CHAPTER 50: SOLID WASTE DISPOSAL

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GENERAL PROVISIONS

50.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ASHES. Refuse resulting from the burning of wood, coal, coke, or other combustible material which has no live embers.

BUILDING MATERIALS. Lumber, bricks, plaster, loam, and other substances accumulated as a result of repairs to existing buildings or construction of a new building, and demolition wastes of old buildings or structures.

BULK CONTAINER. A metal container of not less than one-half cubic yard. The container is to be of tight construction and constructed so that it may be handled and emptied by a special truck.

BURNING. See **OPEN BURNING.**

CASUALTY DAMAGE. Damage to or loss of property due to a sudden or unexpected event.

CELL. Compacted refuse completely enveloped by a compacted cover material.

COMMERCIAL and **INSTITUTIONAL ESTABLISHMENT.** Any office, retail store, wholesale store, bottling plant, printing establishment, private club, hospital, group of mobile homes, apartment, group of apartments, religious, charitable, or government office, or similar establishment, provided, however, that the establishment shall not be construed to refer to the residents of individual mobile homes or individual apartments.

COVERED. Encased by a tarpaulin, camper cover, metal cover, rigid cover, plastic, canvas or other suitable material which is secured to prevent spillage, leakage, or materials from blowing from the vehicle. Solid waste in plastic bags shall not be considered covered.

DEAD ANIMAL, LARGE. Any dead animal larger than common house pets, such as cats and dogs.

DEAD ANIMAL, SMALL. Cats, Dogs, and other animals of similar size.

DUMP. See **OPEN DUMP.**

GARBAGE. All putrescible wastes, including animal and vegetable matter, animal offal and carcasses, and recognizable industrial byproducts, exclusive of sewage and human wastes.

GARBAGE RECEPTACLES. Receptacles for garbage constructed of metal or plastic, of substantial construction, watertight, rodent proof, with tight-fitting lids, provided with handles sufficient for sale and convenient handling, kept in serviceable condition, and covered at all times.

HAZARDOUS SOLID WASTES. Includes but is not limited to explosives, pathological wastes, pesticides, highly combustible chemicals, and other toxic materials which are harmful to public health.

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.

INDUSTRIAL ESTABLISHMENTS. Factories, processing plants, and other manufacturing enterprises.

LANDFILL SITE. The transfer facility, recycling center, and construction landfill operated by Alexander County.

LOCAL GOVERNING AGENCY. Incorporated cities, towns, counties, and specific purpose districts which are empowered to undertake solid waste management programs.

MANUFACTURED HOME PARK. Land used or intended to be used, leased or rented for occupancy by three or more manufactured homes which are mounted on a permanent frame, anchored in place by a foundation or other stationary supports, and to be used for living purposes.

MISCELLANEOUS REFUSE. All rubbish and refuse other than garbage, ashes, or dead animals incident to the ordinary conduct of the household.

OPEN BURNING. Burning of any matter in such a manner that the products of combustion are emitted directly into the atmosphere and are not directed thereto through a stack or chimney, incinerator, or other similar devices.

OPEN DUMP. Consolidation of solid waste from one or more sources at a disposal site which has unsanitary conditions and little or no cover.

PERSON. Any individual, firm, governmental unit, organization, partnership, corporation, or company.

PUTRESCIBLE WASTE. 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 carcasses.

RADIOACTIVE SOLID WASTE. Radioactive material.

REFUSE. Nonputrescible wastes.

RESIDENTIAL UNIT, MULTIPLE. Any duplex, apartment, group of apartments, or group of mobile homes.

RESIDENTIAL UNIT, SINGLE. Any dwelling place occupied by one family.

RUBBISH. Combustible and noncombustible waste materials, except garbage, but including taper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust, the residue from the burning of wood, coal, coke, and other combustible materials or similar materials.

