

## **SOLID WASTE RECYCLING, COLLECTION AND DISPOSAL ORDINANCE PITT COUNTY, NORTH CAROLINA**

### **Section 1. Authority and Responsibility**

Pitt County has adopted the following Rules and Regulations for Solid Waste Recycling, Collection and Disposal for the general health and welfare of the citizens of Pitt County under the authority granted under Chapter 153A-136 of the General Statutes of North Carolina and shall govern the management, storage, collection, transportation, disposal, and recycling of solid waste throughout Pitt County.

### **Section 2. Repeal of Conflicting Ordinances**

After the effective date of this Ordinance, any Ordinance governing any aspect of the storage, collection, transportation, recycling or disposal of solid waste in conflict with this Ordinance shall be null and void.

### **Section 3. Purpose and Intent**

The purpose of this Ordinance is to provide for the proper management of solid waste in Pitt County. It is the intent of this Ordinance not to conflict or contradict any Ordinance or rules and regulations of the North Carolina Department of Environment, Health and Natural Resources, Solid Waste Management Division and the Pitt County Board of Health. In the event of a conflict, state laws and rules shall control.

### **Section 4. Definitions**

The following definitions shall apply in the interpretation of this Ordinance of these regulations:

**Board:** Board of Commissioners of Pitt County.

**Bulky Waste:** Large items of solid waste such as household appliances, furniture, junk automobiles, large junk auto parts, trees, branches, stumps, and other oversize waste whose large size precludes or complicates their handling by normal solid waste collection, processing, or disposal methods.

**Collection:** The act of removing solid waste and recyclables from a point of generation to a central storage off site point or to a disposal site, and from a central point to a disposal site.

**Commercial Solid Waste:** Solid waste generated by stores, offices, restaurants, businesses and all other nonresidential uses.

**Disposal Facility:** See **Waste Handling Facility**

**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.

**Solid Waste Management Division:** Solid Waste Management Division of the Department of Environment, Health, & Natural Resources.

**Garbage:** All putrescible 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.

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

- A. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
- B. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

**Health Director:** The Director of the Pitt County Health Department, or his authorized representative.

**Householders:** All persons who own homes, apartments, mobile homes, duplexes or other residential structures.

**Infectious Waste:** A solid waste capable of producing an infectious disease. The types of waste designated as infectious are: microbiological waste, pathological waste, blood products, and sharps.

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

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

**Radioactive Waste Material:** Any waste containing radioactive material as defined in G.S. 104E-5(14), which is adopted by reference in accordance with G.S. 150B-14(C).

**Refuse:** All non-putrescible waste.

**Solid Waste:** Any hazardous or nonhazardous garbage, refuse, or sludge from a waste treatment plant, water treatment plant, or air pollution control facility, domestic sewage and sludges generated by the treatment thereof in sanitary sewage collection, treatment and disposal systems, and other material that is either discarded or is being accumulated, stored or treated prior to being discarded, or has served its original intended use and is generally discarded, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, institutional, commercial, and agricultural operations, and from community activities. The term does not include:

- A. Fowl and animal fecal waste; or
- B. Solid or dissolved material in:
  1. domestic sewage and sludges generated by the treatment thereof in sanitary sewage collection, treatment and disposal systems which are designed to discharge effluents to the surface waters;
  2. irrigation return flows; and
  3. wastewater discharges and the sludges incidental thereto and generated by the treatment thereof which are point sources subject to permits granted under section 402 of the Federal Water Pollution Control Act, as amended (P.L. 92-500), and permits granted under G.S. 143-215.1 by the Environmental Management Commission; except that any sludges that meet the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (P.L. 94-580) as amended, shall also be a solid waste for the purposes of this Ordinance; or

- C. Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the North Carolina General Statutes; except that any such oils or other liquid hydrocarbons that meet the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (P.L. 94-580) as amended, shall be a solid waste for the purposes of this Ordinance; or
- D. Any radioactive material as defined by the North Carolina Radiation Act, G.S. 104E-1 through 104E-23; or
- E. Mining refuse covered by North Carolina Mining Act, G.S. 74-46 through 74-68 and regulated by the North Carolina Mining Commission (as defined under G.S. 143B-290); except that any specific mining waste that meets the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (P.L. 94-580) as amended, shall also be a solid waste for the purposes of this Ordinance.

