WARREN COUNTY
MUNICIPAL SOLID WASTE ORDINANCE

SECTION I: PURPOSE AND STATUTORY AUTHORITY

The purpose of this ordinance is to regulate the storage, collection, and disposal of solid waste in Warren County. This ordinance is adopted pursuant to the authority contained 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 privately-owned municipal solid waste management facilities located in Warren County.

SECTION II: DEFINITIONS

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

A. Board - Board of Commissioners of Warren County.

B. Bulky waste - Large items of solid waste such as furniture, 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. Commingled Recycling – This is "mixed" recycling which accepts a wide range of materials that reduces the amount of disposal garbage and does not require sorting. Paper, metals, plastic, etc., can be disposed of in one container. Only clean recyclables may be placed in the Commingle Container.

F. 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 non-hazardous material.

G. Department - The Department of Environment and Natural Resources.

H. Electronic Recycling: Personal computers, monitors, LCD screen/flat screen monitors, VCRs, radios, stereos, DVD players, microwaves, power supplies, rechargeable batteries, vacuums, banking equipment, telephones, pagers, networking equipment, laptops, keyboards, mice, power cables, medical equipment (non-hazardous), printers, copy machines, fax machines, cell phones, transformers, scanners, portable electronic devices, servers, hubs, ink cartridges, toner cartridges, remote modems, projectors, cameras, televisions, and all electronics with a power cord.

J. 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.

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

L. Industrial solid waste - Solid waste generated by industrial processes and manufacturing.

M. 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.

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

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

P. 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.

Q. Medical waste - Any solid waste that is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining hereto, 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.

R. 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 or agricultural operations.

S. 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.

T. Pathological waste - Human tissues, organs, 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 vivo testing of pharmaceuticals, or that died with a known or suspected disease transmissible to humans.

U. Person – any individual, corporation, company, association, partnership, unit or local government, state agency, federal agency, or other legal entity.

V. 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.

W. 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.

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

Y. 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 products.

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

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

BB. 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.

CC. Sanitary Landfill – A facility for 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 O.

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

EE. 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.

FF. Sharps - Needles, syringes, and scalpel blades.

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

HH. Solid waste - Any hazardous or non-hazardous garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, domestic sewage and sludge 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, semi-solid, 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 sludge 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) waste water discharges and the sludge 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 sludge that meets 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 the liquid hydrocarbons that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purpose of this definition.

(4) Any source, special nuclear or by-product 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 purpose of this definition.

I I. Solid waste collector - Any person who collects or transports solid waste.

JJ. Solid waste convenience center – Any place owned, leased or operated by the county at which solid waste containers or recycling containers have been placed.

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

LL. Solid waste receptacle - Container used for the temporary storage of solid waste while awaiting collection.

MM. Source separation - Setting aside recyclable materials at their point of generation by the generator.

NN. Tire - A continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle as defined in G.S. 20-1.01 (23).

OO. 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.

PP. 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.

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

RR. 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).

C. Garbage shall be stored only in a container that is durable, rust resistant, non-absorbent, watertight, and easily cleaned, with a close-fitting, fly-tight cover in place, with adequate handles or bails to facilitate handling. The capacity of the container may not exceed 32 gallons. Solid waste receptacles, as defined by this ordinance, may also be used for storage provided they meet the requirements of this subsection. The number of containers shall be adequate to store one week's accumulation of garbage. 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 waste, 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 72 hours.

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 the door.

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

(1) In a landfill approved by the Department;

(2) In an incinerator that has all required local, state and federal control permits;

(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 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 wastes 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 IX.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.

N. Open burning of solid waste is prohibited.

SECTION IV: LANDFILL MANAGEMENT

The county landfill may be used for the disposal of solid waste by county residents. The landfill shall be open during business hours as established by the Board. In emergencies, the landfill may be opened for additional hours as directed by the county manager or the manager's representative. Except when open during regular business hours, the landfill shall be kept locked, and entry shall not be permitted. Solid waste shall be disposed of at the landfill in the manner and according to procedures established by the Public Works Director.

The Landfill Facility shall include the following disposal entities:

A. Solid Waste Transfer Station - For the collection and shipping of appropriate waste to a disposal facility. The operation of the Warren County Solid Waste Transfer Station is regulated by the North Carolina Department of Environment and Natural Resources, Solid Waste Section, and the United States Environmental Protection Agency. Therefore, the Public Works Director shall have the authority to determine what types of waste can be deposited at the solid waste transfer station in accordance with the most current county, state and federal rules and regulations governing such disposal.

   Hours of operation – Monday through Friday 7:00 AM to 4:00 PM

B. Land Clearing and Inert Debris - Disposal area for inert materials. This is a beneficial fill dumping area which can accept brick, block, concrete, and asphalt. No painted material will be accepted.