SANITARY LANDFILL. A method of disposing of solid waste on land in a sanitary manner without creating nuisances or hazards to public health or safety by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of compacted earth at the conclusion of each day's operation or at such more frequent intervals as may be necessary.

SOLID WASTE. Garbage, refuse, rubbish, trash, and other discarded solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations, and from community activities, but not including solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids, industrial waste water effluents, dissolved materials in irrigation return flows, or other common water pollutants. As used herein, "solid waste" shall refer collectively to any or all of the aforementioned waste materials, unless otherwise specified.

SOLID WASTE COLLECTOR. Any person who collects or transports solid waste, by authority granted by the county.

SOLID WASTE DISPOSAL. Collection, storage, treatment, utilization, processing, or final disposal of solid waste.

SOLID WASTE MANGEMENT. Purposeful, systematic control of the generation, storage, collection, transport, separation, treatment, processing, recycling, and disposal of solid waste.

SOLID WASTE MANAGEMENT FACILITY. Land, personnel, equipment, or other resources used in the management of solid wastes including county transfer facilities and county convenience centers.

SOLID WASTE DISPOSAL SITE. Any place at which solid wastes are disposed of by incineration, sanitary landfill, or any other methods.

SPOILED FOOD. Any food which has been removed from sale by the United States Department of Agriculture, State Department of Agriculture, Food and Drug Administration, or any other regulatory agency having jurisdiction in judging food unfit for consumption.

TRANSFER FACILITY. A permanent structure with mechanical equipment for the collection or compaction of solid waste prior to the transportation of solid waste for final disposal.

VECTOR. Insect or other animal which transmits infectious diseases from one person to another.

WASTE. Litter, rubbish, refuse, and miscellaneous unusable or unwanted materials.

WATER SUPPLY WATERSHED. An area from which water drains to a point or impoundment and is then used as a source for a public water supply.

WHITE GOODS. Any household or commercial appliances, such as stoves, refrigerators, washers, dryers, microwave ovens, dishwashers, sinks, bathroom fixtures, or similar appliances.

CHAPTER 50.02 SOLID WASTE ON PROPERTY – PROHIBITIONS; REMOVAL.

(A) *Generally.* It shall be unlawful for any person to:

(1) Maintain, allow, cause, or permit the accumulation of excessive, unsightly, or improperly contained (as determined by the provisions of this chapter relating to containers) solid waste upon premises owned, occupied, or controlled by that person; or

(2) In any manner place or allow to remain upon the property solid waste in such quantity and manner as to constitute a nuisance;

(3) Cause or create the likelihood of injury to the health or welfare of other persons; or

(4) Cause or create the likelihood of injury to adjoining property.

(B) *Notice to remove.* Notwithstanding any provision of division (A) of this section, no person shall be deemed to have violated the provisions of this section who, within ten days after notice to remove in writing to that person from the Solid Waste Enforcement Officer, shall have removed the solid waste from the property as has been accumulated, placed, or allowed to remain on the property in the manner prohibited.

(C) *Removal by county.* If, after ten days from the date of the notice referred to in division (B) of this section, the solid waste accumulated, placed, or allowed to remain on property in the manner prohibited the solid waste shall not have been removed, the Solid Waste Enforcement Officer shall have the right and authority to remedy the violation pursuant to N.C.G.S § 153A-123.

(D) *Restaurants* Food service establishments shall be subject to state regulations governing the sanitation of food service establishments. All restaurants shall be required to have a bulk container.

CHAPTER 50.03 LITTERING AND SCAVENGING – PROHIBITIONS.

(A) It shall be unlawful for any person to litter the ground (including the ground at or around a county dumpster site) by throwing, dumping, or dropping thereon any solid waste as defined in Chapter 50.01.

(B) It shall be unlawful for any person to pilfer or scavenge at any county solid waste management facility or at any sanitary landfill site.

CHAPTER 50.04 PERMITS.

