

WASHINGTON COUNTY SOLID WASTE ORDINANCE

BE IT ORDAINED by the Commissioners for the County of Washington as follows:

PREAMBLE:

Section 1. This Ordinance shall be known as the Washington County Solid Waste Ordinance and is comprehensive in its inclusion of every element of solid waste collection, handling, disposal, and recycling; and also includes regulation of the various fees and license related thereto.

Section 2. This Ordinance is divided into Four (4) Articles as follows:

- ARTICLE I Storage, Collection, Transporting and Disposal of Solid Wastes in Washington County.
- ARTICLE II Solid Waste User Fees in Washington County.
- ARTICLE III White Goods - Collection, Recycling, Disposal and Fees related thereto.
- ARTICLE IV Scrap Tires- Collection, Recycling, Disposal and Fees related thereto.

ARTICLE I: STORAGE, COLLECTION, TRANSPORTING AND DISPOSAL OF SOLID WASTES IN WASHINGTON COUNTY:

SECTION 1. The purpose of this Ordinance is to regulate the storage, collection, and disposal of solid waste in all its various regulated forms in Washington County and also to regulate the changes for those provisions and regulations. This Ordinance is adopted pursuant to the authority contained in N.C.G.S. 153A-121, 132.1, and -136.

SECTION 2. The following definitions apply in the interpretation and enforcement of this Ordinance:

- A. Board: Board of Commissioners of Washington County.
- B. Bulky Waste: Large items of solid waste such as household appliances, furniture, automobiles, 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. Certain items dealt with in Article III of this Ordinance are governed by that Article where it conflicts with Article I, otherwise white goods are governed by Article I.
- C. Brown Goods: Items of various sizes, such as, but not limited to televisions, mattresses, furniture, *et cetera*.
- D. Collection: The act of removing solid waste from a point of generation, or collection, to a central storage point or to a disposal site, and from a central storage point to a disposal site.
- E. Commercial Solid Waste: Solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities and businesses.
- F. Construction and Demolition Waste: Waste building materials, packaging and rubble resulting from construction, remodeling, repair, and demolition, operations on pavements, houses, commercial buildings, and other structures.
- G. Division of Health Services: Division of Health Services of the North Carolina Department of Human Resources.
- H. Garbage: All putrescent solid waste, including food waste and food containers, animal and vegetable matter, animal offal, carcasses, and recognizable industrial by-products, but excluding sewage and human waste.
- I. Hazardous Waste: Waste, or a combination of wastes, in a solid, liquid, contained gaseous, or semi-solid form that may cause or contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness, taking into account the toxicity of such waste, its persistence and degradability, its potential for accumulation or concentration in tissue, and other factors that may otherwise cause or contribute to adverse acute or chronic effects on the persons or other organisms.

J. Health Director: The Director of the Washington County Health Department, or his authorized representative.

K. Industrial Solid Waste: Solid waste generated by industrial processes and manufacturing.

L. Infectious Waste: (1) Equipment, instruments, utensils, and fomites of a disposable nature from the rooms of patients who are suspected to have or have been diagnosed as having a communicable disease and must therefore, be isolated as required by public health agencies; (2) Laboratory waste, such as pathological specimens (e.g., all tissues, specimens of blood elements, excreta, and secretions from patients or laboratory animals) and disposable fomites (any substance that may harbor or transmit pathogenic organisms) attendant thereto, (3) Surgical operating from pathologic specimens and disposable fomites attendant thereto, and similar disposable materials from outpatient areas and emergency rooms.

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

N. Person: any individual, firm, partnership, corporation, association, governmental unit or agency, or other legal entity.

O. Radioactive Waste: Any waste that emits ionizing radiation spontaneously.

P. Refuse: Solid waste, excluding garbage and ashes, collected from residences, commercial establishments, and institutions.

Q. Solid Waste: Hazardous or non-hazardous 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.

The term does not include:

- (a) fowl and animal fecal waste;
- (b) solid or dissolved material in:

- (i) domestic sewage and sludge generated by the treatment thereof in sanitary sewage disposal systems which have a design capacity of more than 3,000 gallons or which discharge effluents to the surface waters.
 - (ii) irrigation return flows; and
 - (iii) waste water discharges and the sludge incidental thereto and generated by the treatment thereof which are point source subject to permits granted under Section 402 of the Clean Water Act, as amended (P.L. 92-500), and permits granted under G.S. 143-215.1 by the Environmental Management Commission;
- (c) oils or other liquid hydrocarbons controlled under Article 21A of Chapter 143, North Carolina general statutes;
- (d) any radioactive material as defined by the North Carolina Radiation Protection Act;
- (e) mining refuse covered by the North Carolina Mining Act, G.S. 74-46 through G.S. 74-68, and regulated by the North Carolina Mining Commission.
- R. Solid Waste Collector: Any person who collects, transports, or disposes of solid wastes for hire.
- S. Solid Waste Disposal Site: A location at which solid waste is disposed of by incineration, sanitary landfill, or other approved method.
- T. Commercial Solid Waste Receptacle: Large metal container used for the temporary storage of solid waste and capable of being automatically emptied into collection vehicles.
- U. Residential Solid Waste Receptacle: Plastic containers used for temporary storage of solid wastes and capable of being automatically emptied into Collector vehicle.

SECTION 3.

WHITE GOODS:

A. No owner, occupant, tenant, or lessee of any property may deposit, store, or permit to accumulate any solid waste upon 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 may deposit, store, or permit to accumulate any solid waste upon his property that is stored or disposed of in a manner prescribed by this Ordinance.

C. Garbage shall be stored only in a container that is durable, rust resistant, non-absorbent, water tight, and easily cleaned with a close-fitting, fly-tight cover in place with adequate handles or balls to facilitate handling. 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 not provide harborage to rodents and vermin and will not create a fire hazard.

E. No owner, occupant, tenant, or lessee of a building or dwelling, 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 sanitary landfill approved by the Division of Health Services;
2. In an incinerator that has all required local, state, and federal air pollution control permits;

3. A householder may only dispose of solid wastes generated in his residence on his property in a manner approved by the Division of Health Services, Solid Waste Division.
 4. By any other method, including reclamation and recycling processes, that has been approved by the Division of Health services.
- H. In addition to the methods listed in Section 3, (G) above, refuse shall be disposed of in solid waste receptacles provided by the County.
- I. Construction and demolition wastes may be disposed of at disposal sites approved by the Division of Health Services.
- J. Infectious, hazardous, and radioactive waste shall be disposed of according to written procedures approved by the Division of Health Services.
- K. Any person collecting and transporting solid waste generated on his property for disposal at an approved disposal site shall comply with Section 6, Subpart F (1 & 2) of this Ordinance concerning vehicles and containers.

SECTION 4.

- A. The Sanitary Landfill of Washington County may be used for the disposal of solid waste by any person who is a resident of Washington county or town residents when town has agreement with county during regular hours of operation of the landfill. Solid wastes shall be disposed of at the landfill in a manner and according to procedures required by the landfill technician or his assistant.
- B. The following wastes may not be disposed of in the landfill:
1. Radioactive wastes;
 2. Tires, unless they have been shredded or as otherwise dealt with in Article IV of this Ordinance;
 3. Infectious wastes;
 4. Wet sludge;
 5. Septage;

6. Garbage

The hours of operation of the Washington County Landfill will be 8:30 a.m. to 4:30 p.m., Monday thru Wednesday and Friday and 8:00 a.m. to 1:00 p.m. on Saturday. The Landfill will be closed on all days when other County facilities are closed, unless otherwise published in the Roanoke Beacon.

SECTION 5. PART I

COMMERCIAL:

A. Solid waste receptacles are maintained at numerous sites throughout the County by individual businesses. Occupants of residential dwellings are not permitted to deposit their residential solid waste in these receptacles. The receptacles located at businesses are for the business' use only. These receptacles located at businesses are provided by as follows:

1. Businesses with receptacles in use as of the date of this Ordinance, must replace or repair those receptacles at their own expense.
2. New Businesses beginning operation in Washington County that require a container will obtain a container as approved by the county and will be required to replace or repair its own receptacle or receptacles as needed.
3. Each business must secure a County permitted Solid Waste Collection Contractor for the servicing of these receptacles for the landfilling of the solid waste they contain. A business may, however, dispose of its own solid waste in compliance with this Ordinance.
4. A business will not be deemed to be in need of its own solid waste receptacle unless it generates a minimum of three (3) cubic yards of solid waste per week.

B. All solid waste shall be deposited inside the solid waste receptacle.

C. Residential waste may not be placed in receptacles located in businesses.

D. The following waste may not be deposited in solid waste receptacles:

1. Hazardous wastes;
2. Liquid waste;
3. Infectious waste;
4. Radioactive waste;
5. Bulky waste;
6. Tires;
7. Appliances or white goods;
8. Construction and demolition wastes;
9. Burning or smoldering materials, or any other materials that would create a fire hazard.
10. No animal carcasses, animal waste, industrial waste, agricultural waste, or like substances are to be placed in the receptacles.

