CHAPTER 52: SOLID WASTE

Section

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Cross-reference:

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Flood Damage Prevention, see Ch. 151
Hazardous Wastes, see Ch. 94
Health and Safety; Nuisances, see Ch. 91
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AVAILABILITY AND USE FEES FOR SOLID WASTE DISPOSAL FACILITIES

§ 52.01 PURPOSE AND INTENT.

The provisions of this subchapter are such as to impose fees for the availability and use of a disposal facility provided by the county. Availability fees imposed hereunder shall not exceed the cost of providing the facility and shall be imposed on all improved property in the county that benefits from the availability of the facility. Fees for use of the facility shall not exceed the cost of operating the facility and may be imposed only on those who use the facility.

(Ord. passed 6-29-1992)

§ 52.02 AUTHORITY.

This subchapter is adopted under the authority of G.S. §§ 153A-292.

(Ord. passed 6-29-1992)

§ 52.03 APPLICABILITY.

This subchapter is applicable to all owners of improved real property in the county that benefit from the availability of the facility and commercial, municipal, and industrial users of the facility, subject to the provisions of G.S. § 153A-292(b).

(Ord. passed 6-29-1992)

§ 52.04 FEES.

(A) Generally. Except as otherwise herein provided, the following fees shall be imposed.

(B) Specifically.

(1) A fee of $69 per unit per year shall be imposed on the improved property of each owner (as of January 1 of the calendar year for which the fee is collected) within the county that benefits from the availability of the facility. For the purposes of this subchapter, UNIT means a potential generator of solid waste and shall include, but not be limited to, each individual residence, mobile home, and/or available mobile home site, apartment unit, condominium unit, commercial enterprise, manufacturer, industrial plant, utility, church, school, hospital, rest home facility, and nonprofit institution. This fee shall be applied separately for each individual business, store, or other entity within a commercial enterprise.

(2) Effective 7-1-1992, a fee of $20 per ton shall be imposed on all solid waste deposited by commercial, municipal, and industrial entities which use the facility; provided, however, that this fee shall not apply to solid waste deposited by commercial and municipal haulers which is collected from residential customers within the county. The fee on commercial, municipal and industrial users shall increase to $28 per ton effective 11-1-1992.

(3) A fee of $14 per ton shall be collected from commercial, municipal and industrial haulers that deposit stumps, limbs, leaves, concrete, brick, wood, and uncontaminated earth in the demolition landfill. This fee shall be effective on 11-1-1992.


§ 52.05 COLLECTION AND ENFORCEMENT.

(A) Improved real property. The fee imposed by this subchapter upon owners of all improved property that benefit from the availability of the facility shall be billed with property taxes pursuant to G.S. § 153A-293 and shall be payable in the same manner as property taxes; provided, however, that in the event of nonpayment, the fee shall be collected in any manner in which delinquent
personal or real property taxes can be collected, and that until paid, the fees imposed shall constitute a lien on the real property described on the bill that includes the fee. In conjunction with and in the same manner as used for billing owners for property taxes, the Tax Administrator shall bill owners who are not otherwise subject to taxation for the availability fees imposed by this subchapter.

(B) **Partial exemption for elderly or disabled owners.**

(1) Owners of the class of residential property described hereinafter shall be liable for only 50% of the availability fee imposed under this subchapter. The following class of property is designated a special class of property: property owned by a state resident, if, as of January 1 of the year for which the benefit of this section is claimed:

(a) The owner is either 65 years of age or older or is totally and permanently disabled;

(b) The owner’s disposable income for the preceding calendar year did not exceed $11,000; and

(c) The owner makes the required application. The Tax Administrator shall have the responsibility to develop and supply the required application to eligible applicants.

(2) For married applicants residing with their spouses, the disposable income of both spouses must be included, whether or not the property is registered in both names. Property owned and occupied by husband and wife as tenants by the entirety shall be entitled to the full benefit of this classification if either of them meets the age or disability requirements herein provided.

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

**DISPOSAL INCOME.** Adjusted gross income as defined for state income tax purposes in G.S. § 105-134.6, plus all other moneys received from every source other than inheritances received from a spouse, lineal ancestors, or lineal descendants or gifts.

