

HARNETT COUNTY SOLID WASTE MANAGEMENT

ORDINANCE

Adopted July 23, 1990

HARNETT COUNTY BOARD OF COMMISSIONERS

Mr. Lloyd G. Stewart, Chairman
Mr. Bill Shaw
Mr. Mayo Smith
Mr. Mack Reid Hudson
Mr. Rudy Collins

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ARTICLE I TITLE

This Ordinance shall be known and may be cited as the Solid Waste Ordinance of Harnett County, North Carolina.

ARTICLE II PREAMBLE

Whereas, the Harnett County Board of Commissioners is authorized by the General Statutes of the State of North Carolina to enact an Ordinance regulating solid waste collection, storage, transportation disposal and management within Harnett County;

Now, therefore, be it ordained that the following regulations shall apply within the unincorporated areas of Harnett County, North Carolina.

ARTICLE III PURPOSE AND STATUTORY AUTHORITY

The purpose of this Ordinance is to promote the public safety, health and welfare of the citizens of Harnett County in the storage, collection, transportation and disposal of solid waste throughout the county. Under provisions pursuant to Chapters 153A-121; 153A-132.1; 153A-136, 153A-149(c) (31); 153A-274 and 153A-292 of the North Carolina General Statutes, Harnett County hereby exercises its authority to enact these regulations.

ARTICLE IV JURISDICTION

On and after the date of approval by the County Board of Commissioners, these regulations shall govern the storage, collection, transportation and disposal of solid waste in Harnett County.

ARTICLE V DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of these regulations:

- A. Board - Harnett County Board of Commissioners
- B. Bulky Waste - Large items of solid waste such as automobiles, discarded fuel tanks, large auto parts, or other large items which cannot be handled by normal disposal methods.
- C. Collection - The act of removing solid waste from a point of generation to a central storage point or to a disposal site, and from a central storage point to a disposal site.
- D. Commercial Solid Waste - Solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities.
- E. Construction and Demolition Waste - Waste building materials, packaging, and rubble resulting from construction, remodeling, repair, land clearing debris (tree stumps, large limbs etc.) and demolition

operations on pavements, houses, commercial buildings, and other structures.

- F. County - County of Harnett, North Carolina
- G. Disposal - The discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land so that such solid waste or any constituent thereof may enter the environment or be omitted into the air or discharged into any water, including ground waters.
- H. Division of Health Services - Division of Health Services of the North Carolina Department of Human Resources.
- I. Garbage - All putrescible solid wastes, including food wastes and food containers, animal and vegetable matter, animal offal and carcasses, and recognizable industrial by-products, but excluding sewage and human waste.
- J. Hazardous Waste - Waste, or a combination of waste in a solid, liquid, contained gaseous, or semisolid form that may cause, or contribute to, and 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 health of persons or other organisms.
- K. Industrial Solid Waste - Any solid waste generated by industries and manufacturing facilities.
- 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 wastes, 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 room 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. License - A written document from the solid waste enforcement officer granting permission for the collection, transportation or disposal of solid waste.
- O. Person - Any individual; firm, governmental unit, agency, organization, association, partnership, corporation, company, or other legal entity.
- P. Putrescible - Solid waste capable of being decomposed by micro-organisms with sufficient rapidity as to cause nuisance from odors and gasses, such as kitchen waste, offal and carcasses.
- Q. Refuse - Solid waste, excluding garbage and ashes, collected from residences, commercial establishments and institutions.
- R. Radioactive Waste - Any waste that emit ionizing radiation spontaneously.
- S. Sanitary Landfill - Facility for the final disposal of solid waste.
- T. Scrap Tire - A tire that is no longer suitable for its original, intended purpose because of wear, damage or defect.
- U. Scrap Tire Collection Site - A site used for the storage of scrap tires.
- V. Sludge - Any solid, semisolid or liquid waste generated from a municipal, commercial, institutional or industrial waste-water treatment plant, water supply treatment plant or air pollution control facility or any other waste having similar characteristics and effects.
- W. Slurry - A waste with a high liquid content not easily de-watered.
- X. Solid Waste - Garbage, refuse, rubbish, pebbles, trash, and other discarded solid materials, including solid waste materials resulting from industrial, commercial and agricultural operations and from community activities, but does not include fowl or animal fecal waste, solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in

industrial waste-water effluents. dissolved materials in irrigation return flows or other common water pollutants.


