

CAMDEN COUNTY SOLID WASTE MANAGEMENT ORDINANCE

SECTION 1. PURPOSE AND STATUTORY AUTHORITY

The purpose of this ordinance is to regulate the storage, collection and disposal of solid waste in Camden County. This ordinance is adopted pursuant to the authority contained in G.S. 153A-121, 132.1, -136, -274 through -278, and -291 through -293, and 130A-309.09, -309.09A, 309.09B, and -309.09D. Unless otherwise indicated, the ordinance applies to both publicly-owned and private-owned municipal solid waste management facilities located in Camden County.

SECTION II. DEFINITIONS

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

A. Board: Board of Commissioners of Camden County.

B. Bulky waste: Large items of solid waste such as furniture, 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.

C. Collection: The act of removing solid waste (or materials that have been separated for the purpose of recycling) to a transfer station, processing facility or disposal facility.

D. Commercial solid waste: All types of solid waste generated by stores, offices, restaurants, warehouses and other non-manufacturing activities, excluding residential and industrial waste.

E. Construction and demolition waste: Solid waste resulting solely from construction, remodeling, repair or demolition operations on buildings or other structures but does not include inert debris, land-clearing debris, yard debris or used asphalt, asphalt mixed with dirt, sand, gravel, rock, concrete or similar nonhazardous material.

F. Department: The Department of Environment, Health and Natural Resources.

G. Garbage: All putrescible waste, including animal offal and carcasses, and recognizable industrial by-products, but excluding sewage and human waste.

H. Hazardous waste: Solid waste, or a combination of solid wastes, that because of its quantity, concentration or physical, chemical or infectious characteristics may:

(1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or

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

I. Incineration: The process of burning solid, semi-solid, or gaseous combustible wastes to an inoffensive gas and a residue containing little or no combustible material.

J. Industrial solid waste: Solid waste generated by industrial processes and manufacturing.

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

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

M. Land-clearing debris: Solid waste that is generated solely from land-clearing activities.

N. Landfill: A disposal facility or part of a disposal facility where waste is placed in or on land and that is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility.

O. Medical waste: Any solid waste that 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, household waste as defined in 40 C.F.R. 261.4(b)(1), or those substances excluded from the definition of "solid waste" in this ordinance.

P. Municipal solid waste: Solid waste resulting from the operation of residential, commercial, industrial, governmental or institutional establishments that would normally be collected, processed, and disposed of through a public or private solid waste management service. Municipal solid waste does not include hazardous waste, sludge, or solid waste from mining and agricultural operations.

Q. Municipal solid waste management facility: Any publicly or privately owned solid waste management facility permitted by the Department that receives municipal solid waste for processing, treatment, or disposal.

R. Pathological waste: Human tissues, organs and body parts and the carcasses and body parts of any animals that were known to have been exposed to pathogens that are potentially dangerous to humans during research, were used in the production of biologicals or in in vivo testing of pharmaceuticals, or that died with a known or suspected disease transmissible to humans.

S. Person: Any individual, corporation, company, association, partnership, unit of local government, state agency, federal agency or other legal entity.

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

U. Processing: Any technique designed to change the physical, chemical, or biological character or composition of any solid waste so as to render it safe for transport; amenable to recovery, storage, or recycling; safe for disposal; or reduced in volume or concentration.

V. Radioactive waste: Waste containing any material, whether solid, liquid, or gas, that emits ionizing radiation spontaneously.

W. Recycling: The process by which solid waste or recovered materials are collected, separated, or processed and reused or returned to use in the form of raw materials or product.

X. Refuse: Solid waste, other than garbage or ashes, from residences, commercial establishments and institutions.

Y. Regulated medical waste: Blood and body fluids in individual containers in volumes greater than 20ml, microbiological waste and pathological waste that has not been treated pursuant to rules promulgated by the Department.

Z. Resource recovery: The process of obtaining material or energy resources from discarded solid waste that no longer has any useful life in its present form and preparing the solid waste for recycling.

AA. Sanitary landfill: A facility for the disposal of solid waste on land in a sanitary manner in accordance with the rules concerning sanitary landfills adopted pursuant to G.S. Ch.130A, article

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

CC. Septage: Solid waste that is a fluid mixture of untreated and partially treated sewage solids, liquids, and sludge of human or domestic origin that is removed from a septic tank system.

DD. Sharps: Needles, syringes, and scalpel blades.