(A) The Solid Waste Enforcement Officer shall grant a permit to all persons, firms, or corporations engaging in the collection and disposal of solid waste and prohibit unauthorized persons, firms, or corporations from engaging in the same service within the county. The permit shall be displayed at the licensee's place of business.

(B) All applicants for permits to collect and dispose of solid waste for any fiscal year commencing July 1 shall file written application with the Solid Waste Enforcement Officer on or before May 15 of the year in question. The application shall:

(1) Give a list of the equipment possessed, available, or to be obtained and used by the applicant if granted a permit.

(2) State the number and name of all employees whom the applicant expects to use under the permit.

(3) Give a schedule of the routings and the approximate hours at which the applicant expects to serve the respective parts of his area.

(4) Give such information as the Commissioners may hereafter request.

(C) Existing contracts shall be subject to a yearly review with the information designated in division (C) being presented to the County Administrator on or before the May 15 of the year in question. The Solid Waste Enforcement Officer reserves the right to withdraw any permit granted upon satisfactory proof of the inability of the licensee, or upon the failure of the licensee to properly perform the duties covered by the permit and contract in a proper and satisfactory manner after the licensee has been given an opportunity for a hearing before the Board of Commissioners by written notice, setting out the time and place of the hearing, at least ten days before the hearing.

CHAPTER 50.05 ABANDONED APPLIANCES.

It shall be unlawful for any person to put, cause to be put, leave, or cause to be left in a place accessible to children any abandoned, unattended, or discarded icebox, refrigerator,

freezer, or any other container or device of any kind or description which has an air-tight snap lock door or other similar device thereon without having first removed the snap lock door or other similar device from the icebox, refrigerator, or other container, provided, however, that this section not apply to an icebox, refrigerator, or other container which is crated, strapped, or locked in such fashion or to such extent that it is impossible for a child to obtain access to any air-tight compartment thereof.

CHAPTER 50.06 JUNK; REMOVAL.

(A) It shall be unlawful for any person to put, cause to be put, leave, or cause to be left on public or private property appliances, machinery, equipment, building materials, motor vehicles, manufactured homes, or other materials which is or are in wholly or partially rusted, wrecked, junked, deteriorated, dismantled, or inoperative condition, and which is or are not completely enclosed within a building. This section shall not apply to the temporary storage of vehicles in connection with the operation of a repair garage.

(B) Notwithstanding any provision of division (A) of this section, no person shall be deemed to have violated the provisions of this section who, within ten days after notice to remove in writing to that person from the Solid Waste Enforcement Officer, shall have removed the material from the property.

(C) If, after ten days from the date of the notice referred to in division (B) of this section, the materials put or left on the property in the manner prohibited shall not have been removed, the Solid Waste Enforcement Officer, shall have the right and authority to remedy the violation pursuant to any or all enforcement measures defined by N.C.G.S § 153A-123.

CHAPTER 50.07 *RESERVED FOR FUTURE USE*

CHAPTER 50.08 TIRES

All scrap tires shall be delivered to the designated scrap tire disposal facility and disposed of in the approved manner as provided in the Scrap Tire Disposal Act, being G.S. Chapter 130A-309.51.

PRE-COLLECTION OF SOLID WASTE

CHAPTER 50.20 GENERAL REQUIREMENT.

Solid waste that shall be accumulated or stored prior to being disposed of shall be handled in the manner provided in this subchapter.

CHAPTER 50.21 CONTAINERS.

Containers or receptacles shall be used for the collection and storage of solid wastes, and shall be of construction that will accommodate and properly control wastes prior to disposal. Containers and receptacles shall be maintained in serviceable condition at all times and located so that no unsightly condition, health hazards, or nuisances are created, and in such

a manner as to be durable, watertight, fly proof, and rodent proof. Under no conditions shall liquid or putrescible wastes be stored in open containers or receptacles. Automobiles, including but not limited to cars, pickup trucks, non-enclosed trailers, and boats, shall not be considered appropriate garbage containers or receptacles.