- Y. Solid Waste Collector - Any person who collects, transports, or disposes of solid waste not including private citizens disposing of their own personal solid waste.
- Z. Solid Waste Compaction Mini-Station - Any site designated, operated and maintained by Harnett County for the purpose of collecting and compacting for transfer household wastes from private citizens.
- AA. Solid Waste Director - The enforcement officer of the Harnett County Solid Waste Ordinance or his designated agent as appointed by the Harnett County Board of Commissioners.
- BB. Solid Waste Disposal Site - Any place at which solid waste is disposed of by sanitary landfill or other authorized methods.
- CC. Solid Waste Receptacle - Large metal container used for the temporary storage of solid waste and capable of being automatically emptied into collection vehicles.
- DD. Special Waste - Solid waste that can require special handling and management including white goods, whole tires, used oil, asbestos material, lead-acid batteries, and medical waste.
- EE. White Goods - Includes inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.

ARTICLE VI. STORAGE AND DISPOSAL OF SOLID WASTE

A. Storage

1. No owner, occupant, tenant, or lessee of any property shall permit solid waste (emanating) from said premises to accumulate upon such premises unless stored in a manner prescribed by this Ordinance.
2. All putrecible waste shall be stored in containers which are durable, rust resistant, watertight and easily cleaned with a close fitting, fly-tight cover in place. Each container shall be kept clean so that no odor or other nuisance condition exists.
3. 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).
4. 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 ice box, refrigerator or other receptacle that has an airtight door without first removing the door.

B. Disposal

1. Acceptable methods of disposal shall be as follows:
 - a. In a sanitary landfill approved and permitted by the North Carolina Department of Environment, Health and Natural Resources, Division of Solid Waste Management.
 - b. In a demolition-landscape landfill approved and permitted by the Department of Environment, Health and Natural Resources, Division of Solid Waste Management.
 - c. In an incinerator that has all applicable local, state, and federal permits.
 - d. In solid waste station, landfill container, or recycling collection site provided by Harnett County.
 - e.  A householder may dispose of solid waste generated at his residence on his property provided that such disposal is in accordance with all state and local solid waste directives.
 - f. By reclamation, recycling, or other resource recovery methods.

- C. Hazardous and radioactive wastes shall be disposed of according to the applicable federal and state regulations.
- D. It is anticipated that many of the persons in Harnett County will be offered collection service by a collector of solid waste. Any person not using a collector will be required, upon request, for cause or as a result of complaints received by the Solid Waste Director, to explain and show the Solid Waste Director the method and means of disposal of his or her solid waste and where refuse is being disposed.
- E. Nothing in this Ordinance shall be construed to allow open burning of any solid waste, except as authorized, if at all, by applicable North Carolina air quality control regulation.

Landfill Receipts

ARTICLE VII LANDFILL AND MINI-STATION MANAGEMENT

- A. Any private citizen who is a resident of Harnett County may dispose of solid waste at a county solid waste disposal site including the sanitary landfill, one of the compaction mini-stations or a County recycling collection site. Only solid waste generated in Harnett County shall be disposed of at any of the Harnett County solid waste facilities. All compaction mini-stations shall accept ONLY household waste from private citizens. No solid waste of any businesses or solid waste collectors shall be deposited at the compaction mini-stations. All solid waste collected by municipalities, institutions, businesses or commercial haulers must be disposed of at the sanitary landfill.
- B. Solid waste shall only be disposed of during normal operating hours as determined by the County Board of Commissioners. The county shall have the landfill manager or one of his representatives at all solid waste disposal sites during the hours of normal operation.
- C. Solid waste shall be disposed of at all solid waste disposal sites in the manner and according to the procedures required by the landfill manager or his representative. Construction and demolition waste, white goods, scrap tires or any other designated waste shall only be disposed of in the area designated for disposal of that particular waste.
- D. Mini station container sites, sanitary landfill sites, including all equipment, appurtenances and fixtures thereon, are property of the county and it shall be unlawful for any person to destroy, deface, misuse, or damage said property

in any manner whatsoever. All such public property shall be used and operated solely in the county, and shall not be removed from the county without written authority from the solid waste director. Furthermore, it shall be unlawful for any person, not expressly authorized, to enter any of the above properties when the same shall be posted as closed.

