

# **SOLID WASTE MANAGEMENT ORDINANCE**

## **CHATHAM COUNTY, NORTH CAROLINA**

### **ARTICLE I - TITLE**

This ordinance shall be known and may be cited as the Solid Waste Management Ordinance of Chatham County, North Carolina.

### **ARTICLE II - PREAMBLE**

• Whereas, the Chatham County Board of Commissioners is authorized by the General Statutes of the State of North Carolina to enact an ordinance regulating solid waste collection, storage, and transportation, disposal as well as management of recyclables within Chatham County;

Now, therefore, be it ordained that the following regulations shall apply to Chatham County, North Carolina.

### **ARTICLE III - PURPOSE**

The purpose of this ordinance is to promote the public safety, health, and welfare of the citizens of Chatham County by regulating the management of solid waste and recycling in Chatham County.

### **ARTICLE IV - AUTHORITY**

Under provisions pursuant to N.C. G.S. Sections 153A-121 and 153A-136 of the North Carolina General Statutes, Chatham County hereby exercises its authority to enact these regulations.

### **ARTICLE V - JURISDICTION**

On and after the effective date of this ordinance the collection, transportation, and disposal of solid waste and recyclables within Chatham County, North Carolina shall be governed by the provisions of this ordinance.

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**ARTICLE VI - DEFINITIONS**

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

- A. **Banned Material** - Any solid waste, recyclable or other material of which the disposal in the county landfill is restricted or forbidden.
- B. **Bulky Wastes** - Large items of solid waste such as household appliances, furniture, automobile, large auto parts, trees, branches, stumps, and other oversized waste whose size precludes or complicates their handling by normal solid waste collection, processing, or disposal methods.
- C. **Compost** - Biodegradable material that is managed in such a way to promote its decomposition so that a usable soil amenity is produced.
- D. **Construction Waste** - Waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings, and other structures
- E. **Convenience Center** - A staffed facility that is owned or operated by the County at which county people residing in Chatham County can bring their recyclables and solid waste.
- F. **Demolition Waste** - Concrete, bricks, uncontaminated earth, untreated wood waste clean of nails or other hardware, and other solid wastes as approved by Chatham County.
- G. **Garbage** - All putrescible wastes, including animal and vegetable matter, animal offal and carcasses, and recognizable industrial by-products, but excluding sewage, human waste, and any liquid waste.
- H. **Hauler** - Any person or company that hauls solid waste or recyclables
- I. **Hazardous Waste** - Any solid, liquid or other waste products or combination thereof which because of its quantity, concentration, or physical, chemical or infectious characteristics may cause or contribute to adverse health effects on persons, other organisms or the environment when improperly treated, stored, transported, disposed of or otherwise managed.
- J. **Household Hazardous Waste** - Hazardous waste that is generated in the residential sector, generally of less quantity and toxicity than hazardous waste, but may cause public health or environmental problems if not managed in a special manner, as is more specifically defined by 40 CFR Parts 257 & 258 of the Federal Register.
- K. **Illegal Dumping** - Any action which contributes to the illegal accumulation of litter, solid waste, or recyclables.
- L. **Litter** - Any amount of solid waste or recyclables which has been disposed of, discarded, or abandoned improperly or illegally including solid waste and recyclables on road sides, in water, or on public or private lands. Litter does not include biodegradable material collected in a safe manner for composting purposes, junk as regulated by the Chatham County Junk Yard Ordinance, or solid waste or recyclables collected on a person's own property to be used for some legal, safe purpose as approved by the commissioners or their authorized representative