CHAPTER 50.22 RESIDENTIAL REQUIREMENTS.

(A) Solid waste from single residential units shall be placed in appropriate garbage receptacles.

(B) Solid waste from multiple residential units, including but not limited to manufactured home parks, duplexes, apartments, and condominiums, shall be placed in garbage receptacles or bulk containers. If a bulk container is not provided, a sufficient number of containers shall be provided to hold at least (1) week's accumulation of garbage. Garbage receptacles and bulk containers shall be emptied on a regular basis so as to prevent a public health hazard or nuisance.

CHAPTER 50.23 COMMERCIAL, INSTITUTIONAL, AND INDUSTRIAL REQUIREMENTS.

Solid waste from commercial, institutional, and industrial establishments shall be placed in garbage receptacles, bulk containers, or other containers. Liquid or putrescible wastes shall be placed in containers which are constructed of durable metal or plastic which are watertight and which have tight-fitting lids, with handles sufficient for convenient handling.

CHAPTER 50.24 COUNTY CONVENIENCE CENTERS.

County convenience centers are provided by the county at designated places for the exclusive use of residents of the county and shall be used as specified in this chapter for disposal of household solid waste and recyclable material only. Carpets, chairs, mattresses, sofas, appliances, dead animals, hazardous waste, demolished structures, leaves, and tree or yard trimmings shall not be disposed of at county convenience centers. County convenience centers shall not be used by commercial, institutional, or industrial establishments.

CHAPTER 50.25 RECYCLABLE MATERIALS; YARD WASTE; REQUIREMENTS.

(A) The following items shall be deemed recyclable and prohibited from entering the waste stream pursuant to N.C.G.S. § 130A-309.10:

(1) Cardboard.

(2) Metal – Subject to Chapter 50.51.

(3) Tires.

(4) Antifreeze, used motor oil, used oil filters, and automotive batteries.

(5) Electronics – Including but not limited to, computers, computer monitors, televisions, cell phones, printers, and medical equipment.

(6) White goods - Including, but not limited to, washers, dryers, refrigerators, freezers, microwaves, and stoves.

(7) Rigid plastic containers – Includes containers labeled with numbers one through seven.

(8) Fluorescent light bulbs.

(B) *Yard Waste.* Leaves, grass trimmings, tree trimmings, shrubbery trimmings, or other yard waste shall be accepted at the designated yard waste area at the landfill site and must be emptied from bags before being accepted. Yard waste shall not be accepted at county convenience centers.

CHAPTER 50.26 DETRIMENTS TO THE ENVIRONMENT.

No person shall throw, sweep, or dispose from any household, yard, or business any solid waste into drainage ditches, roadways, roadway medians, manholes, or other places detrimental to the general environment, but shall dispose of the waste by means as specified by this ordinance.

COLLECTION AND TRANSPORTATION OF SOLID WASTE

CHAPTER 50.35 GENERAL REQUIREMENTS.

(A) Vehicles used for the collection and transportation of solid wastes shall be loaded and moved in such a manner that the contents will not fall, leak, or spill onto roadways, thoroughfares, or adjoining properties and shall be covered by an approved method. Solid waste in plastic bags shall not be considered covered. If spillage should occur, the materials shall be picked up immediately by the person or collector and returned to the vehicle or container.

(B) Every person shall dispose of all solid waste which accumulates on his or her premises in a clean and sanitary manner approved by the Solid Waste Enforcement Officer. Disposal shall be by duly authorized collection agencies or by private conveyance to the solid waste management facility or private placement at county convenience centers.