**OWNER OF PROPERTY.** A person who holds legal or equitable title to the property, either individually or as a tenant by the entirety, a joint tenant, a tenant in common, a life estate or an estate for life of another. Property owned and occupied by husband and wife as tenants by the entirety shall be entitled to the full benefit of this classification notwithstanding that only one of them meets the age or disability requirements herein provided. If the residence is a mobile home and is jointly owned by husband and wife, it shall be treated as property held by the entirety.

**PERMANENT RESIDENCE.** Legal residence.

**TOTALLY AND PERMANENTLY DISABLED.** Suffering from a physical or mental impairment which substantially precludes a person from obtaining gainful employment and which appears reasonably certain to continue without substantial improvement throughout his or her lifetime.

(C) **Commercial, municipal, and industrial users.** As a condition for the disposition of solid waste of all kinds by commercial, municipal, and industrial users at the facility, the users shall pay the fees charged hereunder for the use of the facilities at the time of the disposition of the solid waste products or shall run an account approved by the Board of Commissioners, which account shall be payable in full on a monthly basis. In the event of nonpayment of the monthly account, the privilege of the monthly account may be suspended, thereby requiring the delinquent user to pay at the time any further solid waste is deposited at the facility by the delinquent user. Until the account is fully paid, the suspension, as herein provided, may remain in full force and effect.

(Ord. passed 6-29-1992)

**SOLID WASTE REGULATIONS**

§ 52.20 PURPOSE AND STATUTORY AUTHORITY.

The purpose of this subchapter is to regulate the storage, collection, and disposal of solid wastes in the county. This subchapter is adopted pursuant to G.S. § 153A-136. This subchapter shall be referred to as the "Solid Waste Ordinance."

(Ord. passed 6-28-1993)

§ 52.21 COVERAGE.
These regulations shall be in effect and enforced in all areas of the county that are not subject to any other municipal ordinance or regulations governing solid wastes.

(Ord. passed 6-28-1993)

§ 52.22 ENFORCEMENT.

This subchapter shall be enforced by the County Solid Waste Coordinator, who shall be designated by the County Manager.

(Ord. passed 6-28-1993)

§ 52.23 OTHER SOLID WASTE REGULATIONS.

In the event the State or County Boards of Health have adopted regulations governing solid waste, the requirements of this subchapter or those designated by the State or County Boards of Health, which ever are more stringent, shall govern.

(Ord. passed 6-28-1993)

§ 52.24 DECISION-MAKING AND ADMINISTRATIVE BODIES.

(A) Solid Waste Advisory Board (SWAB). The Solid Waste Advisory Board shall have the following responsibilities:

(1) Educate the Board of Commissioners and other interested parties on solid waste management in the county;

(2) To initiate, review, and make recommendations to the Board of Commissioners on all matters concerning solid waste of public concern;

(3) Review and evaluate proposed amendments for this subchapter as needed and make recommendations to the Board of Commissioners on the matters; and

(4) Monitor the effectiveness of this subchapter and its administration.

(B) Appointment procedures for the Solid Waste Advisory Board.

(1) The members of the Solid Waste Advisory Board (the Board) shall be appointed by the Board of Commissioners. The Board shall be composed of nine members. The composition of the Board shall be one member from each county township (five total), and four at large members.

(2) The appointed members of the Board shall show or demonstrate interest and/or expertise in solid waste management.

(3) Members of the Board shall serve three-year terms. In order to establish a uniform staggered term structure for the Board, a member may be appointed for less than a three-year term or may be appointed for a maximum of six years.

(4) Vacancies shall be filled for any unexpired portion of a term. A member appointed to the Board to fill vacancies for previously appointed Board members may be reappointed for a single three-year term.

(5) The full Board shall elect a Chairperson and Co-Chairperson annually. The Co-Chairperson shall fulfill the duties of the Chairperson during his or her absence.

(6) The Solid Waste Coordinator or his or her designee, shall be the Secretary to the Board and shall be responsible for the minutes at each Board meeting.