E. No person may remove any item from a solid waste receptacle, climb onto or into a receptacle, or damage any receptacle.

F. Violation of these rules may result in the removal of the container at the site where the rules have been violated or fines imposed.

SECTION 5. PART II

RESIDENTIAL

A. Solid waste receptacles are maintained at each residence and business (according to Section 5, A, 4) throughout the county by the resident or business. These receptacles located at residences and businesses are provided as follows:

1. Residents or businesses must replace receptacle(s) at their own expense if County finds that damage was caused due to the negligence or misuse by resident or business.

2. Residents or businesses shall maintain receptacle at all times in good repair, and in a neat and sanitary condition.

3. Solid waste shall be stored in a receptacle until collected for disposal. Excess garbage which cannot be placed in the receptacle must be bagged and on collection day placed beside or on top of the rollout receptacle at road side. Receptacles shall be placed at the road side no earlier than dusk on the evening prior to scheduled collection and no later than 7:30 a.m. on collection days. Receptacles shall be returned to the back yard after collection but not later than the end of the collection day.

Failure to abide by this policy will result in the following penalty:

Residents or businesses who leave their receptacles at the road side in violation of this policy shall receive a courtesy card warning for the first violation and a warning sticker for the second violation. Third and future violations of failure to return the cart to its proper location will result in imposition of a penalty fee in an amount set annually by the Board of Commissioners in the Budget Ordinance. Fines must be paid within ten (10) working days of the citation. Non-payment of said fine may result in court actions.

SECTION 6.

A. No person shall engage in business as a solid waste collector except under a permit issued by the Board pursuant to this Ordinance. No permit shall be granted to any applicant who seeks to duplicate a service already provided by the County.

B. Applications for permit to engage in the business of solid waste collector shall be filed with the County Inspections Office on forms approved by the County 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 interest;
2. A list of the equipment possessed, available, or to be obtained by the applicant;

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. Schedule of fees the applicant plans to charge.
- C. Before issuing a permit pursuant to this Section, the Board may cause to be inspected, all facilities and equipment the applicant plans to use in the solid waste collection business.
- D. 1. The County shall issue the applicant a permit only when he/she finds that the applicant's facilities, equipment, and proposed operating methods are in compliance with this Ordinance, and applicable regulations of the Commission for Health Services; and, that the applicant will perform solid waste collection in an efficient and sanitary manner. A condition of the permit shall be that the permit shall serve every person who contracts with him for solid waste collection in such a manner that the permittee does not cause the person to be in violation of this Ordinance.
2. If the County Manager denies any applicant a permit, the applicant may request a hearing before the County Manager. The County Manager shall keep a summary of the minutes of the hearing and at least one week after the hearing, shall give the applicant written notice of his decision, either granting the permit or affirming his denial of the permit. The applicant may appeal the County Manager's decision to the Board of Commissioners by giving written notice of appeal to the County Clerk to the Board within ten 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 County Manager to issue the permit.
3. A permit shall be valid for a period of one year from the date of issuance.
- E. A Permittee shall submit a quarterly report to the County Manager containing the following information:
1. Number of customers added or deleted;
 2. Changes in routes;

3. New and replacement equipment;
 4. Any other information requested by the County Manager and pertinent to the solid waste collection business.
- F.
1. Vehicles and containers used for the collection and transportation of solid waste shall be covered, leak proof, durable, and easily cleanable. 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 letters at least three inches high, the name and address of the permittee and the cubic yardage of the vehicle.
 2. Vehicles and containers used for the collection and transportation of solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill and shall be covered to prevent the blowing or material. If spillage or leakage should occur, the material shall be recovered immediately by the permittee and returned to the vehicle or container and the area properly cleaned.
- G. When the County Manager finds that a permittee has violated this Ordinance or the conditions of his license, he shall give the permittee 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 permit will be revoked. If another violation occurs with the thirty day period, or if the continuing violation is not corrected within ten days, the County Manager shall give the permittee written notice that his permit is revoked. Upon receipt of the notice of revocation, the permittee shall stop collecting, transporting, or disposing of solid wastes. The County Manager may reinstate a revoked permit after the revocation has been in effect for thirty days, if he finds that the conditions causing the violation have been corrected. A permittee whose permit has been revoked may appeal to the County Clerk to the Board. After a hearing on this appeal, the Board shall either affirm the revocation or direct the County Manager to reinstate the permit.