**Solid Waste Collector:** Any person who collects, transports refuse or solid waste for compensation, other than one who removes refuse or solid waste from his own premises. Persons who remove waste for more than 5 families or businesses are collectors even though the waste is collected from that person's own property.

**Solid Waste Department:** The employees of the County who operate and manage the disposal, recycling, transfer, transportation, and other operations involved in the management of solid waste.

**Solid Waste Disposal Site:** A location at which solid wastes are disposed of by incineration, sanitary landfill, transfer station, or other method approved by the Board.

**Solid Waste Receptacle:** large container used for the temporary storage of solid waste and capable of being automatically emptied into collection vehicles.

**Ashes:** Refuse resulting from the burning of wood, coal, or other combustible materials.

**Industry:** A place of business employing more than ten individuals and engaged in the manufacture or assembly of a product or products.

**Industrial Waste:** Waste materials from processing plants, factories or manufacturing operations including, but not limited to: sawdust, shavings, feathers, excelsior, cartons, boxes, metal, glass, paper, wood, textiles, chemicals, or plastics.

**Recycling:** The separation, collecting, processing and marketing of a waste material and manufacturing to create a useful product.

**Self-Unloading Vehicles:** Any vehicle which does not have to be unloaded manually.

**Transfer Station:** The facility where waste is disposed of by individuals, institutions and businesses, and loaded for transportation to off site solid waste management facilities.

**Yard Waste:** Waste consisting of leaves, limbs, grass trimmings, unpainted and untreated wood, pallets and other vegetative material.

**Waste Handling Facility:** Land, personnel, and equipment used in the management of solid waste including but not limited to the transfer station, the tire management area, the yard waste management area, the white goods management area, and other areas or operations as required from time to time.

**Litter:** Any material which is blown, thrown, or otherwise deposited on public or private property in violation of state or local laws and ordinances or without the property owner's permission. Litter includes, but is not limited to: paper, cardboard, building debris, yard waste, tires.

**Littering:** The placing or failing to take steps to prevent blowing, throwing, or otherwise depositing of any material on public or private property in violation of state or local laws and ordinances or without the property owner's permission. Litter includes, but is not limited to: paper, cardboard, building debris, yard waste, tires.

**Recycling Sites:** Those sites which accept solid waste and recyclables from citizens for transportation to the transfer station, waste handling facility, or appropriate markets.

## **Section 5. Recycling**

All persons, firms, or corporations using the waste handling facility, transfer station and recycling centers shall separate the following materials from their waste:

- A. Whole tires
- B. Aluminum cans
- C. Yard waste
- D. White goods
- E. Lead acid batteries
- F. Used oil
- G. Corrugated cardboard from nonresidential establishments (cardboard packaging, that is contaminated due to the nature of its contents, is exempt)
- H. Noncombustible construction debris
- I. Any other materials which the Pitt County Board of Commissioners may require to be separated

## **Section 6. Waste Handling Facility Administration and Operation**

- A. The Board of Commissioners have authorized the operation of a waste handling facility to be used by the County and its citizens. The waste handling facility and recycling centers may be used by citizens during the times and under the conditions set forth by the Board and this Ordinance.
- B. *Hours of Operation:* The waste handling facility shall be open on a schedule set by the Board of Commissioners. Hours of operation shall be posted on the waste handling facility gate and gates located at the recycling centers. Operation hours are subject to change when determined necessary by the Pitt County Board of Commissioners.

## **Section 7. Waste Handling Facility Management**

- A. The waste handling facility of Pitt County may be used for the disposal of solid waste by any person who is a resident of Pitt County may cause their waste to be disposed of during regular hours of operation of the waste handling facility. Solid waste shall be disposed of at the waste handling facility in the manner and according to the procedures required by the Solid Waste Supervisor or his representative.
- B. The following wastes may not be disposed of at the waste handling facility without the express written consent of the Solid Waste Supervisor:
  1. bulky waste

2. animal and fowl fecal matter
3. dead animals
4. infectious waste
5. noncombustible construction debris

C. Waste brought to the County waste handling facility shall be observed and inspected for prohibited materials. The hauler may at the discretion of the Solid Waste Supervisor be required to remove unacceptable materials.