(7) In the case of decisions to be made by the Board, a majority of the Board shall constitute a quorum.

(8) A member of the SWAB may be removed from the Board by the Board of Commissioners for just cause.

(9) The Board shall meet at least quarterly. The Chairperson or three of the Board members may call a special meeting.

(C) Solid Waste Coordinator. A Solid Waste Coordinator shall be responsible for the administration of this subchapter. In addition to other duties the Solid Waste Coordinator shall serve as staff to the Board and shall provide technical assistance to the
Board as requested.
(Ord. passed 6-28-1993)

§ 52.25 DEFINITIONS.

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

**BOARD OF COMMISSIONERS.** The Board of Commissioners, hereafter referred to as the BOARD.

**CONVENIENCE CENTER.** A manned drop-off site provided by the county for the disposal of household refuse and recyclables.

**DEMOLITION LANDFILL.** A landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, and uncontaminated earth.

**DISPOSAL.** The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land so that the solid waste thereof may enter the environment or be emitted into the air or discharge into any water, including any ground waters.

**DIVISION.** The Director of the Division of Health Services or his or her agent.

**FLOODPLAIN.** The lowland and relatively flat areas adjoining inland and including flood-prone areas, which are inundated by the 100-year flood.

**GARBAGE.** All putrescible wastes, including animal offal and carcasses, and recognizable industrial byproducts, but excluding sewage and human wastes.

**HAZARDOUS WASTE.** A solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

1. Cause or significantly contribute to 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, or disposed of, or otherwise managed.

**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.

**100-YEAR FLOOD.** A flood that has a 1% or greater chance of recurring in any year or a flood of a magnitude equaled or exceeded once in 100 years on the average over a significantly long period.

**OPEN BURNING.** Any fire wherein the products of combustion are emitted directly into the outdoor atmosphere and are not directed thereto through a stack or chimney, incinerator, or other similar device.

**OPEN DUMP.** A solid waste disposal site that does not have a permit, and/or does not comply with the rules set forth in this subchapter.

**PERSON.** An individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, or other legal entity.

**PUBLIC ENTITY.** A city, county, county service district, county water and sewer district, public utility, county or district health department, or other public entity authorized under state and federal rules and regulations.

**ORGANIC.** 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.

**RECYCLING.** The process by which recovered resources are transformed into new products in such a manner that the original products lose their identity.

**REFUSE.** All inorganic wastes.

**SANITARY LANDFILL.** A facility permitted for disposal of solid waste on land in a sanitary manner in accordance with state
solid waste rules and the county.

**SLUDGE.** Any solid, semi-solid, or liquid waste generated from municipal, commercial, institutional, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other such waste having similar characteristics and effect.

**SOLID WASTE.** Any hazardous or nonhazardous garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, institutional, commercial, and agricultural operations, and from community activities.

**SOLID WASTE ADVISORY BOARD.** A board appointed by the Board of Commissioners which advised the Commissioners on solid waste problems, hereafter referred to as **SOLID WASTE ADVISORY BOARD (SWAB).**

**SOLID WASTE COLLECTOR.** Any person or firm who collects or transports solid wastes for profit and is permitted by the county.

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

**SOLID WASTE GENERATION.** The act or process of producing solid waste.

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

**SOLID WASTE MANAGEMENT FACILITY.** Land, personnel, and equipment used in the management of solid waste.

**STORAGE.** The containment of solid waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal.

**UNIT OF LOCAL GOVERNMENT.** A county, city, consolidated city/county, sanitary district, or other local agency or local government.

**VECTOR.** A carrier, usually an arthropod, that is capable of transmitting a pathogen from one organism to another.

(Ord. passed 6-28-1993)

§ 52.26 GENERAL CONDITIONS.

(A) All solid waste shall be stored, collected, transported, separated, processed, recycled, recovered, and/or disposed of in a manner consistent with this subchapter.