C. White Goods Collection Area - For the collection and safe removal of chlorofluorocarbons from white goods.

D. Scrap Tire Holding Areas - For the holding of scrap tires for eventual shipping to appropriate disposal facility.

E. Recycling Depot – Electronic recyclable materials.

The following wastes **may not** be disposed of in the county Transfer Station:

A. Burning or smoldering materials, or any other materials that would create a fire hazard;
B. Hazardous waste;
C. Lead-acid batteries;
D. Liquid waste;
E. Untreated regulated medical waste;
F. Radioactive Waste;
G. Scrap Tires; unless they have been halved or shredded;
H. Used oil;
I. White goods;
J. Yard trash;
K. Inert Debris.

The following wastes **may** be accepted on a **conditional basis** only (state regulations require that these wastes receive special treatment before they are placed in a landfill):

(1) Asbestos – must be contained in heavy-duty double bags
(2) Barrels – punctured with no liquids

The Public Works Director or his designee shall have the right to refuse use of the Transfer Station or inert Debris Landfill to anyone who delivers waste to the station or landfill in a manner which makes it difficult to unload in a safe or sanitary manner.

SECTION V: SOLID WASTE CONVENIENCE CENTERS

A. Solid Waste Convenience Centers are maintained throughout the county on land owned or leased by the county for the convenience of county residents. Daily household trash/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 containers at the Convenience Centers:

(1) Asbestos;
(2) Burning or smoldering materials, or any other materials that would create a fire hazard;
(3) Commercial waste;
(4) Construction waste;
(5) Hazardous waste;
(6) Industrial waste;
(7) Institutional waste;
(8) Lead-acid batteries (recycle only);
(9) Liquid waste;
(10) Radioactive waste;
(11) Regulated medical waste;

(12) Tires (recycle at Transfer Station);
(13) Used oil (recycle only);
(14) White goods (recycle only);
(15) Yard trash;
(16) Sludge; and
(17) Barrels (Transfer Station only).

All solid waste intended for disposal at Convenience Centers shall be deposited inside the container. No solid waste may be left outside the receptacle.

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

SECTION VI: RECYCLING

G.S. 130A-309.09B requires counties with permits from the Department of Solid Waste Management facilities to implement recycling programs.

A. Recycling – Each person who owns, leases, or manages a residence, residential unit, or place of business, industry, commerce, or other place providing goods or services, or institution, church, or school should remove recyclable materials from the solid waste generated and make them available for recycling.

B. Ownership of Recyclable Materials

(1) After recyclable materials have been placed in designated containers at a convenience center designated by the County of Warren or its authorized agent, the recyclable materials shall become the property of the County of Warren or its authorized agent.

(2) No person, other than a county employee or the county's authorized agent, may remove recyclable material from a recycling collection center.

SECTION VII: AVAILABILITY FEE

A. In accordance with G.S. 153A-292(b), an annual fee shall be imposed on all improved properties in the county that benefits from the availability of the convenience centers and landfill facility. This fee is to be imposed to recover the costs of operating the recycling/ convenience center system throughout the rural county and to recover the costs of siting, constructing, operating and maintaining solid waste sorting, reduction and disposal facilities. This fee shall be imposed on all dwelling units and individual businesses located in areas outside the incorporated areas of the county which do not have a Recognized Licensed Private Contractor. Said fee shall be determined annually by the Board of Commissioners and adopted as part of its Budget Ordinance.

B. Exemptions

(1) Property owners who make a formal request to be exempt and are served by a licensed private contractor, who collects and disposes of solid waste but not

recyclables in a private facility outside the county, or pays a tipping fee at the Transfer Station will be charged a Modified Availability/Household User Fee. Said fee shall be determined annually by the Board of Commissioners and adopted as part of its Budget Ordinance.

(2) Property that is not habitable or not in use during the fiscal year for activities which would generate solid waste.

(3) Property owners within the municipalities of Norlina, Warrenton, & Macon whose solid waste is collected by the municipality which already pays a fee to the county for the availability and use of its disposal facility.

C. Certification

No exemption shall be granted without proper documentation by the property owner. Tax payers will have until December 1 to submit to the Tax Assessor's Office evidence for exemption(s) as follows:

(1) Valid contract with a private hauler that disposes of solid waste collected outside of Warren County or who pays a tipping fee at the Transfer Station. The contract must have been effective on July 1 of the fiscal year in which the tax bill was issued.

(2) Verification by the Tax Assessor's Office that there is no electrical service to the property.

B. Billing

In accordance with G.S. 153A-292, property owners will be billed for the availability fee along with the annual property tax billing, will be payable in the same manner as property taxes, and in case of nonpayment, may be collected in any manner by which delinquent personal or real property taxes can be collected.