SECTION 7. Penalties.

Pursuant to Article VI of Chapter 153A of the General Statutes of North Carolina, the Washington county Commissioners hereby set out the following penalties for violations of any Section of this Ordinance:

1. Any person found to be in violation of this Ordinance shall be guilty of a misdemeanor and shall be punished by a fine set forth in the annual Budget Ordinance not exceeding fifty dollars (\$50.00) or imprisoned, not to exceed thirty (30) days or both, for each offense;
2. For each day or portion thereof, the matter illegally discarded is left at an illegal location, a separate offense shall be constituted;
3. Any person found to be in violation of this Ordinance, in lieu of criminal penalties, but in the discretion of the County, said discretion granted by G.S. 153A-123 (f), civil penalties shall be levied in the amount of up to fifty (\$50) per violation;
4. This Ordinance may also be enforced by an injunction or order of abatement issued by the appropriate division of the General Court of Justice;
5. The Washington County Manager or his designated deputy in the event of his absence, shall be the responsible county official authorized to make the determination whether to seek penalties, or to further determine which type of penalties and/or remedies are to be sought.
6. The County Manager and/or his designated deputy shall be the county official/s designated herein to issue a civil citation when civil penalties are sought and receive payment of all such penalties for later transfer to the County's fund for uses designated by the Board of Commissioners, but limited to Solid Waste purposes.
7. The Washington County Animal Control Officer after May 1, 2000 shall hereafter be designated Solid Waste Enforcement Officer as well as Animal Control Officer.

8. Any and all fines levied by issuance of citation authorized by this Ordinance shall be for no more than \$50.00 each, for each and every violation cited.

9. All fines levied by citation shall be payable at the Washington County Water Department or Washington County Inspections Department, Washington County Courthouse, Plymouth, NC 27962.

10. Any levied fine, not collected within ten (10) days will result in any and all further action as allowed by law.

11. Payment of fines as levied shall stop the County from any and all further sanctions under this Ordinance against the violator cited for the violations cited.

ARTICLE II. REGULATION OF THE ASSESSMENT AND COLLECTION OF SOLID WASTE USER FEES WITHIN WASHINGTON COUNTY.

BE IT ORDAINED by the Board of Commissioners of Washington County:

SECTION I. Recovery of Costs - the costs of collecting and disposing of solid waste in Washington County shall be recovered from those who use the services and facilities:

1.1. For disposal of household solid waste, there shall be an annual fee charged to all County residents outside of town. This fee will include charges for:

(a) collection system fee,

(b) a landfill operation fee, and

(c) availability fee, which shall be set by the Board of Commissioners and accounted separately, but which may be billed as a unified *Solid Waste User Fee*, annually.

Within towns who conduct their own household garbage collection system, there will be a charge to those towns only for landfill operation and other fees as determined by agreement or contract between County and Towns. That fee will be charged directly to the respective town, not to municipal residents.

1.2. There will be tipping fee charged to anyone using the landfill, except those businesses or residents disposing of tires and white goods as provided in this Ordinance as set forth in the Annual Budget Ordinance.

1.3. The amount of

(a) collection system fees,

(b) landfill operation fees, and

(c) tipping fees, will be established and adjusted as necessary by the Washington County Board of Commissioners, will appear in the official minutes of the Board meeting at which the charges were adopted, and will also appear on the Annual Budget Ordinance, as updated. The fee schedule will be reviewed for amendment periodically, and any amendments will be shown in the minutes and on the Annual Budget Ordinance.

1.4. The revenue derived from the collection system fees will be set so as to recover the costs of waste collection in Washington County. Those revenues derived from landfill operation fees and tipping fees will be collected for and used exclusively for landfill operation.

1.5. The collection system fees and landfill operation fees shall be billed annually on the ad valorem tax notices sent to Washington County residents, and denominated as a unified Solid Waste User Fee. The tipping fee amount will be determined annually. Invoices shall be sent monthly by the County to the tipping fee accounts or billed immediately on the site if the site operator determines that necessary to municipalities, commercial accounts, and or residents not paying annual user fees to the County.

1.6 New residential dwellings or businesses shall be charged the fee for a new receptacle at the time of the issuance of a building permit for the fee amount set annually by the Washington County Board of Commissioners.

SECTION 2. The collection system fee and landfill operation fee will be billed by the Washington county Tax Department on:

2.1. All houses, mobile homes and business enterprises with utilities within Washington County, except for those residences within incorporated areas which have solid waste collection services. Those residences within municipalities which do municipal collection will not be billed individually.

