

SOLID WASTE MANAGEMENT ORDINANCE
FOR
HOKE COUNTY, NORTH CAROLINA

PREAMBLE

WHEREAS, the Hoke County Board of Commissioners desires to provide a comprehensive solid waste management program that includes both long and short term guidance, and;

WHEREAS, the Hoke County Board of Commissioners recognizes the need for a fair and equitable method of administering that program, and;

WHEREAS, the Hoke County Board of Commissioners desires that the program be self-supported through fees, and;

WHEREAS, it has been determined that most practical and cost effective means of availing these services is through the utilization of staffed convenience sites and a transfer station, and;

WHEREAS, the Hoke County Board of Commissioners is committed to enforce all federal, state and local laws and ordinances pertaining to solid waste management.

NOW, LET IT BE ORDAINED BY THE HOKE COUNTY BOARD OF COMMISSIONERS THAT WHICH IS CONTAINED IN THIS ORDINANCE:

SECTION 1. ENACTMENT

This is an ordinance establishing regulations for the storage, collection, transportation and disposal of all solid waste generated within or delivered to Hoke County, and the enforcement thereof, as required by law.

SECTION 2. PURPOSE AND STATUTORY AUTHORITY

The purpose of this ordinance is to regulate the storage, collection, transportation and disposal of solid waste in Hoke County. This ordinance is adopted pursuant to the authority contained in North Carolina Solid Waste Management Rules (15A NCAC 13B) and General Statutes 130A-290 to 309.86.

SECTION 3. APPLICABILITY

Unless otherwise indicated, this ordinance applies to both public and private facilities as well as municipalities located within Hoke County. It shall be unlawful to dispose of any waste stream in a manner inconsistent with this ordinance.

SECTION 4. EQUITABLE ENFORCEMENT

All provisions of this ordinance shall be enforced by equitable remedy and any unlawful conditions or violations shall be enforced in accordance with the General Statutes of The State of North Carolina

SECTION 5. SEVERABILITY

If any section of this ordinance is held to be invalid or unenforceable, all other sections shall nevertheless continue in full force and effect. In the event any provision of this ordinance conflicts with federal or state regulations, those regulations shall control.

SECTION 6. OTHER PROVISIONS

It shall be the responsibility of any person attempting to utilize any solid waste facility in Hoke County, (upon request) to supply adequate proof that they are a county resident and are legally entitled to utilize that facility .

SECTION 7. REQUIREMENTS FOR UTILIZATION OF FACILITIES

Only Private citizens displaying a valid solid waste sticker, (who have paid the annual availability fee), are entitled to use the convenience sites for the disposal of the household trash generated at their residence. All other generators of waste must utilize the transfer station and pay the appropriate fee required to cover disposal cost. Private citizens must also utilize the transfer station, and pay a tipping fee, for those waste streams not covered by the availability fee.

SECTION 8. HOUSEHOLD GARBAGE

Since many of our operational policies refer to household garbage, it is important to define its meaning as it pertains to the enforcement of this ordinance. Household garbage is the waste generated through the activities that occur from the daily operations of a private residence. This DOES NOT include any waste generated through repairs, remodeling or renovations of buildings or grounds.

SECTION 9. DEFINITIONS

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

Collections

The act of moving solid waste from point of generation to a processing or disposal facility.

Commercial Solid Waste

Solid waste generated by stores, offices, restaurants, or any other non-manufacturing activity.

Construction and demolition waste

Waste resulting from construction, remodeling, repair or demolition of buildings or grounds.

County Solid Waste Facility

Any county owned and operated collection or disposal facility (to include but not limited to) the transfer station or convenience sites.

Hazardous Waste

Any waste stream that because of its quantity, concentration or physical, chemical or infectious characteristics, poses a hazard to human health or the environment.

Industrial Solid Waste

Waste generated by industrial processing or manufacturing.

Institutional Solid Waste

Waste generated by educational, health care, correctional or other institutional facilities.

Land Clearing Debris

Waste generated solely from land-clearing activities. (Can also result from storm or other weather related activities).