(B) This subchapter shall not apply to the disposal of solid waste accumulated by an individual family or household unit and disposed of on his or her own property, unless the accumulation shall pose one of the following:

1. A public health hazard;
2. A threat to the public's welfare;
3. A fire hazard; or
4. A harborage for rodent, vermin, and/or other vectors.

(C) It shall be the duty of any owner, occupant, tenant, and/or lessee of any property to remove or properly dispose of any solid wastes on a regular basis, at least once a week. In removing and disposing of these wastes, individuals may seek the guidance of the county and shall follow the guidelines in this subchapter.

(Ord. passed 6-28-1993) Penalty, see § 52.99

§ 52.27 STORAGE OF SOLID WASTES.

(A) The owner and/or occupant of any property shall be responsible for the sanitary storage of all solid wastes accumulated on his
Garbage stored outside shall be stored in durable, non-absorbent, watertight, rodent proof, and easily cleanable containers with a close fitting, fly-tight cover or lid. This subchapter does not regulate garbage stored within the home or business.

Refuse shall be stored in durable containers where garbage is stored in combination with refuse. Containers shall meet the requirements for garbage as stated in this subchapter.

Hazardous wastes, low-level nuclear and medical wastes shall not be stored on the property unless permitted by the appropriate local, state, and federal agencies.

All containers for the storage of solid wastes shall be maintained in such a manner as to prevent the creation of a public health nuisance or an unsanitary condition.

All solid wastes that are stored on property, and are not in an approved container shall be removed by the owner, occupant, tenant, and/or lessee as follows:

1. Contract with a solid waste collector permitted by the county;
2. Haul solid wastes to a designated, approved, and/or permitted solid waste site;
3. Dispose of solid waste on owners property in a safe and sanitary manner and at a depth of at least 24 inches to allow proper cover sufficient to prevent the uncovering of the same by animals or fowl, and at a minimum distance of 300 feet from any property line or water source (well, spring, creek, river, lake, and the like) sufficient to prevent contamination;
4. By burning of the solid wastes in an incinerator that has all the required local, state, and federal pollution control permits; and
5. By other methods, including reclamation and recycling processes that have been approved by local and/or state governmental agencies.

Permitting of Solid Waste Collectors and Transporters.

No person may engage in the business of solid waste collection and/or transportation prior to receiving all required the county permits.

All persons who collect or transport solid wastes in the county must apply annually for a permit before collecting or transporting solid wastes. The applicant shall furnish the following information to the county during the application process:

1. Name of applicant and whether a sole proprietorship, a corporation, or partnership, with a disclosure of the ownership's interests;
2. Home address, business address, and both business and home phone number of applicant;
3. A list of equipment used by applicant in his or her every day business;
4. Number of individuals employed by the business;
5. Experience of the applicant in solid waste collection;
6. Financial statement or equivalent of applicant's last business year, showing net worth of business;
7. License plate numbers of all solid wastes trucks used in the business;
8. Planned routes and/or areas of the county the applicant expects to serve;
9. Location of disposal facility to be used;
10. Schedule of charges the applicant plans to charge for services; and
11. Proof of liability insurance.

The applicant shall cause to be inspected all facilities and equipment used in the solid waste collection/transporting business.
before a permit is issued by the county. A permit may be issued to the applicant when it is determined that all equipment used by the applicant's business is found to be clean and in good working condition.

(D) An applicant which has been denied a permit may request a hearing before the County Manager. The County Manager shall keep summary notes of the hearing and notify the applicant at least ten days after the hearing in writing of its decision. If the permit is still denied, the applicant may appeal the County Manager's decision to the Board. The Board shall either affirm the denial or direct the Solid Waste Coordinator to issue the permit to the applicant.

(E) A permit to collect and transport solid wastes in the county shall be valid for 12 months from the date of issuance.

(F) A permitted solid waste collector/transporter shall submit a quarterly report to the county containing the following information:

1. Number of customers added or deleted since last quarterly report;
2. Any changes in routes or areas served by the business;
3. Any new or replacement equipment added to the business; and
4. Any other pertinent information requested by the county.

(G) No permit issued pursuant to this subchapter is assignable without the prior consent of the Board of Commissioners.