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- M. **Person** - means any individual, firm governmental unit, organization, partnership, corporation or company.
- N. **Private Hauler** - Any person or company that hauls solid waste or recyclables for a fee.
- O. **Public Works Director** - Administrator of the County Solid Waste Department.
- P. **Recovered Material** - Discarded materials that are reused in some fashion and would otherwise be solid waste.
- Q. **Recyclable Corrugated Cardboard** - Paper boxes and other thick layered brown paper used in shipping or receiving which, paper dealers are willing to purchase.
- R. **Recyclables** - Those materials which are capable of being recycled and which otherwise would be processed or disposed of as solid waste.
- S. **Recycling Coordinator** - the Supervisor of the Chatham County Recycling Program and Convenience Center sites.
- T. **Recycling Collector** - any person or private hauler that collects recyclables.
- U. **Recycling Container** - any container maintained by the County Solid Waste Department that is used to collect recyclables.
- V. **Residential Waste** - Solid waste generated in the day to day activities of households.
- W. **Solid Waste** - garbage, refuse, rubbish, trash, and other discarded solid materials not recycled including solid waste materials resulting from industrial, commercial, and agricultural operations and from community activities, but does not include solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollution.
- X. **Greenbox Site** - any place owned, leased, rented or otherwise operated by Chatham County Sanitary Landfill Department at which solid waste is collected.
- Y. **Solid Waste Department** - The union of the county landfill and recycling programs which is supervised by the county Public Works Director.
- Z. **Solid Waste Collector** - means any person who collects or transports solid waste.
- AA. **Solid Waste Container** - any container maintained by the county solid waste department that is used to collect and/or store solid waste.
- BB. **Solid Waste Warden** - The county employee responsible for executing much of the enforcement provisions of the Solid Waste Ordinance with a specific emphasis on curtailing illegal dumping.
- CC. **Supervisor of Sanitary Landfill** - means the Supervisor of the Chatham County Sanitary Landfill or his/her authorized representative.
- DD. **Swap Shop** - Any area at the County convenience centers at which recyclables, reusables, and/or other reusable solid waste, are deposited, given or traded to be taken or received by other interested persons.
- EE. **Yard Waste** - All biodegradable clearing debris and vegetative matter including lawn clipping, leaves, brush, stumps, and garden refuse.

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**ARTICLE VII - USE OF CONTAINER SITES AND CONVENIENCE CENTERS**

**Section 1. Authority of County Agents to Regulate Use**

The greenbox sites, recycling drop-off sites and convenience centers located throughout Chatham County are operated and maintained by the Solid Waste Department and financed by revenues generated by the ad valorem property tax, landfill tipping fees, household fee, and other miscellaneous taxes. The purpose of these allocated monies is to provide solid waste and recycling management services to citizens in the unincorporated areas of the county. Therefore, it shall be unlawful for any person, to use county greenbox sites or convenience centers unless such person is disposing of solid waste generated on property located within Chatham County.

Since the purpose of the green box sites and convenience centers is to provide solid waste services to the residents of the unincorporated areas of Chatham County, no industry, business, institution, or other non-residential user shall deposit solid waste or recyclables at any of the said locations without express permission from the Public Works Director or his duly authorized representative. Non-residential generators of solid waste are required to take garbage directly to the landfill or dispose of it in some other legal fashion.

Due to the fact that the operation of the Chatham County Sanitary Landfill is regulated by the North Carolina Department of Human Resources, Division of Health Services, Sanitary Engineering Section, and the U.S. Environmental Protection Agency, the Sanitary Landfill Supervisor shall have the authority to determine what types of waste can be deposited in the sanitary landfill in accordance with the most current State and Federal rules and regulation governing such disposal.

**Section 2. Materials Not Acceptable**

Due to the difficulty or public health hazard of managing commingled solid waste and in order to comply with State and Federal laws, certain materials in addition to non-residential waste cannot be placed in county solid waste containers. Such material includes:

Fire embers	Appliances or furniture
Oil and other liquids	Pesticides
Poisons	Chemicals
Infectious waste	Animals
Stumps and/or logs	Concrete
Lead acid batteries	Tires
Brush	Construction material
Land clearing waste	Bulky waste
Yard waste	Radioactive waste

In addition, it shall be illegal to deposit any material in a recycling container that is not specifically marked to accept the said material

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**Section 3. Fire Prevention**

It shall be unlawful for any person to set or cause to be set any fire in a solid waste container. No person shall place in a container embers, ashes, or other material which would create a fire hazard.