EE. Sludge: Any solid, semisolid, or liquid waste generated from a municipal, commercial, institutional, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, or any other waste having similar characteristics and effects

FF. Solid waste: Any hazardous or nonhazardous garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, domestic sewage and sludges generated by the treatment thereof in sanitary sewage collection treatment, and disposal systems, and other material that is either discarded or is being accumulated, stored or treated prior to being discarded, or has served its original intended use and is generally discarded, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, institutional, commercial, and agricultural operations, and from community activities. The term does not include:

- (1) Fecal waste from fowls and animals other than humans;
- (2) Solid or dissolved material in
  - a. Domestic sewage and sludges generated

by treatment thereof in sanitary sewage collection, treatment and disposal systems that are designed to discharge effluents to the surface waters;

b. Irrigation return flows; and

c. Wastewater discharges and the sludges incidental to and generated by treatment 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. However, any sludges that meet the criteria for hazardous waste under RCRA shall also be a solid waste for purposes of this definition;

(3) Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the General Statutes. However, any oils or other liquid hydrocarbons that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this definition.

(4) Any source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011).

(5) Mining refuse covered by the North Carolina Mining Act, G.S. 74-46 through 74-68 and regulated by the North Carolina Mining Commission. However, any specific mining waste that meets the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this definition.

GG. Solid waste collector: Any person who collects or transports solid waste.

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

II. Solid waste receptacle: Container used for the temporary storage of solid waste while awaiting collection.

JJ. Source separation: Setting aside recyclable materials at their point of generation by the generator.

KK. Tire: A continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle as defined in G.S. 20-4.01(23).

LL. Transfer station: A site at which solid waste is concentrated for transport to a processing facility or disposal site. A transfer station may be fixed or mobile.

MM. Used oil. Any oil that has been refined from crude oil or synthetic oil and, as a result of use, storage or handling, has become unsuitable for its original purpose.

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

OO. Yard trash: Solid waste consisting solely of vegetative matter resulting from landscaping maintenance.

### SECTION III. STORAGE AND DISPOSAL

A. No owner, occupant, tenant, or lessee of any property may deposit, store or permit to accumulate any solid waste on 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 solid waste from his property at least once each week(7 day period), that is, unless the waste is stored in a container leased from the county or other solid waste disposal company which is designed to provide for amounts of solid waste surpassing those normally accumulated within a week due to the nature of the owner, occupant, tenant or lessee's business conducted on that property.

C. Garbage shall be stored in a container that is durable, rust resistant, nonabsorbent and easily cleaned. Each container shall be kept clean so that no odor or other nuisance condition exists.

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

Regulated refuse under this subsection includes, but is not limited to, lumber, boxes, barrels, bottles, cans, tires, paper, cardboard, rags, old furniture and other bulky goods and white goods. Useful materials, such as firewood and building materials, may be stored on the premises, provided they are stored in a safe manner at a reasonable height above ground.

E. No owner, occupant, tenant, or lessee of a building or dwelling, other than a licensed junk dealer, may place or leave, or cause to be placed or left, outside the building or dwelling any bulky waste for longer than seven (7) days.

F. No owner, occupant, tenant, or lessee of a 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 the door.

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

(1) At one of the county's recycling/convenience sites;

(2) In a Department approved landfill such as the Pasquotank County landfill.

(3) By any other method, including recycling and resource recovery, that has been approved by the Department.

H. In addition to the methods listed in subsection G, above, refuse may be disposed of in solid waste receptacles provided by the county.

I. No person may discard, dispose, leave, or dump any solid waste on or along any street or highway or on public or private property unless such solid waste is placed in a receptacle or at a location designated for the deposit of solid waste.

J. Construction waste must be disposed of at disposal sites approved and permitted by the Department.

K. Regulated medical, hazardous, and radioactive waste must be disposed of according to written procedures approved by the Department.

L. Any person collecting and transporting solid waste generated on such person's property for disposal at an approved disposal site shall comply with sections VIII.F.1 and 2 of this ordinance concerning vehicles and containers.

M. All sharps shall be placed in a sealed, puncture-proof container prior to disposal.

#### SECTION IV. SOLID WASTE RECEPTACLES.

A. Solid waste receptacles are maintained at three (3) recycling/convenience sites within Camden County for the convenience of county residents. Solid waste may be deposited in the receptacles only in accordance with the provisions of this ordinance.

B. The following wastes may not be deposited in solid waste receptacles;

- (1) Asbestos;
- (2) Burning or smoldering materials, or any other materials that would create a fire hazard.
- (3) Nuclear waste;
- (4) Construction waste;
- (5) Hazardous waste;
- (6) Industrial waste;
- (7) Institutional waste;
- (8) Lead-acid batteries;
- (9) Liquid waste;
- (10) Radioactive waste;
- (11) Regulated medical waste;
- (12) Tires;
- (13) Used oil;
- (14) White goods;
- (15) Yard trash;
- (16) Sludges;
- (17) Barrels;
- (18) Sharps not properly contained.

C. All solid waste intended for disposal in a solid waste receptacle shall be deposited inside the container. No solid waste shall be left at the solid waste receptacle site outside the receptacle.