(Ord. passed 6-28-1993) Penalty, see § 52.99

§ 52.29 STANDARDS FOR SOLID WASTE COLLECTION EQUIPMENT.

(A) All vehicles and equipment used for the collection and transportation of solids wastes shall be covered, leakproof, durable, and easily cleanable. All vehicles and equipment shall be kept clean and in a sanitary manner. All vehicles shall be maintained in good repair.

(B) All vehicles shall display in letters at least three inches high the name, address, and phone number of the solid waste business on both doors and/or on the container used to collect and transport the solid wastes.

(C) All solid wastes shall be loaded and moved in a manner so as to prevent the falling, leaking, and spilling of the contents which are transported. All containers shall be covered to prevent spillage or leakage of solid wastes that are to be transported. Any solid wastes that are lost from a vehicle during transportation, shall be recovered immediately by the company which is transporting the lost solid wastes.

(D) Solid waste businesses found violating this subchapter shall be given a written warning of the violation. Any other violation of the same, the county may revoke any permits to collect and/or transport solid wastes in the county. Upon notice of revocation of permit, the business shall stop collecting, transporting, and/or disposing of solid wastes in the county. The county may reinstate a revoked permit at a time when it is assured that all conditions causing the revocation of the permit have been corrected. A business that has had a permit revoked by the county may appeal the revocation of the permit to the County Manager, by giving written notice of appeal to the County Manager within ten days of receiving the notice of revocation from the county. After a hearing, the County Manager shall either affirm the revocation or direct the Solid Waste Coordinator to reinstate the permit. If the County Manager affirms the revocation, the applicant may appeal the County Manager's decision to the Board, the Board shall either affirm the revocation or direct the Solid Waste Coordinator to reinstate the permit.

(E) No part of this subchapter shall prohibit home owners from transporting solid wastes produced in the home, to a designated, approved, and/or permitted county solid waste disposal site, as long as the solid wastes which are being transported are covered so as to prevent the spillage of solid wastes in route.

(Ord. passed 6-28-1993) Penalty, see § 52.99

§ 52.30 FRANCHISING SOLID WASTE COLLECTORS.

(A) Pursuant to G.S. § 153A-136, the Board of Commissioners may grant a license or permit to any person, firm, or corporation to engage in the collection and transportation of solid wastes. The Board may additionally grant general or exclusive franchises to those licensed or permitted under this subchapter. The exclusive right to collect and transport of solid wastes for compensation within the entire county or specified areas of the county may be granted in order to prohibit any non-franchised persons, firms, or corporations
from engaging in the same service within the area where the exclusive right has been granted. The franchise license and permit shall be displayed at the place of business.

(B) No person may be issued a franchise by the Board unless he or she holds a license to engage in the business of solid waste collector issued by the county.

(C) Applications for franchises shall be filed with the County Manager or his or her designee, through the Solid Waste Coordinator, on forms prescribed by the Board and shall include a copy of the applicant's license application to the Solid Waste Coordinator and any other information the Board deems pertinent.

(D) The Board may grant a franchise only upon finding that the applicant will render prompt, efficient, and continuing service to the area for which the franchise is granted and that the applicant has sufficient equipment and personnel to render service to all persons generating solid wastes within the service area.

(E) The Board shall determine the area for which a franchise is granted.

(F) No person may engage in the business of solid waste collection unless he or she holds a franchise license and permit issued by the county authorizing the collection and transportation of solid wastes.

(G) The Board shall have the authority pursuant to G.S. § 153A-136 to approve all rates charged by solid waste collectors prior to granting a franchise. The Board may classify rates according to the type of service provided (residential, commercial, institutional, or industrial collection), so that reasonable compensation may be provided in accordance with the public interest. Rate schedules may be amended no more than once a year (annually) and must receive Board approval prior to implementation.

(H) The county may charge a franchise application fee when an application is submitted to the county.

(I) A franchise shall be for a minimum term of four years, but may be granted up to 30 years in accordance with G.S. § 153A-136(3), and may be renewable.