**Section 4. Scavenging**

It shall be unlawful for any person to enter or to remove any item from a solid waste or recycling container unless they have express written permission from the Public Works Director or a duly authorized representative. No person shall climb on, around or inside a solid waste or recycling container. No person shall cause any damage to be inflicted upon a solid waste or recycling container. This paragraph shall not apply to any person acting in the capacity of solid waste or recycling collector as authorized by the Public Works director. Nor shall this paragraph apply to persons removing items from the convenience center swap shop during operational hours. Nothing in this Paragraph shall make it illegal for a scrap dealer or recycler to buy recyclables from a scavenger

**Section 5. Loitering**

No person or persons shall loiter and/or congregate on any greenbox site, recycling drop-off site, or convenience center property and no vehicle shall be left unattended on said property. Any vehicle left unattended shall be towed away and placed in storage at the owner's expense.

**Section 6. Littering and Illegal dumping**

- A. It shall be unlawful for any person to sweep, throw, deposit, or dump, or to permit, allow, maintain or contribute to the sweeping, throwing, depositing, or dumping any litter, solid waste, or recyclables into, upon or along a drain, gutter, street, sidewalk, alley, vacant or occupied lot, walk, parking lot, embankment, within or near any public or private lake, pond, creek, river, stream, ditch, swamp, marsh, whether or not navigable, or upon any public or private premises within Chatham County; provided however, that nothing in this paragraph shall prevent the managing of litter, recyclable or solid waste according to article X.
- B. It shall be unlawful for any owner, occupant, tenant or lessee of any building, structure or land jointly or severally to permit the deposit or accumulation of litter or other illegally dumped materials.
- C. Property owners and prime contractors in charge of a construction site are jointly and severally required to take appropriate measures to ensure the control of litter generated by construction and related activities.

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- D. It shall be unlawful to leave solid waste, litter, or improperly sorted recyclables at any county drop-off recycling center.
- E. It shall be unlawful for any person to leave, throw, or deposit any solid waste, recyclables, or litter at any former greenbox site from which all solid waste containers have been removed
- F. It shall be unlawful to leave solid waste, recyclables or any material at a convenience center or landfill unless there is a county employee present who consents and/or supervises the leaving of the material at said site.

**ARTICLE VIII - SOLID WASTE TRANSPORTATION**

Vehicles or containers used for the collection and transportation of garbage or refuse containing garbage shall be covered, leak proof, durable and of sturdy construction. These shall be cleaned as often as necessary to prevent a nuisance and shall be maintained in good repair. 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 covered or securely tied to prevent blowing of material. If spillage should occur, the material shall be considered litter unless picked up immediately by the solid waste collector and returned to the vehicle or container and the area properly cleaned.

**ARTICLE IX - SOLID WASTE COLLECTOR**

- A. No person shall within Chatham County collect, transport or dispose of solid waste without a permit issued by the Solid Waste Department provided that this subsection shall not apply to any persons disposing of solid waste from his own residence, or to any person operating a solid waste disposal site that has been approved by the Commissioners and the Division of Health Services. Chatham County shall issue such authorization only when upon inspection it finds that the facilities, equipment and proposed operation methods of the applicant are in compliance with the requirements of Article 128 of Chapter 130 and Articles 6 and 15 of Chapter 153A of the General Statutes of North Carolina.
- B. Permits shall be obtained from the office of the Solid Waste Warden of the Chatham County Solid Waste Department, and shall be revalidated annually.
- C. Revocation of Permit - The permit for collecting and hauling solid waste in Chatham County shall be revoked immediately by the issuing authority pursuant to Articles 6 and 15 of Chapter 153A of the General Statutes of North Carolina either for a temporary period or permanently for failure to comply with any part of this ordinance