Instead, the municipality will itself be billed according to the fee schedule as adopted by the Commissioners for landfill operation fees only.

2.2. Non-household users, not serviced by a commercial contractor or a County or municipal collector, will be billed monthly by the Washington County Finance Office.

2.3. All users other than those provided for in 2.1 above shall be billed monthly by a mailing from the Washington County Utilities Office, in accordance with 1.5 above (or billed on site by personnel).

SECTION 3.

3.1. Certain categories of exemptions from solid waste user fees may be developed and implemented within the authority of this ordinance.

3.2. These exemption categories shall be established and adjusted as necessary by the Washington County Board of Commissioners, shall appear in the official minutes of the Board meeting, at which time the charges were adjusted, and shall appear on an exemption schedule attached to this Ordinance.

SECTION 4.

4.1. The Washington County Manager is authorized by this Ordinance to implement any and all such Administrative procedures for the application and administration of the provisions of this Ordinance as he deems appropriate and necessary.

4.2. The Washington County Landfill personnel shall have the authority to deny any vehicle the use of, or access of, County landfills when any person fails to refuse to pay the assessed tipping fee. Further, any person failing or refusing to pay the fees described herein within those times prescribed by the Finance Department of Washington County in its periodic billing, may be denied further use of the County landfill for any purpose until such time as all outstanding charges are paid.

4.3. Any person found to have entered upon the Washington County Landfill after having been prohibited to do so by landfill personnel or by the Finance Office shall be in violation of this Ordinance, and their entry upon, or use of the landfill for disposal of solid wastes, or any other waste shall constitute a violation of this Ordinance, and such violator, may be charged with a misdemeanor and be subject to any penalties prescribed by N.C.G.S. Section 14-4.

4.4. Washington County may apply to the appropriate County for an injunction and abatement in order to require that any violator comply with the provisions of this division, and Washington County shall have the power to collect any delinquent accounts under this Ordinance by any remedy provided by law for the collection and enforcement of private debts as provided by in N.C.G.S. Section 153A-277.

SOLID WASTE USER FEE SCHEDULE

This is in the "Budget Ordinance" annually.

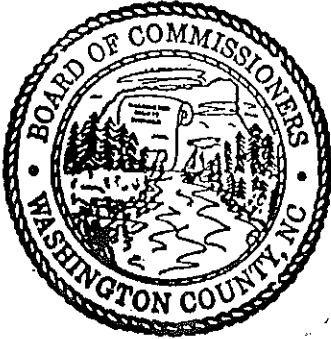
ARTICLE III: WHITE GOODS AND APPLIANCES. (as defined in N.C.G.S. 130A-290 (a) (44) collection, recycling, disposal, and fees related thereto.)


White goods and appliances may be disposed of through the Washington County Solid Waste Management Program (N.C.G.S. 130-A-309.81), but disposal of such waste through the program is permitted ONLY by depositing such appliance or white good at the Washington County Landfill site facility. Disposal of white goods or appliances at any location in Washington County (except by sale or delivery to a licenses recycling or licenses (wastes handler) shall constitute a violation of this Ordinance and shall be punishable by imposing a \$100 civil penalty (N.C.G.S. 130A-309.86) as other such violations. N.C.G.S. 130A-309.84 authorized DEHNR to assess a civil penalty of \$100 for failing to remove chlorofluorocarbons from discarded white goods. This penalty may be assessed daily until refrigerants are removed. Washington County may provide removal of refrigerants upon request at cost of private contract to remove refrigerants (N.C.G.S. 130A-309.81).

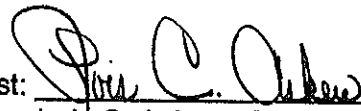
ARTICLE IV. SCRAP TIRES. (as defined in N.C.G.S. Part 2B, Article 9, Chapter 130A) collection, recycling, disposal and fees related thereto.

Pursuant to N.C.G.S. 130A-309.58 and particularly sub-parts (d) and (e), Washington County offers disposal facilities for scrap tires at the Washington County Landfill site through contracted agreements with private entities. The fees charged for scrap tire disposal are set in the "Budget Ordinance" annually.

THIS ORDINANCE DULY ADOPTED by vote of the County Commissioners for the County Washington, this the 1st day of May, 192000




Howard L. Davenport, Chairman
Washington County Board of Commissioners

Attest: 
Lois C. Askew, CMC
Clerk to the Board