Licensed Waste Hauler

An individual or company permitted and approved (by the county) to collect waste.

Putrescence

Waste capable of being decomposed by micro-organisms at sufficient rapidity to cause nuisance and offensive odors and gases.

Recycling

The process by which waste and other materials are reclaimed and returned to use.

Refuse

Waste other than putrescence.

Landfill

A disposal facility where waste is buried in a sanitary manner.

Scrap Tire

A tire that is no longer suitable for its original purpose or one deemed by its owner ready for disposal.

Transfer Station

A site at which waste is concentrated for transport to a processing or disposal facility.

White Goods

Inoperative and discarded household or commercial appliances.

Yard Trash

Waste consisting solely of vegetative matter resulting from landscaping or yard maintenance.

SECTION 10. GENERAL SOLID WASTE DISPOSAL

As a public service the Hoke County Board of Commissioners has authorized the building and operations of waste collection and disposal sites to serve the needs of the citizens of this county. These facilities shall be utilized in accordance with this ordinance and all applicable state and federal regulations.

SECTION 11. APPROVED DISPOSAL METHODS AND ENFORCEMENT

11.1 No person or organization shall dispose of waste, white goods, tires, refuse, scrap, or furniture in Hoke County except by depositing same in approved designated containers during business hours at:

- (a) An official county transfer station;
- (b) An official county collection site;
- (c) A county approved land clearing debris landfill for land clearing debris only;
- (d) On the land of the person disposing in accordance with state, federal and county laws in such a manner that it will remain on that persons land;
- (e) At a state approved facility in accordance with state law.

11.2 It shall be unlawful for any person to dispose, throw, dump or cause to be disposed any garbage, paper, refuse, rubbish, waste, litter, junk, white goods, appliances, furniture, equipment, cans, bottles, lumber, building material, trees, tree limbs, brush, or other forms of solid waste anywhere and in any manner other as defined in Section 11.1 above.

11.3 Every County Resident shall be responsible for ensuring that the solid waste generated by their home or business is properly disposed of as set out in Section 11.1 above. If any garbage, refuse, rubbish, waste, litter, junk, white goods, appliances, furniture, equipment, cans, bottles, paper, lumber, building material, trees, tree limbs, brush, or other forms of solid waste can be identified as having last belonged to, been in the possession of, sent to or received by, or has been the property of any person or organization prior to being disposed of, such identification shall be presumed to be prima facie evidence that such person or organization disposed of such solid waste in violation of this ordinance.

11.4 Any violation of this ordinance shall subject the violator to the civil penalties set out herein. In addition to or in lieu of the civil penalties described herein, violations of this Ordinance may be prosecuted as misdemeanors in accordance with the North Carolina General Statutes punishable by a fine of not more than \$500.00 and imprisonment of not more than 30 days. Each day a violation occurs or continues shall be a separate offense.

SECTION 12. PROHIBITED DISPOSAL METHODS

It is unlawful to dispose of waste in Hoke County except by the approved methods set forth in this ordinance. Each citizen is responsible to ensure that the waste that they generate is disposed of in a manner consistent with Section 11 of this ordinance. The ordinance presumes that each person is responsible for the waste they generate “from cradle to grave.” The only exception is if their waste is proven to have been in the possession of another person prior to its being dumped. It then must be verified that they had no knowledge of the waste being illegally dumped.

SECTION 13. WASTE GENERATED OUTSIDE HOKE COUNTY

Any waste generated outside Hoke County shall be delivered to the transfer station and assessed a tipping fee to cover disposal expenses.

SECTION 14. COMMERCIAL, INDUSTRIAL, AND INSTITUTIONAL WASTE

Commercial, industrial and institutional waste shall be delivered to the transfer station and assessed a tipping fee to cover disposal expenses.

SECTION 15. CONTRACT COLLECTIONS

Any waste collected by paid haulers or collected for any type of compensation shall be delivered to the transfer station and assessed a tipping fee to cover disposal cost.