(C) If any object of solid waste is discovered on any lands or water of the county, other than specifically designated for that use, bearing a person's name, address, or any other means of identification of a person or persons, it shall be *prima facie* evidence of ownership. The Solid Waste Enforcement Officer shall make an attempt to contact the person or persons so identified and advise those individuals to clean up the objects of solid waste by taking them to a designated county landfill, with those individuals being advised to return to the Solid Waste Enforcement Officer within ten days with a receipt from the county landfill indicating the deposit of the objects in the landfill. If the person

or persons fail to comply with the specific directions of the Solid Waste Enforcement Officer, the failure to comply shall be considered to be a violation of this chapter.

(D) No person who resides outside the boundaries of the county shall dispose of solid waste at the county landfill site or shall use county convenience centers.

(E) Commercial, industrial, and institutional establishments shall be totally responsible for the proper collection and transportation of any and all of their solid wastes. All commercial, industrial, and institutional establishments failing to comply with the terms, conditions, and provisions of this chapter shall be subject to all fines, penalties, and punishment container herein.

CHAPTER 50.36 RESIDENTIAL REQUIREMENTS.

All residential solid wastes shall be conveyed to approved sanitary landfill sites or a county operated solid waste management facility by approved and licensed private agencies or by individuals. Individuals living in Alexander County may deposit household wastes at county convenience centers. Individuals shall not use county convenience centers for disposal of tree trimmings, shrubbery trimmings, leaves or other yard trimmings, auto parts, lumber, household furniture and appliances, or recyclable materials.

CHAPTER 50.37 COMMERCIAL, INDUSTRIAL, AND INSTITUTIONAL REQUIREMENTS.

Commercial, industrial, and institutional establishments shall provide for disposal of solid waste by authorized collection agencies or shall be individually responsible for disposal of waste in accordance with the provisions of this chapter. No commercial, industrial, or institutional wastes shall be disposed of at county convenience centers. Commercial, industrial, and institutional establishments shall be subjected to any fees as may be approved by the Board of Commissioners or as may be provided by this chapter.

CHAPTER 50.38 HAZARDOUS SOLID WASTE AND LIQUID WASTE.

No hazardous solid waste or liquid waste shall be placed in any receptacle used for collection of waste by the county. Hazardous or highly combustible waste shall not be disposed of at any solid waste management facility.

CHAPTER 50.39 DEAD ANIMALS.

Dead animals may be disposed of at the solid waste management facility if no other disposal option is available. Cost shall be equal to the current tipping fee for commercial waste.

CHAPTER 50.40 LOT CLEARING OR CONSTRUCTION.

No materials such as trees, shrubbery, or underbrush resulting from land being cleared will be picked up by county forces. Building materials shall be collected, removed, and

disposed of by the contractor or builder, or in the event of his or her failure to do so, by the owner of the property. No such materials shall be disposed of at county convenience centers.

CHAPTER 50.41 CASUALTY DAMGAGED SOLID WASTE.

No owner, occupant, tenant, or lessee of any commercial, industrial, or residential premises shall permit the solid waste from any building or other structure which has been damaged beyond repair by fire, storm, or other casualty, to remain on the premises for more than (1) year after the completion of investigations by the fire marshal and casualty insurance companies if the structure tends to decrease the value of the surrounding property, or constitutes a public health nuisance or hazard.

LANDFILL SITE

CHAPTER 50.50 TRAILERS AND TRUCKS UNLOADED BY HAND.

Large trucks or trailers, 28 feet or longer, which are to be unloaded by hand at the landfill shall not be allowed entry to the site except at such times as may be specified in the *Operating Procedures.*

CHAPTER 50.51 METAL DRUMS RESTRICTED.

Metal 55-gallon drums, such as oil and chemical containers, shall not be accepted at the landfill site, unless the drums have both ends (top and bottom) completely removed.

CHAPTER 50.52 LIMITATIONS; *OPERATING PROCEDURES* ADOPTED BY REFERENCE.

From time-to time certain solid waste may arrive at the landfill site which in the opinion and judgment of the operators of the site would be hazardous or detrimental to personnel or operators. The operators may delay the unloading of these wastes until the Director of Health, or his or her representative, has the opportunity to review the situation and decide upon the disposition of the waste. With regard to the decision upon the disposition, appeal may be made to the County Administrator, whose decision shall be final and subject to no appeal.