(J) A solid waste collector franchised under this subchapter shall present to each prospective customer, in advance of any agreement with that customer, a schedule of rates as authorized by this subchapter. All solid wastes shall be removed from the customer's premises at least once a week, provided the customer is no more than 30 days in arrears in payment of the required collection charges.

(K) The Board may grant temporary franchises for the collection, transportation, or disposal of solid wastes to provide service in the event of abandonment of an existing franchise or for other cause.

(L) Notwithstanding any other provision of this subchapter, the Board may grant nonexclusive franchises for the collection of commercial, industrial, institutional, and construction and demolition wastes throughout the county.

(M) All disputes regarding the granting of a franchise and disagreements concerning franchised areas shall be determined by the Board.

(N) No franchise issued pursuant to this subchapter is assignable without the prior consent of the Board of Commissioners.

(O) A solid waste collector granted a franchise under this subchapter shall give 30-days written notice to the county before abandoning the franchise.

(P) The Board may terminate or suspend all or any portion of a franchise for any of the following reasons:

1. Loss of the franchisee's permit to operate as a solid waste collector;

2. Failure of the franchisee to comply with the authorized fee schedules;

3. Failure of the franchisee to render prompt and effective service to persons within the service area; and/or

4. Failure of the franchise to comply with any provision of this subchapter or applicable regulations of the Department of Health, Environment, and Natural Resources.

(Q) All franchises shall meet the guidelines as stated in § 52.29.

(R) During a natural emergency, the county reserves the right to suspend a franchise license or portion thereof, for a period of 30 days in order to meet specific conditions of the natural emergency.

(S) Any person, firm, or corporation granted a franchise for the collection and transportation of solid wastes pursuant to this
subchapter shall also be required to provide recycling collection services to all customers.

(Ord. passed 6-28-1993) Penalty, see § 52.99

§ 52.31 DEMOLITION LANDFILLS.

(A) Generally. The authority to regulate demolition debris landfill is pursuant to G.S. § 130A-294(a)(5c). Delegation of authority and responsibility of demolition debris landfills shall be issued by the State Resources, Solid Waste Section. The Department of Health, Environment, and Natural Resources shall retain exclusive authority and responsibility for the assessment under .0700 of administrative penalties for violations of the Solid Waste Management Act or rules.

(B) Application requirements. All persons, businesses, corporations, and public entities shall obtain a permit from the county before constructing, opening, or operating a demolition debris landfill. Nothing in this subchapter shall prohibit the individuals or organizations, who operate a permitted demolition debris landfill, from establishing charges to those persons disposing of debris waste at the permitted site. The county shall approve all permitted demolition debris landfill rate schedules before the site can be opened for use. The county shall be notified of any changes in charges after a permitted site is opened for use. Applications for permits to construct and use demolition landfills in the county must be submitted to the county. A minimum of four sets of plans must be submitted at the time the application is submitted.

(1) The following information is required by the county before a permit can be processed:

(a) A map or aerial photograph accurately showing the area within one-fourth mile of the site and identifying the following:

1. Entire property owned or leased by the person providing the disposal site;

2. Location of all homes, industrial buildings, public or private utilities, roads, wells, watercourses, and other applicable details regarding the general topography; and

3. If site is in 100-year floodplain, provide map showing relationship.

(b) An approval letter from the unit of local government having zoning authority over the area where the site will be located;

(c) Location of site on county road map;

(d) The types of wastes to be disposed of; and

(e) Any other information pertinent to the suitability of the proposed site.

(2) A construction plan application for a proposed or existing demolition landfill must be submitted to the county with the following information:

(a) A plot plan of the proposed site showing the property boundaries, proposed landfill limits, access controls and features such as roads, streams, and the like;

(b) Provisions for controlling erosion;

(c) Procedures for promoting vegetation growth at the site on all completed areas;

(d) A copy of deed or other legal description of the site;

(e) Types of materials to be disposed of at site;

(f) Name and phone number of responsible individual;

(g) Projected use of land after completion of the fill; and

(h) Any other pertinent information to the proposed construction plan.

