

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, 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 non-hazardous material.
- F. Department - The Department of Environment 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 of 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 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.
- 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 or 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, 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 pharmaceutical, or that died with a known or suspected disease transmissible to humans.

- S. Person - any individual, corporation, company, association, partnership, unit or 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 products.
- 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 20 ml., micro biological 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 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.
- 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 waste water treatment plant, waste supply treatment plant, or air pollution control facility, or any other waste having similar characteristics and effects.

FF. 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, 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 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 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 purpose 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. 20-1.01 (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).
- C. Garbage shall be stored only in a container that is durable, rust resistant, nonabsorbent, 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, than 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 VII.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 off at the landfill in the manner and according to procedures established by the Solid Waste Manager. 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.
- B. Land Clearing and Inert Debris - Disposal area for inert materials.
- 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 shredding and shipping to appropriate disposal facility.
- E. Recycling Facilities - Including aluminum, glass, used oil and other 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
- H. Used oil;
- I. White goods;
- J. Yard Trash
- K. Inert Debris

The Solid Waste Manager or his designee shall have the right to refuse right of 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. AVAILABILITY FEE

- A. Availability Fee -- In accordance with G.8. 153A-292(b), an annual fee shall be imposed on all improved properties in the county that benefits from the availability of the landfill facility. Said fee shall be determined annually by the Board of Commissioners and adopted as a part of its Budget Ordinance.

B. Exemptions

THIS SECTION REVISED See amendment #1

- 1) Property served by a licensed private contractor who disposes of solid waste collected in a private facility outside the county is not considered to benefit from said disposal facility.**
- (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 1st to submit to the Tax Assessor's Office evidence for exemptions as follows:

THIS SECTION REVISED See amendment #1

- (1) Valid contract with a private hauler that disposes of solid waste collected outside of Warren County. The contract must have been effective on July 1st of the fiscal year in which the tax bill was issued.**
- (2) Documentation from electric power company normally serving that area certifying there is no service to property.

D. 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 VI: USER FEES

- A. The following solid waste user fees imposed by the County of Warren. The Board shall adopt a solid waste user fee scheduled as a part of its annual Budget Ordinance:
 - (1) Transfer Station Tipping Fee - A Transfer Station Tipping Fee shall be assessed per ton or 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 on all disposable inert debris, yard waste and land-clearing debris which is

- (2) Inert Debris Tipping Fee - An inert debris tipping fee shall be assessed 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.

SECTION VII. 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 a privilege license which shall be in the sum of \$25.00 per year per person, firm, or corporation applying for a privilege license for the collection of garbage, refuse, solid wastes, and recyclables.
- 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 Solid Waste Manager on a form approved by the Solid Waste Manager. 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;
 - (9) Name and location of the facility where collected waste is to be disposed.
- D. Before issuing a license pursuant to this section, the Solid Waste Manager shall inspect or cause to be inspected all facilities and equipment the applicant plans to use in the solid waste collection business.

- E. The Solid Waste Manager 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 Solid Waste Manager denies an applicant a license, the applicant may request a hearing before the Solid Waste Manager. The Solid Waste Manager shall keep summary minutes of the hearing and at least one week after the hearing shall give the applicant written notice of his decision either granting the license or affirming this denial of the license. The applicant may appeal the Solid Waste Manager's decision to the board of county commissioners by giving written notice of appeal to the county manager within two day of receipt of the Solid Waste Manager's decision following the hearing. After a hearing on the appeal, the board shall either affirm the denial or direct the Solid Waste Manager to issue the license.

- F. A licensee shall submit a quarterly report to the Solid Waste 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 Solid Waste Manager and pertinent to the solid waste collection business.

- G. 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 shall display in numbers at least three inches high the county license number of the licensee and the license sticker issued by the Solid Waste Manager.

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 properly cleaned.

- H. When the Solid Waste Manager finds that a licensee has violated this ordinance or the conditions of the license, the Solid Waste 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 Solid Waste 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 Solid Waste Manager may reinstate a revoked license after the revocation has been effect for thirty days if the engineer 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 Solid Waste Manager. After a hearing on the appeal, the board shall either affirm the revocation or direct the Solid Waste Manager to reinstate the license.

- I. No license issued pursuant to this chapter shall be assignable.

SECTION VIII. 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 IX. EFFECTIVE DATE

The ordinance shall become effective at 12:01 a.m. August 3, 1999 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 2nd day of August, 1999.