SECTION 16. PAID OR CONTRACTED WASTE COLLECTORS

All residential haulers shall be licensed annually. The license will be issued by the solid waste director or his designee. All vehicles used for transportation and collection shall be inspected prior to the license being issued. This inspection insures that the vehicle is roadworthy, leak-proof and is equipped with an adequate tarping mechanism. It shall be the responsibility of the driver to ensure that load is secured properly and no spillage occurs.

SECTION 17. RESIDENTIAL CREDITS

A portion of the availability fee paid to the county, (by those using a licensed residential hauler), will be returned to those haulers entitled to this credit. This will be accomplished

by crediting their accounts monthly for each household they service, that has paid the availability fee. Credits will be established annually at the time of license renewal and will be based on a list of customers submitted to the finance department. The amount of credit will NEVER exceed the amount owed for that month.

SECTION 18. SOLID WASTE STORAGE AND REMOVAL

No occupant, tenant or owner shall allow the accumulation of solid waste on his property. Such accumulation creates a fire hazard, health hazard and is a public nuisance. No putrescible waste may be stored for a period exceeding seven (7) days. All stored waste must be in leak-proof containers with secured lids and maintained in a manner that causes no nuisance conditions. The accumulation of any waste for a time longer than is reasonably necessary to facilitate its removal is a violation of this ordinance.

SECTION 19. LARGE QUANTITIES OF HOUSEHOLD GARBAGE

In an effort to discourage the illegal accumulation and storage of household garbage, convenience site attendants may require that large quantities (more than (7) bags) be taken to the transfer station. This will allow management to address the problem and also help us control the utilization of limited capacity at the sites.

SECTION 20. SCRAP TIRE AREA

The scrap tire disposal area at the transfer station shall serve as the collection point for quantities exceeding (4) car tires and all large truck and tractor tires. All tires shall be stacked in the trailer in a manner that allows maximum utilization of capacity.

SECTION 21. WHITE GOODS AREA

The white goods storage area at the transfer station shall serve as the collection point for all white goods. Because of size and handling we will not accept these items at our convenience sites. All white goods delivered to the transfer station must be unloaded and placed neatly in the designated area. All refrigerators and freezers must be empty or they will not be accepted.

SECTION 22. OPEN BURNING

The open burning law is a state law. This means it is unlawful to burn waste anywhere in the state. The law is simple. "If it doesn't grow, don't burn it." If you do burn, (that which is permitted), you may need a permit from the Division of Forest Service and the Department of Air Quality.

SECTION 23. LOITERING AND SCAVENGING

It is unlawful to loiter at any Hoke County Solid Waste Facility. It is also unlawful to salvage or scavenge. Anyone guilty of these offences will be asked to leave the premises by the attendant. Failure to comply will result in criminal prosecution.

SECTION 24. TRASH CONTAINMENT AT BUILDING SITES

It is unlawful to allow unsecured trash, waste or refuse to accumulate at building sites. It is the responsibility of the builders to make available the necessary containers to facilitate the containment of all waste streams. Windblown waste will be constructed as a deliberate act of littering.

SECTION 25. OPERATIONAL POLICIES

The following operational policies shall apply to all county owned and operated solid waste facilities unless otherwise stated in this ordinance.

1. Burning or smoldering materials are prohibited.
2. Vehicles shall observe all speed limit and directional signs.
3. Children under 12-years of age should remain in vehicles.
4. Waste generated outside of the county is not allowed at the convenience sites.
5. Loitering is prohibited.
6. Salvaging and scavenging is prohibited.
7. Persons delivering waste shall upon request disclose full nature, content and source of all materials delivered.
8. Persons disposing of unacceptable waste shall be required to remove those materials and any cost incurred by the county shall be recovered from the person disposing and the person generating the waste.
9. All waste delivered shall be disposed of in appropriate containers.
10. Hazardous, radioactive and medical waste is prohibited.
11. Commercial, industrial and institutional waste is prohibited at the convenience sites.
12. White goods are accepted only at the transfer station, due to size and handling requirements.
13. Only (4) scrap car tires per person at the convenience sites.
14. Large truck and tractor tires are prohibited at the convenience sites.
15. Only (1) scrap battery per person at the convenience sites.
16. Only (1) small pick-up load (not to extend above the sides of the bed) of construction debris will be accepted at the convenience sites. Any load exceeding these limitations will be assessed a tipping fee at the transfer station.
17. No roofing materials will be accepted at the convenience sites. They must be delivered to the transfer station and will be assessed a tipping fee to cover disposal cost.
18. Asbestos is prohibited.