(C) Management practices. All person, businesses, and corporations which maintains or operates a demolition landfill site shall apply, maintain, and operate the site in conformance with the following practices:

(1) Submit an application for approval to open, maintain, or operate a demolition landfill;

(2) Construction plans shall be approved and followed as specified for the site;
A site shall accept only those waste that it has been permitted to receive;

The solid waste shall be restricted to the smallest area feasible and compacted as densely as practical into cells;

The solid waste shall be covered as specified by the county in the permit;

Within six months after the site has been closed, final termination of disposal operations, or upon revocation of permit, the site shall be covered with adequate soil cover, adequately sloped to shed surface water without excessive on-site erosion and off-site siltation, and the site shall be seeded with native grasses or other approved vegetation. The county may require other measures to protect the public health and/or welfare;

If necessary, to prevent erosion, seeded slopes shall be covered with straw or similar material;

Temporary seeding will be utilized as necessary to control erosion;

Adequate erosion control measures shall be practiced to prevent silt from leaving the site;

The site shall be adequately secured, by means of gates, chains, berms, fences, and the like to prevent unauthorized entry except when trained operator is on duty. An attendant shall be on duty at the site at all times while the site is open for public use to assure compliance with operational requirements and to prevent entry of hazardous waste and other unacceptable waste onto the site;

Surface water shall be diverted from the disposal area of the site and not allowed to pond on site;

Solid waste shall not be disposed of in water;

Open burning of solid waste is prohibited; and

Equipment shall be provided to control accidental fires, or arrangements shall be made with local fire protection agencies to immediately provide firefighting services when needed.

Periodic monitoring. County personnel shall evaluate all demolition sites on a quarterly basis.

The evaluation shall be composed of the following:

Premises inspection consisting of detecting water ponding on site, erosion control procedures, and soil cover/compaction evaluations;

Quality control measures considering materials entering the demolition landfills; and

Equipment evaluations.

Any violations that are not corrected in a timely fashion shall be reported to the state for enforcement. Notification of violations of this section shall be in writing to the operator.

Agreement and security required.

To assure the satisfactory closure of a demolition land fill site, the county may enter into an agreement with the applicant whereby the applicant shall agree to complete all required improvements. Once the agreement is signed by both parties and the security required herein is provided, the final closure may be approved by the Board, if all other requirements of this subchapter are met. To secure this agreement, the applicant shall provide to the Board either one, or a combination of the following guarantees. The amount of the guarantee shall be equal to one and twenty-five hundredths times the cost of installing all required improvements. All the guarantees shall be subject to the approval of the Board and shall be made payable to the county.

Surety performance bond(s). The applicant shall obtain a performance bond(s) from a surety bonding company authorized to do business in the state. The duration of the bond(s) shall be until the time as the improvements are accepted by the Board.

Cash or equivalent security. The applicant shall deposit cash, an irrevocable letter of credit or other instrument readily convertible into cash at face value, either with the county or in escrow with a financial institution designated as an official depository of
(2) If cash or other instrument is deposited in escrow with a financial institution as herein provided, the applicant shall then file with the Board and agreement between the financial institution and himself or herself guaranteeing the following:

(a) That the escrow account shall be held in trust until released by the Board and may not be used or pledged by the applicant in any other matter during the term of the escrow; and

(b) That in case of a failure on the part of the applicant to complete the improvements, the financial institution of an engineer's estimate of the amount needed to complete the improvements, immediately either pay to the county the funds estimated to complete the improvements, up to the full balance of the escrow account, or deliver to the county any other instruments fully endorsed or otherwise made payable in full to the county.

(B) Default. Upon default, meaning failure on the part of the applicant to complete the required improvements in a timely manner as spelled out in the performance bond or escrow agreement, then the surety, or the financial institution holding the escrow account, shall, if requested by the Board, pay all or any portion of the bond or escrow fund to the county up to the amount needed to complete the improvements based on the County Engineer's estimate. Upon payment, the Board, in its discretion, may expend the portion of the funds as it deems necessary to complete all or any portion of the required improvements. The county shall return to the bonding firm any funds not spent in completing the improvements. Should the amount of funds needed to complete the installation of all required improvements exceed the amount in the bond or escrow account, the applicant shall nonetheless be responsible for providing the funds to cover the costs. The applicant shall at all times bear the financial burden for the installation of all required improvements.