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- D. In accordance with House Bill 0134, all haulers operating in the county are required to report to the Chatham County Recycling Department concerning quantities of recyclables or recovered material they recycle or deposit in county recycling receptacles. Reporting shall take place during annual renewal of permit or by the request of county Recycling Coordinator or a duly authorized representative.
- E. It shall be illegal for haulers to bring solid waste or recyclables that have been banned into the landfill commingled with other solid waste. Banned materials include:
- |   |                     |
|---|---------------------|
| waste oil   | tires               |
| white goods   | lead-acid batteries |
| yard waste (after January 1, 1993)  | any liquid          |
| hazardous waste   |                     |
| recyclable corrugated cardboard generated from non-residential sources    |                     |
| aluminum cans generated from non-residential sources (as of July 1, 1993) |                     |
- F. As of July 1, 1993, all private haulers who collect residential waste for a fee will be required to establish a program to collect and recycle aluminum cans, newspapers, and steel food cans, or else not accept the said materials commingled with the residential garbage that they collect. In addition, haulers are encouraged to promote recycling of glass bottles, corrugated cardboard, recyclable plastic and other recyclables. Haulers who do not establish satisfactory programs to remove the said recyclables from the waste stream shall be subject to the penalties specified in Article XII.D.
- G. It shall be unlawful for any private hauler to falsely advertise that any material is being recycled by him when in fact it is not.

**ARTICLE X - SOLID WASTE DISPOSAL**

No solid waste collector or other person shall dispose of solid wastes, except by one of the following methods:

- A. By placing of approved household solid waste in County containers. Provided, however, that permitted solid waste collectors are not authorized to dispose of collected waste or garbage by placing same in county containers.
- B. By placing acceptable wastes in the Chatham County Landfill or any other permitted sanitary landfill that meets all local, State, and Federal regulations.
- C. By incineration in an incinerator that meets all requirements of the local, State, and Federal air pollution standards.

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- D. A resident may dispose of certain types of residential solid waste generated at his premises upon his residence premises, but only in a safe and sanitary manner approved by the Solid Waste Warden or a duly authorized representative.
- E. By any other method including reclaiming, composting, mulching, or recycling processes that have been approved by the Public Works Director or his duly authorized representative. Disposal of solid waste by any other method including dumping is prohibited.

This section shall not be construed to prevent any person from properly disposing of solid waste from one's own residence on one's own residence in a safe, sanitary manner approved by the Commissioners or their authorized representatives. A person's own land is the land on which his dwelling house is situated and land contiguous therewith which is owned by said person.

**ARTICLE XI - ENFORCEMENT**

The Solid Waste Warden along with any other County employee that the County Manager designates shall be empowered to enforce this Ordinance. The designated Solid Waste Warden shall be responsible to organize all county enforcement efforts against littering and other activities which violate this Ordinance.

- A. When litter is placed, thrown, or deposited into, upon or along any public or private property, the owner, occupant, tenant, lessee, proprietor or other person in charge thereof shall upon notice be responsible to remove said material and dispose of such in accordance with this ordinance.
- B. When litter is released from a vehicle, the operator thereof shall be presumed to have committed such offense.
- C. If any solid waste disposed of in violation of this Ordinance can be identified as having belonged to, been in the possession of, sent to or received by or to have been the property of any person prior to being disposed of, such identification shall be prima facie evidence that such person disposed of or caused to be disposed of such solid waste in violation of this Ordinance.
- D. Photographs or videotapes of an illegal dump, litter, or of a person in the process of committing such offense may be used as evidence to identify the person responsible.