19. Any waste collected for compensation is prohibited at the convenience sites. It must be delivered to the transfer station and will be assessed a tipping fee to cover disposal cost.
20. Waste not properly covered or secured can be refused when delivered.
21. Large quantities of household waste shall be delivered to the transfer station and can be assessed a tipping fee.
22. NO one shall bring firearms or explosives into any solid waste facility.
23. Sewage, human waste or animal waste is prohibited.
24. Liquid waste is prohibited.
25. Animal carcasses shall be delivered to the transfer station and must be buried.
26. Any waste not accepted at the convenience sites (except yard debris) may be assessed a tipping fee when delivered to the transfer station.

SECTION 26. FEES

The full cost of operating the solid waste department shall be recovered through fees.

Availability Fee

The fee charged all habitable households annually, allowing them to dispose of their “household garbage.”

Tipping Fee

The fee charged to those who do not pay the availability fee and for those waste streams that the availability fee does not cover.

SECTION 27. ENFORCEMENT

The enforcement of this ordinance is the responsibility of all agencies having duties in public health and safety, waste enforcement, law enforcement and solid waste disposal. The solid waste director shall promulgate a written ordinance and oversee its enforcement.

SECTION 28. CIVIL PENALTIES

The MINIMUM civil penalty for violations of this ordinance shall be the following:

Scavenging

Unauthorized removal of discarded items.

First offence	\$ 25.00
Second offence	\$ 50.00
Subsequent offence	\$100.00

Illegal dumping

Dumping of prohibited materials or quantity of materials at any solid waste facility.
Littering or dumping in unapproved areas.

First offence	\$100.00
Second offence	\$200.00
Subsequent offence	\$500.00

Illegal burning

Burning of solid waste for the purpose of disposal.

First offence	\$200.00
Second offence`	\$300.00
Subsequent offence	\$500.00

Illegal disposal

Failure to dispose of waste by approved method.

First offence	\$200.00
Second offence	\$300.00
Subsequent offence	\$500.00

Loitering

Nuisance lingering or hanging around a solid waste facility

First offence	\$100.00
Second offence	\$200.00
Subsequent offence	\$300.00

Improper transportation

Improper transportation, improper vehicle or improper license by residential and contract waste haulers.

First offence	\$100.00
Second offence	\$200.00
Subsequent	\$300.00

Littering at a solid waste facility

Failure to place waste in the proper container, spilling of waste while transferring, disregarding attendants instructions as to the proper disposal procedure or leaving waste at a close facility.

First offence	\$100.00
Second offence	\$200.00
Subsequent offence	\$300.00

Other violations

Violation of any other provision of this ordinance or any North Carolina Division of Solid Waste Management rule.

First offence \$100.00
Second offence \$200.00
Subsequent offence \$300.00

SECTION 29. GOOD NEIGHBOR PROVISION

The tipping fee may be waived by facility attendants for the following reasons:

1. A citizen who cleans up illegally dumped waste.
2. Waste cleaned up by The Department of Transportation.
3. Waste from the Schools, Churches, or other Civic organizations.
4. Storm debris (when approved by Board of Commissioners).
5. Waste cleaned up during Litter-sweep or other such programs.
6. Waste cleaned up by community service workers or Department of Correction.
7. Waste generated by Departments of the County.
8. When it serves the interests of the County (must be approved by the Solid Waste Director).

Adopted this _____ day of _____ 200__

Chairman

Clerk