(C) Release of guarantee security. The Board may authorize the County Manager to release a portion of any security posted as the improvements are completed and approved by the county. The funds shall then be released within ten days after the corresponding improvements have been so approved.

(Ord. passed 6-28-1993)

§ 52.33 RECYCLING OF SOLID WASTES.

(A) All persons, corporations, and public entities shall be educated and encouraged to participate and be responsible for recycling solid wastes produced within their unit. Wastes such as glass, plastics, aluminum cans, paper products, yard wastes, construction wastes, tires, motor oils, white goods, and the like shall be recycled in a manner so as to reduce the main flow of solid wastes into the local county landfill.

(B) All businesses, corporations, institutions, and public entities shall be encouraged to submit to the county a written recycling plan. The plan should address source reduction, purchasing of recycled materials, recycling programs, and other recycling/reduction initiatives that have been implemented. The Solid Waste Coordinator shall be available as a resource to help develop recycling plans. When a plan can substantiate a reduction in the waste stream, future cost increases may be offset by incentives for successful programs.

(C) (1) All recyclables shall be collected at designated areas.

(2) All containers used for recyclable products shall be labeled, with type of product on each container.

(3) All containers shall be placed in areas that are easily accessible to the citizens of the county.

(D) All recycled materials collected by the county shall be marketed and the revenues from the marketing process shall be placed back into the recycling program.

(E) The county will follow all state and federal rules and regulations regarding the disposal and recycling of certain solid wastes that have been banned from disposal in sanitary landfills (used oil, white goods, yard waste, lead-acid batteries, scrap tires, and the like.)

(Ord. passed 6-28-1993) Penalty, see § 52.99

§ 52.34 HAZARDOUS, LOW-LEVEL NUCLEAR AND MEDICAL WASTE DISPOSAL.

All individuals who produce hazardous, low-level nuclear and medical wastes in the county shall collect, transport, and dispose the wastes in a manner consistent with federal, state, and local rules and regulations.
§ 52.99 PENALTY.

(A) Generally. Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Sections 52.20 through 52.34.

(1) Misdemeanors.

(a) Any person, firm, or corporation who violates any provisions of this subchapter shall, upon conviction, be guilty of a misdemeanor and shall be fined not exceeding $50 or imprisoned not exceeding 30 days. Each day that a violation continues to exist shall be considered to be a separate offense, provided the violation is not corrected within 30 days after notice of the violation has been given.

(b) In addition to the other remedies cited in this subchapter for the enforcement of these provisions, these regulations may be enforced through the issuance of citations by the county. These citations shall be in the form of a civil penalty. The county may recover this penalty in a civil action in the nature of a debt if the offender does not pay the penalty within 72 hours after being cited for a violation. In addition, failure to pay the civil penalty within 72 hours may subject the violator to criminal charges.

(2) Civil penalties.

(a) The following civil penalties are established for violations under this section:

<table>
<thead>
<tr>
<th>Warning citation</th>
<th>Correct violation within 30 days</th>
</tr>
</thead>
<tbody>
<tr>
<td>First citation</td>
<td>$25</td>
</tr>
<tr>
<td>Second citation for same offense</td>
<td>$50</td>
</tr>
<tr>
<td>Third and sequential citation for same offense</td>
<td>$50</td>
</tr>
</tbody>
</table>

(b) These civil penalties are in addition to any other penalties which may be imposed by a court of law for violation of the provisions of this subchapter.

(c) In addition to the foregoing enforcement provisions, this subchapter may be enforced by any remedy provided in G.S. § 153A-123, including, but not limited to, all appropriate equitable remedies issued from a court of competent jurisdiction as provided in G.S. § 153A-123(d) and particularly the remedy of injunction and order of abatement as allowed by G.S. § 153A-123(e).

(d) This subchapter specifically provides that each day’s continuing violation is a separate and distinct offense.

(Ord. passed 6-28-1993)