SECTION VIII: USER FEES

The following solid waste user fees are imposed by the County of Warren. The Board shall adopt a solid waste user fee schedule as a part of its annual Budget Ordinance:

(1) Transfer Station Tipping Fee - A Transfer Station Tipping Fee shall be assessed per ton or per cubic yard if scales are not available or inoperable for all waste brought to the county landfill.

(2) Inert Debris Tipping Fee - An inert debris tipping fee shall be assessed per ton or per cubic yard on all disposable inert debris, yard waste and land-clearing debris which is brought to the Landfill completely separate from any type of solid waste prohibited in the LCID Landfill.

(3) Availability/Household User Fee per annum for all households or businesses not subject to municipal taxation.

(4) Modified Availability/Household User Fee per annum for households with a private contractor to cover recycling cost.

SECTION IX. LICENSING OF SOLID WASTE COLLECTORS

A. Every person, firm, and corporation engaged in the collection of garbage, refuse, solid wastes, and recyclables in Warren County, except for one's self, one's firm or corporation, shall first make application to and secure from the County an annual solid waste collection license per person, firm, or corporation for the collection of garbage, refuse, solid wastes, and recyclables. The exemption to this would be the company which the county contracts with to operate the Transfer Station and Convenience Centers. The Board shall adopt a solid waste collection license fee as a part of its annual Budget Ordinance.

B. All licenses issued under this ordinance shall be for one year which shall be for the fiscal year beginning July 1, and ending June 30, except that licenses issued to collectors of garbage, refuse, solid wastes, and recyclables within a fiscal year shall only be for a period beginning on the date such license issued and ending ~~the~~ immediately following June 30.

C. Applications for licenses to engage in the business of solid waste collector shall be filed with the Public Works Director on a form approved by the Public Works Director. 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 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) Planned routes and areas of the county the applicant expects to serve;

(6) Evidence of liability insurance;

(7) Name and location of the facility where collected waste is to be disposed.

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

E. The Public Works Director may issue the applicant a license only when he finds that the applicant's facilities, equipment, and proposed operating methods are in compliance with this ordinance and applicable 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.

If the Public Works Director denies an applicant a license, the applicant may request a hearing, in writing, before the county-manager, within seven (7) business days from the date the applicant was denied a license. The county manager shall keep summary minutes of the hearing and within seven (7) business days shall give the applicant written notice of a decision either granting the license or affirming the denial of the license. The applicant may appeal the county manager's decision to the board of county commissioners by giving written notice of appeal to the county manager within seven (7) business days of receipt of the county manager's decision following the hearing. After a hearing on the appeal, the board shall either affirm the denial or direct the Public Works Director to issue the license.

F. A licensee shall submit a quarterly report to the Public Works Director 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 Public Works Director and pertinent to the solid waste collection business.

G. A licensee must keep his/her solid waste account current; the account cannot be 60 days past due. If the account is 60 days past due, dumping privileges and/or licenses will be suspended until payment is made in full.

H. Vehicles and containers used for the collection and transportation of solid waste shall be covered, leak proof, durable, and easily cleaned. They shall be cleaned as often as necessary to prevent a nuisance and insect breeding and shall be maintained in good repair.

Vehicles and containers 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 then properly cleaned.

I. When the Public Works Director finds that a licensee has violated this ordinance or the conditions of the license, the Public Works Director shall give the licensee written notice of the violation. The licensee must correct the violation within ten (10) business days of receipt of the notice. Failure to correct the violation within the allotted time shall result in a temporary suspension of the license for a period of thirty (30) days. The Public Works Director will provide written notice of the suspension to the licensee. Upon notification of suspension, the licensee shall stop collecting, transporting, or disposing of solid waste. At the end of the suspension period, if the violation has not been corrected, the license shall be revoked. The Public Works Director may reinstate a revoked license after the revocation has been in effect for thirty (30) days if he finds the violation has been corrected. If the licensee commits a second violation within thirty (30) days of the first violation, the license shall be revoked for the remainder of the fiscal year. Upon receipt of the notice of revocation, the licensee shall stop collecting,

transporting, or disposing of solid waste. 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 (10) business days of receiving notice of revocation from the Public Works Director. After a hearing on the appeal, the board shall either affirm the revocation or direct the Public Works Director to reinstate the license.

J. No license issued pursuant to this chapter shall be assignable. Any violation of this provision will result in revocation of the license for the remainder of the fiscal year.

SECTION X. 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 30 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.

SECTION XI. EFFECTIVE DATE

The ordinance shall become effective at 12:01 a.m., December 5, 2016, and supersedes and nullifies the former Ordinance for the Management of Solid Waste in Warren County, North Carolina which was adopted by the Warren County Board of Commissioners on October 4, 1982 and amended August 5, 1991.

Adopted this 5th day of December, 2016.

Victor M. Hunt, Chairman
Warren County Board of Commissioners

Attest:

Angelena Kearney-Dunlap, Clerk