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**ARTICLE XII - PENALTIES FOR VIOLATION**

- A. The violation of any provision of this ordinance shall be a misdemeanor and any person convicted of such violation shall be punishable as provided in G.S. 14-4 by imprisonment not to exceed thirty (30) days or a fine not more than \$500. Each day's violation of this ordinance shall be a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve a person of liability for taxes, fees or administrative penalties imposed pursuant to 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 G.S. 153A-123(d) and (e), or any other applicable law.
- C. In addition to and not in lieu of the criminal penalties and other sanctions provided in this ordinance, any person violating any of the provisions of this ordinance shall be subject to a Civil Penalty for each violation which shall be paid in full within twenty-four (24) hours of the service of the citation in accordance with N.C. G.S. 153A-123.
  1. Such civil penalties may be recovered by Chatham County in a civil action in the nature of debt or may be collected in such other manner as prescribed herein within the prescribed time following the issuance of notice for such violation.
  2. Such notice shall, among other things:
    - a. State upon its face the violation committed, the place and approximate date, and the amount of the penalty.
    - b. Notify such offender that a failure to pay the penalties within the prescribed time shall subject such offender to a civil action in the nature of debt for the stated penalty together with the cost of the action to be taxed by the Court.
    - c. Further provide that such offender may answer the said notice by mailing said notice, and stated penalty to the Chatham County Government at a location designated upon such notice, and that upon payment, such case or claim and right of action by Chatham County will be deemed compromised and settled.

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3. The County Manager or duly designated representative is authorized to accept such payments in full and final settlement of the claim or claims, right or rights or action which Chatham County may have to enforce such penalty by civil action in the nature of debt. Acceptance of such penalty shall be deemed a full and final release of any and all such claims, or rights of action arising out of such alleged violation or violations.
  4. The civil penalty for violation of this ordinance shall be as follows:
    - Littering - \$50 per offense.
    - Residential violation, including misuse of county solid waste facility and backyard dumping - \$50 per offense.
    - Use of Chatham County solid waste facilities or littering by out of county offender - \$75 per offense.
    - Violations for commercial or industrial purposes - \$100 per offense.
    - All repeat offenders - \$100 per offense.
  5. The notice of violation referred to herein may be delivered to the person violating the provisions of this ordinance in person, or may be mailed to said person at his last known address.
  6. All penalties paid to the County as well as those recovered in a civil action in the nature of debt as herein provided shall be paid into the school fund of Chatham County.
- D. Any solid waste collector of commercial, industrial, or institutional waste who disposes waste containing a banned material shall be subject to the following penalty:
- A tipping fee of twice the then current tipping fee for entire contaminated load.
  - Subsequent offenses shall be subject to tipping fees of three times the then current tipping fee for entire contaminated load.
- E. Any and all costs incurred by the county in the abatement of litter under the provisions of this Ordinance may constitute a lien against the property upon which such litter existed, which lien shall be filed with the tax administrator and collected in the same manner as provided for the collection of ad valorem taxes. Such filing shall be notice to all persons from the time of its filing with the tax administrator and shall bear interest at the legal rate thereafter until satisfied. In addition, such violator shall be liable for restitution for abatement costs.

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F. The person or persons littering or dumping in violation of this ordinance and the person or persons generating said litter or unauthorized material so dumped shall be liable, jointly and severably for all costs incurred by the County in the collection, removal, and disposal of said litter or unauthorized material.

**ARTICLE XIII - SEVERABILITY**

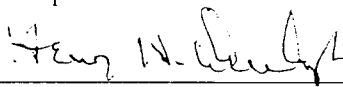
Should any section or provision of this ordinance be for any reason be held void or invalid by a court of competent jurisdiction, it shall not affect the validity of any other section or provisions herein which is not itself void or invalid.

**ARTICLE XIV - REPEAL OF CONFLICTING ORDINANCES**

All ordinances and clauses of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

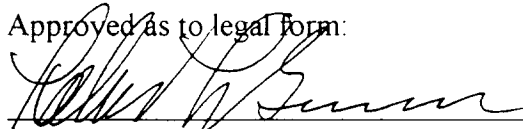
**ARTICLE XV - EFFECTIVE DATE**

This ordinance shall be effective upon its adoption.



Chairman of Board of Commissioners

Approved as to legal form:



County Attorney

Adopted March 8, 1993



Clerk of the Board