In order to properly operate the landfill site, the duly authorized landfill operators of necessity must exercise discretion as to where certain types of solid wastes are unloaded. Persons delivering wastes to the landfill site shall be required to discharge the wastes at locations as directed by the operator. This provision shall under no circumstance empower landfill site operators to require that drivers make or attempt maneuvers that would abuse or injure equipment or that would jeopardize the safety of the driver or equipment.

All approved landfill *Operating Procedures* are incorporated as a part of this chapter as if fully set forth herein and shall be enforceable as herein provided.

No solid waste from outside the county shall be accepted at the landfill site or at county convenience centers unless permission is granted by the Board of Commissioners.

CHAPTER 50.53 UNLAWFUL ENTRY TO THE LANDFILL SITE.

It shall be unlawful for any person to enter the landfill site except during times of normal operations, except persons specifically authorized. Any person violating this provision shall be prosecuted as for trespass under state law.

CHAPTER 50.54 REFUSAL TO ALLOW DEPOSIT.

The operator of a sanitary landfill site or a solid waste management facility shall not allow the deposit therein of solid waste from a vehicle which has been loaded or moved in such a manner as to fail to comply with the provisions of Chapter 50.35.

CHAPTER 50.55 TAMPERING WITH EQUIPMENT.

It shall be unlawful for any unauthorized person to operate, tamper with, enter, pilfer, or damage any structures, equipment, or machinery at the landfill site.

CHAPTER 50.56 USER FEES.

Any person depositing solid waste at a county operated solid waste management facility shall pay user fees as determined by the Board of County Commissioners.

ADMINISTRATION AND ENFORCEMENT

CHAPTER 50.70 ADMINISTRATION; ENFORCEMENT.

The County Commissioners shall appoint an administrative officer to enforce this chapter. The assistance of other persons may be provided as the County Commissioners direct. The Director of the County Health Department, and his or her representatives, are hereby designated and authorized to assist in the enforcement of this Chapter.

CHAPTER 50.71 OPERATIONS; PROCEDURES AND REGULATIONS.

Procedures and regulations for the administration and implementation of this chapter are set forth in the *Operations Manual* attached to the ordinance upon which this chapter is based, passed on May 4, 1981, and incorporated by reference into this chapter as if fully set forth herein. The *Operations Manual* may be modified or amended from time to time by the County Administrator.

CHAPTER 50.72 SOLID WASTE ENFORCEMENT OFFICER.

The Solid Waste Enforcement Officer shall act under the direction of the County Administrator. The Solid Waste Enforcement Officer shall have the authority to issue warnings and citations and levy fines and penalties as set forth in this chapter.

CHAPTER 50.99 PENALTY.

This article shall be enforced by any methods as authorized by N.C.G.S § 14-4, N.C.G.S. § 153A-123, or 153A-277 including, but not limited to, the following:

(A) In addition to and separate and apart from the specific remedies set forth in this chapter, any person who violates any provision of this chapter shall be guilty of a misdemeanor and shall be subject to a maximum fine of $50 and cost and/or imprisonment for a maximum of 30 days, or both. A separate and distinct violation shall be deemed to have occurred upon each and every day during which the violation continues.

(B) A violation of Chapter 50.35(C) may result in a fine up to $100 or imprisonment in the discretion of the court up to 30 days, with each day that the violation continues to exist being considered a separate and distinct offense.

(C) Any person who does not discharge waste where directed in violation of Chapter 50.52 shall be guilty of a misdemeanor and shall be fined not more than $50 or imprisoned for not more than 30 days, and may after a second offense be suspended or prohibited from using the landfill site.

(Original Ordinance passed 5-4-81; Amended Ordinance passed 4-2-2012)