- E. All persons using mini-station container sites, sanitary landfills or recycling collection sites, assume all risks and are requested to employ all possible safety precautions while on any of these sites. The county shall not be held liable in case of injury or accident.
- F. It shall be unlawful for any person to set or cause to be set any fire in a solid waste container at the landfill or a mini-station location. No person shall place in a container embers, ashes or other material which would create a fire hazard. The County offers a \$500.00 reward for the arrest and conviction of anyone found guilty of burning or causing to burn solid waste containers.
- G. Solid waste placed in containers owned by Harnett County become the property of Harnett County. It shall be unlawful for any person to remove any item from a solid waste collection site at the landfill, a mini-station location, or a recycling station. No person shall climb on, around or inside a container. No person shall open or attempt to open any solid waste container.
- H. No person or persons shall loiter and/or congregate on any container site property, landfill property or recycling station. No vehicle shall be left unattended on said property. Any vehicle left unattended shall be towed away at the owner's expense.
- I. Traffic Control
 - 1. All persons entering the sanitary landfill shall follow instructions of the attendant and all signs for access to unloading areas, and all vehicles shall unload and depart as expeditiously as possible so as not to unnecessarily interfere with the operation and maintenance of the sanitary landfill.
 - 2. All vehicles, including all municipal and county vehicles, upon entering the landfill gates shall follow all speed, directional and instructional signs, and shall proceed in an orderly fashion.
 - 3. All vehicles, including all municipal and county vehicles, shall have a maximum of ten (10) minutes to unload.

4. All vehicles, including municipal and county vehicles, after unloading shall follow all directional signs and exit in the appropriate traffic lane.

J. The following shall be the responsibility of the landfill or mini-station user:

1. Define accurately the nature, content, and source of all materials delivered.
2. Ensure that their vehicles are in good mechanical condition to aid traffic snarls, etc.
3. Require that all children (fifteen (15) years old or less) remain inside the vehicle on site..
4. Obey all instructions of county landfill personnel both written and oral.
5. Respect hours of operation. Dump only during hours of operation.

ARTICLE VIII LANDFILL AND MINI-SITE CONTENTS

A. The following table details materials which are acceptable, conditionally acceptable and not acceptable to deliver to the Harnett County Landfill.

ACCEPTABILITY OF MATERIAL FOR LANDFILL

<u>ACCEPTABLE</u>	<u>CONDITIONAL (SEE LANDFILL) ACCEPTANCE (SUPERVISOR)</u>	<u>NOT ACCEPTABLE</u>
1. Garbage and Rubbish from routine collection services at residences and commercial establishments.	Dead Animals	Any liquid or semi liquid waste
2. Household appliances Furniture, bedding		Any chemical that may be dangerous to employees or equipment or that may pollute the ground water
3. Brush, tree trimmings leaves and general refuse residences	Metal filings, cuttings and trimmings	Any fire or highly flammable material, brush and tree trimmings when mixed with any other types of solid waste
4. Cardboard and wooden containers from businesses and industry	Plastic cutting and trimmings. Demolition and construction waste in quantities	
5. Demolition and construction waste in small quantities	Plastic bags or wrappers in quantities. Waste from land clearing operations.	
6. Cardboard drums (empty and without lids or covers)	Textile waste not boxed or bagged, particularly long thread waste	Radioactive waste
7. Textile cones and tubes	Metal bands in quantities	
8. Textile waste when boxed baled		
9. Street refuse and litter	Metal drums, if ends cut out Wire in quantities	

Scrap tire disposal shall be governed by the "North Carolina Scrap Tire Disposal Act", (G.S. 130-A-309.61 through 309.62). Scrap tires shall only be accepted at the Harnett County designated disposal site. Scrap tires will only be accepted when accompanied by a completed and signed certification form, unless the person disposing of the tires is legally exempt from having the certification form.

- B. The following waste may not be deposited in Mini-Station containers:
1. Hazardous waste;
 2. Liquid waste;
 3. Infectious waste;
 4. Radioactive waste;
 5. Bulky waste;
 6. Tires;
 7. Construction and demolition waste;
 8. Burning or smoldering materials, or any other materials that would create a fire hazard.

ARTICLE IX. FEEES

The fees for the disposal of solid waste at any of Harnett County's solid waste management sites shall be in accordance with the rate structure adopted by the Harnett County Board of Commissioners.