D. No person may remove any item from a solid waste container, climb on or into a container, or damage any container.



## SECTION V. FLOW CONTROL

A. Solid waste generated within the confines of Camden County's Solid Waste Management Plan that is placed in the waste stream for disposal or recycling shall be collected, transported, and disposed of at the County Recycling/Convenience Centers or Department approved landfill designated by the Camden County Board of Commissioners. The removal of solid waste from within Camden County for disposal without prior approval of the Camden County Board of Commissioners is prohibited. The disposal of solid waste generated in areas outside the boundaries of the County and county owned solid waste management facilities is prohibited without prior approval of the Camden County Board of Commissioners. This section shall not be construed to prohibit the source separation of materials from solid waste prior to collection of such solid waste for disposal.

B. No person, except licensed private collectors and county collectors shall collect and remove any solid waste within the county for disposal; provided however, that county residents shall be able to take solid waste from their place of residence or business to any of the three recycling/convenience centers within the County or a landfill approved by the Department and the Camden County Board of Commissioners.

## SECTION VI. LICENSING OF SOLID WASTE COLLECTORS

A. No person may engage in business as a solid waste collector except under a license issued by the County pursuant to this ordinance.

B. Applications for license to engage in the business of solid waste collector shall be filed with the county manager on forms approved by the Camden County Board of Commissioners. The applicant shall furnish the following information:

1. Name and address of the applicant and whether a sole proprietorship, corporation or partnership with disclosure of the ownership interests.
2. A list of equipment possessed, available, or to be obtained by the applicant, including motor vehicle license tag numbers;

- (3) Number of employees the applicant expects to use in the business;
- (4) Experience of the applicant in solid waste collection;
- (5) Balance sheet or equivalent financial statement as of the close of the applicant's last business year, showing the net worth of the business;
- (6) Planned routes and areas of the county the applicant expects to serve;
- (7) Schedule of fees the applicant expects to charge;
- (8) Evidence of liability insurance coverage;
- (9) Name and location of the facility where collected waste is to be disposed of.

C. Before issuing a license pursuant to this section, the county manager shall inspect or cause to be inspected all facilities and equipment the applicant plans to use in the solid waste collection business.

D. (1) The county manager may issue the applicant a license only when he feels that the applicant's facilities, equipment, and proposed operating methods are in compliance with this ordinance and applicable rules of the Department and that the applicant will perform solid waste collection in an efficient and sanitary manner. A condition of the license shall be that the licensee shall serve every person who contracts with him for solid waste collection in such a manner that the licensee does not cause the person to be in violation of this ordinance.

(2) If the county manager denies an applicant a license, the applicant may request a hearing before the county commissioners. The clerk to the board shall keep summary minutes of the hearing and at least one week after the hearing shall give the applicant written notice of the decision. The decision reached by the Camden County Board of Commissioners shall be final.

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

E. A licensee shall submit a semi-annual report to the county manager containing the following information;

- (1) Number of customers added or deleted;
- (2) Changes in routes;
- (3) New and replacement equipment;
- (4) Any other information requested by the county manager and pertinent to the solid waste collection business.

F.(1) Vehicles and containers used for the collection and transportation of solid waste shall be covered, leakproof, durable, and easily cleaned. They shall be cleaned as often as necessary to prevent nuisance and insect breeding and shall be maintained in good repair. Vehicles shall display in numbers at least three inches high the county license number of the licensee and the license sticker issued by the county manager.

(2) Vehicles and containers used for the collection and transportation of solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill and shall be 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.

(3) When the county manager finds that a licensee has violated this ordinance or the conditions of the license, the county manager 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, the license will be revoked. If another violation occurs within the thirty day period, or, if the continuing violation is not corrected within ten days, the county manager shall give the licensee written notice that the license is revoked. Upon receipt of the notice of revocation, the licensee shall stop collecting, transporting, or disposing of solid waste. The county manager may reinstate a revoked license after the revocation has been in effect for thirty days if the county manager finds that the conditions causing the violation have been corrected. A licensee

whose license has been revoked may appeal the revocation to the board of county commissioners by giving written notice of appeal to the county manager within ten days of receiving notice of revocation from the county manager. After a hearing on the appeal, the board shall either affirm the revocation or direct the county manager to reinstate the licensee.

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

#### SECTION VII. ENFORCEMENT

A. Criminal Penalty: Any person violating this ordinance shall be guilty of a misdemeanor punishable by a fine of not to exceed \$500 or imprisonment for not more than thirty days, or both. Each day's violation shall be treated as a separate offense.

B. Civil Penalty: Any person who is found in violation of this ordinance shall be subject to a civil penalty of not to exceed \$500 as provided in G.S. 153A-123. Each day's violation shall be treated as a separate offense.

C. Remedies: This ordinance may be enforced by equitable remedies, and any unlawful condition existing or in violation of this ordinance may be enforced by injunction and order of abatement in accordance with G.S. 153A-123.

Adopted this 20th day of July, 1992



CHAIRMAN  
Camden County Board of Commissioners

seal

Phyllis Timmerman, Clerk