the landfill. Provided however, that proper documentation is presented to the Solid Waste Director regarding the asbestos content.

M. Disposal of Sharps Containers must be arranged through the Solid Waste Director at least three working days prior to removal from the facility.

Section IV.

A. The sanitary landfill of Pasquotank County may be used for the disposal of solid wastes by any person who is a resident of Pasquotank County and has solid wastes that were produced, generated, or collected in Pasquotank County or by a resident of such other

county or area as Pasquotank County shall by contract authorize to utilize the said sanitary landfill under the same terms and conditions as set forth herein. Solid waste shall be disposed of at the landfill in the manner and in accordance to the procedures required by the landfill manager or his representative.

B. The following wastes may not be disposed of in the landfill:

1. Radioactive wastes;
2. Tires;
3. Infectious wastes;
4. Wet sludge;
5. Batteries;
6. Liquids of any type;
7. Any hollow metal drums 55 gallons or larger unless the ends have been removed;
8. Any cable or wire unless it has been cut into two foot sections or baled;
9. White goods (i.e. refrigerators, stoves, etc.)

C. Any person transporting waste to the county landfill shall pay rates for the disposal of the said household garbage or waste that is permitted in Section II of this ordinance in accordance with a fee schedule that shall be adopted by the Pasquotank County Board of Commissioners.

1. All fees shall be paid at the time of delivery to the said county landfill unless prior arrangements have been made with the Pasquotank County Solid Waste Department.

2. The following groups or persons shall be exempt from the payment of fees for disposal of garbage or other waste:

a. Residential waste of 1/2 ton (1,000 pounds) or less that is brought to the landfill by the homeowner. This does not apply to residential waste that is collected by commercial haulers.

b. Any civic group that brings waste to the landfill as a result of roadside cleaning activities including the Department of Transportation, or other groups performing public service cleanup activities as authorized by the County Manager or Solid Waste Director.

3. That any persons who shall deliver garbage or waste to the Pasquotank County landfill if the waste did not originate in Pasquotank or Camden Counties shall be charged double the rates set forth hereinabove, provided further, that said landfill manager shall have the right and privilege to refuse such garbage, bulky waste, commercial waste or industrial solid waste.

4. Commercial waste of 1/2 ton (1,000 pounds) or less per month that is brought to the landfill by the commercial customer. This does not apply to commercial waste that is collected by commercial haulers. Each commercial customer that disposes of waste at the Pasquotank County landfill may receive a rebate on 1,000 pounds per month or the actual amount of waste actually disposed of whichever is less at the end of the fiscal year by completing an application on forms to be provided by Pasquotank County. The commercial customer shall attach copies of paid invoices or receipts to the application which show the actual amount of waste disposed of at the landfill. After verification of the application by the Solid Waste Department, a rebate check will be sent to the commercial customer.

Section V. Recycling/Convenience Centers

A. Recycling/convenience centers are maintained at various sites throughout the county for the convenience of county residents. Solid wastes and recyclables may be deposited in the recycling/convenience centers only in accordance with the provisions of this ordinance.

B. All solid wastes shall be deposited inside the solid waste receptacle or as directed by the attendant. No solid waste may be left outside the gate of the center.

C. No commercial, industrial, and institutional solid waste or solid waste collected by independent collectors may be deposited at the recycling/convenience centers, except that designated recyclables that are generated by commercial or industrial businesses, or institutions may be deposited at the landfill recycling/convenience center.

D. The following wastes may not be deposited in the recycling/convenience centers:

1. Hazardous wastes;
2. Liquid wastes, except for used motor oil;
3. Infectious wastes;
4. Radioactive wastes;
5. Bulky wastes; (except as derived from household use which may be placed in roll-off containers by homeowners)
6. Tires, except at the Landfill Recycling Center;
7. Construction and demolition wastes; (except as derived from household use which may be placed in roll-off containers by homeowners)
8. Burning or smoldering materials, or any other materials that would create a fire hazard;

9. Batteries except in approved recycling containers;

10. Yard waste which weighs more than 100 pounds and/or limbs longer than 8 feet or larger than 4 inches in diameter.

Section VI. Prohibitions

1. No smoking shall be permitted at the landfill or the use of any matches or other open flames except as approved by the Solid Waste Director.

2. No persons shall be allowed to go upon the premises for any reason except as permitted by this ordinance or as approved by the Landfill and/or County Manager.

Section VII.

Certain landfills may be allowed within the zoning boundaries of Pasquotank County when located in the appropriately zoned district and having obtained a special use permit issued by the Board of Adjustment.

Subject to high standards of planning and design, certain property outside the zoning boundaries may be used for the construction of landfills. In order for a landfill to be located in these areas an application shall be filed with the Pasquotank County Solid Waste Director. Such application will include a copy of the approved plan submitted to the N. C. Solid Waste Management Division, and be subject to a public hearing before the Pasquotank County Board of Commissioners. Due notice of the hearing shall be given to those land owners immediately adjacent thereto either in the rear thereof or on either side thereof; extending 100 feet therefrom, or of those directly opposite thereto extending 100 feet from the street frontage of the opposite lots; specifically, at least one (1) week prior to the date of the hearing, the Solid Waste Director shall furnish all

adjoining property owners with written notice of the hearing. Notice of a Public Hearing shall be published once a week for two (2) consecutive calendar weeks in a local newspaper of general circulation. Such landfill application shall not be approved except by favorable vote of a majority of all the members of the Pasquotank County Board of Commissioners. It is unlawful to operate a landfill without such approval by the Pasquotank County Board of Commissioners.

Section VIII.

Any person violating this ordinance shall be guilty of a misdemeanor as provided by N.C.G.S. 14-4 which shall cause the said person to be punishable by a fine not to exceed fifty dollars (\$50) or imprisonment for not more than thirty (30) days, or both. Each day's violation shall be treated as a separate offense.

Adopted this the 16th day of December, 1991.

Pasquotank Board of Commissioners

BY:

Pat R Mcbee
Chairman of the Board

Attest:

Karen A. Jones
Clerk to the Board