ARTICLE X LICENSING OF SOLID WASTE COLLECTORS

- A. No person, municipality, institution, or business shall for profit collect, transport or dispose of solid waste without a license from the Harnett County Solid Waste Director, provided that this article shall not apply to any person disposing of solid waste from his own residence or business, unless he hires a person to do so. All solid waste collectors currently collecting solid waste in Harnett County shall have six months to apply for a license to transport solid waste. If no license is obtained the hauler will discontinue collection in Harnett County. Applications for permits to engage in the business of solid waste collection shall be filed with the Solid Waste Director on forms approved by the Solid Waste Director. Fees for License issued to Solid Waste collectors shall be set by the Harnett County Board of Commissioners.
- 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, and solid wastes and to operators of disposal facilities for such garbage, refuse, and solid waste, within a fiscal year shall only be for a period beginning on the date such license is issued and ending the immediately following June 30.

- C. The applicant for a Solid Waste Collection License 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 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. Balance sheet or equivalent financial statement as of the close of the applicant's last business year, showing the net worth of the business;
 6. Planned routes and areas of the county the applicant expects to serve and routes currently being served with all collection points identified on the routes.
 7. Schedule of fees the applicant plans to charge and any proposed fee changes;
 8. Proof of adequate insurance coverage on all vehicles.
- D. The Solid Waste Director shall inspect or cause to be inspected all facilities and equipment the applicant plans to use in the solid waste collection business prior to issuing a license to the solid waste collector. The collector also agrees to provide continued access to records requested by the Solid Waste Director.
- E. After reviewing the applicant for a Solid Waste Collector's License, the Solid Waste Director may either grant or deny the permit. If the Solid Waste Director denies the permit the applicant may request a hearing before the County Commissioners or any Board appointed by them for the purpose of hearing such disputes. All appeals must be received in writing at least seven (7) working days before any scheduled board meeting. After a hearing on the appeal, the Board shall either affirm the denial of the license or direct the Solid Waste Director to issue the license.

ARTICLE XI COLLECTION AND TRANSPORTATION OF SOLID WASTE BY
SOLID WASTE COLLECTORS

- A. No person for hire shall collect or transport solid waste without first obtaining the appropriate privilege license.
- B. No person for hire shall transport solid waste upon the public roads by any mode of conveyance that has not been inspected and approved for use by the Solid Waste Director.
- C. Vehicles or containers used for the collection and transportation of garbage or refuse shall be covered, leakproof, durable and of easily cleanable construction. Open body trucks or other vehicles used in collection and transportation of solid waste will be covered with canvas or other substantial material to prevent contents from falling, leaking, spilling or being blown from the vehicle.
- D. All licensed solid waste collectors for hire shall display plainly visible decals or lettering on the vehicle showing name and address or phone number of the owner. Such information shall be on file with the Solid Waste Director.
- E. Solid waste collectors for hire shall remove garbage or refuse from the premises at least once a week.
- F. All solid waste collected shall be disposed of daily in a licensed sanitary landfill.
- G. Licensed solid waste collectors are required to notify the Solid Waste Director fifteen (15) days prior to any discontinuance of collection routes or portions thereof.
- H. No collector for hire shall dispose of solid waste in the solid waste containers provided by Harnett County.

ARTICLE XII. REVOCATION OF SOLID WASTE COLLECTORS LICENSE

- A. Any license issued for collection and transportation of solid waste may be revoked for violations of applicable regulations pertaining to the management of solid waste.

Whenever, upon inspection of facilities, equipment or operating methods or practices of any person licensed and performing collection and transportation services, the Solid Waste Director finds that conditions or practices exist which are not in compliance with applicable regulations the Solid Waste Director shall give notice in writing to such person that unless such conditions or practices are corrected or remedied within ten days, then the collector's license may be revoked. Notice shall include date, time and place of reinspection by the Solid Waste Director.

If, after reinspection, the Solid Waste Division finds conditions or practices not corrected, the collector will be notified that his license has been revoked. Upon receipt of this notice of revocation, the licensee shall stop collecting and transporting solid waste for hire.

The Solid Waste Director may reinstate a revoked license after revocation has been in effect for thirty (30) days if he finds that the conditions causing the violation have been corrected.

The license holder may request in writing to the Solid Waste Director a hearing before the Harnett County Board of Commissioners or such other board appointed by the Commissioners to hear such matters in order that the license holder may justify why such license should not be revoked. Such requests shall be received by the Solid Waste Director no later than ten (10) days following notice of license revocation.

After hearing of the appeal, the Harnett County Board of Commissioners or such other board appointed by the Commissioners to hear such matters shall affirm the revocation or direct the Solid Waste Director to reinstate the license.

Reinstatement or reissuance of a license to collect and transport solid waste will be subject to review and rehearing by the Harnett County Board of Commissioners or any Board designated by them to hear such matters.

- B. Any solid waste collector for hire observed dumping at a solid waste mini-station site shall be warned in writing from the Solid Waste Director that if the Solid Waste Collector is observed dumping in a mini-station site a second time his license shall be immediately revoked for a minimum of sixty (60) days.
- C. Any solid waste collector who transports uncovered solid waste shall be warned the first time such a violation is cited. The second violation shall result in an immediate sixty (60) day suspension of the collector's solid waste collector's license.
- D. Any solid waste collector who attempts to dispose of waste not acceptable at the Harnett County landfill will be cited in writing for such violation. The second such violation shall result in an immediate sixty (60) day suspension of the collector's privilege license.

ARTICLE XIII. ENFORCEMENT

The rules and regulations prescribed in this Ordinance shall be enforced by the appropriate county agencies having duties and responsibilities in the areas of health, solid waste disposal and law enforcement.

ARTICLE XIV. PENALTIES FOR VIOLATION

- A. The violation of any provision of this ordinance shall be a misdemeanor and any person convicted of such violation shall be punishable as provided in G.S. 14-4. Each day's violation of this ordinance shall be a separate offense. Payment of a fine imposed in criminal proceedings pursuant to this subsection does not relieve a person of his liability for taxes or fees imposed under or pursuant to this ordinance.
- B. In addition, enforcement of this ordinance may be by appropriate equitable remedy, injunction or (order of abatement) issuing from a court of competent jurisdiction pursuant to G.S. 153A-123(d) and (e), or any other applicable law.
- C. In addition to and not in lieu of the criminal penalties and other sanctions provided in this ordinance, a violation of this ordinance may also subject the offender to the civil penalties hereinafter set forth.
1. Such civil penalties may be recovered by Harnett County in a civil action in the nature of debt or may be collected in such other amounts as prescribed herein within the prescribed time following the issuance of notice for such violation.
 2. Such notice shall, among other things:
 - a. State upon its face the amount of the penalty.
 - b. Notify such offender that a failure to pay the penalties within the prescribed time shall subject such offender to a civil action in the nature of debt for the stated penalty together with the cost of the action to be taxed by the Court.
 - c. Further provide that such offender may answer the said notice by mailing said notice and stated penalty to the County Manager, and that upon payment, such case or claim and right of action by Harnett County will be deemed compromised and settled.

3. The County Manager is authorized to accept such payments in full and final settlement of the claim or claims, right or rights of action which Harnett County may have to enforce such penalty by civil action in the nature of debt. Acceptance of such penalty shall be deemed a full and final release of any and all such claims, or rights of action arising out of such alleged violation or violations.
4. The civil penalty for violation of this ordinance is ONE HUNDRED DOLLARS (\$100.00).
5. The notice of violation referred to herein may be delivered to the person violating the provisions of this ordinance in person, or may be mailed to said person at his last known address.
6. All penalties paid to the County Manager as well as those recovered in a civil action in the nature of debt as herein provided shall be paid into the general fund of Harnett County.

ARTICLE XV. SEPARABILITY

Should any section or provision of the regulations be for any reason held void or invalid by a court of law, it shall not affect the validity of any other section or provision herein which is not itself void or invalid.

ARTICLE XVI. REPEAL OF CONFLICTING ORDINANCES

All ordinances and clauses of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

ARTICLE XVII. EFFECTIVE DATE

This ordinance shall be effective upon its adoption

Duly adopted this 23rd day of July, Nineteen Hundred and Ninety

HARNETT COUNTY BOARD OF COMMISSIONERS

Mr. Lloyd G. Stewart, Chairman

Lloyd G. Stewart

ATTEST

Vanessa Young, Clerk to the Board

Vanessa W. Young