D. The following shall not be acceptable for deposit at the waste handling facility.

1. sludges and other semi-solid fluids;
2. containers containing unacceptable waste;
3. logs and large limbs of four inches or more in diameter and more than six feet in length;
4. automobile and truck bodies;
5. metal drums of more than 30 gallon capacity unless the top and bottom have been removed or the drums have been crushed;
6. land clearing debris (root mat, small stumps, etc.);
7. hot ashes;
8. hazardous waste;
9. infectious waste (not sterilized or packaged by approved methods);
10. explosives of any kind;
11. any items having a dimension greater than six feet;
12. asbestos waste not packaged in accordance with 40 CFR 61;
13. pathological waste not sterilized by approved methods;
14. any other materials which may be determined to be hazardous by the Solid Waste Supervisor or federal, state or county authorities, laws or ordinances;
15. any material which may be designated as unacceptable by the Pitt County Board of Commissioners;

## **Section 8. Solid Waste or Refuse Storage and Disposal**

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 shall remove or cause to be removed all solid waste from his property at least once each week (7 day period) unless prior approval is obtained from the Health Department.
- C. Garbage shall be stored only in a container that is durable, rust resistant, nonabsorbent, watertight, and easily cleaned, with a close-fitting, fly-tight cover in-place, with adequate handles 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 any building or dwelling, other than a licensed junk dealer, may place or leave, or cause to be placed or left, outside the building or dwelling, any bulky wastes for longer than 72 hours.
- F. No owner, occupant, tenant, or lessee of a 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. At the waste handling facility;
  - 2. In a sanitary landfill;
  - 3. In an incinerator that has all required local, state, and federal air pollution control permits;
  - 4. Owners, occupants, tenants, or lessees of a building or dwelling may dispose of solid waste generated at his residence or on his property in a manner approved by the Pitt County Board of Commissioners or DEHNR. The following are approved methods of disposal:
    - a. Burying waste in a safe and sanitary manner approved by the Pitt County Board of Commissioners or DEHNR;
    - b. By burning refuse in an incinerator of type approved by the Pitt County Board of Commissioners as safe and sanitary;
    - c. By burying solid waste in a sanitary landfill that is designed, operated and equipped in accordance with the Solid Waste Management Rules of the N.C. Division of Health Services;
    - d. Disposing in a container including but not limited to dumpsters, trash cans for pickup by municipal or private waste refuse collectors;
    - e. Disposal at the county's transfer station or waste handling facility;
  - 5. By any other method, including reclamation and recycling processes, that has been approved by the Solid Waste Management Division.
- H. In addition to the methods listed in No. 4 above, solid waste may be disposed of in solid waste receptacles provided by the County in a manner approved by the County.

- I. Construction and demolition wastes may be disposed of at disposal sites approved by the Division of Solid Waste Management or the Pitt County Board of Commissioners.
- J. Any person collecting and transporting solid waste generated on his property for disposal at an approved disposal site shall comply with this Ordinance in all respects.

## **Section 9. Refuse or Solid Waste Collection, Transportation and Vehicle Requirements**

- A. *Solid Waste or Refuse Collection.* The owner, occupant, tenant, or lessee of any premises upon which garbage is stored shall remove, or cause to be removed all garbage from said premises at least once a week. The work shall be done in a clean orderly manner and any refuse that is spilled shall be cleaned up, and the premises left in a clean and sanitary condition.
- B. *Solid Waste or Refuse Transportation.* No solid waste collector shall transport solid waste in a conveyance that has not been approved by the Solid Waste Director. All vehicles, except those owned by individuals hauling their own solid waste, shall display an identifying tag or decal in order to gain entrance to the county waste handling facility. These vehicles must be identified by a special use permit decal issued by the Health Department.

The drivers of all vehicles used to collect, transport, and deposit waste at the County waste handling facility may be required to supply information giving the name and address of the owner of the vehicle, the source and the type of waste to be deposited and the weight and size of the vehicle. Identification may be required of drivers. Such identification may be a current driver's license or other acceptable identification.

- C. *Minimum Vehicle Requirements.* All vehicles used for the collection of solid waste or refuse collection shall be leak proof, and covered with a canvas or other durable material to prevent leakage or spillage of the refuse, unless it is constructed in such a manner to assure there is no spillage of wastes. Vehicles in which refuse or solid waste is hauled shall be cleaned daily.

Vehicles which are not self unloading will be subject to control by the Solid Waste Supervisor so as to minimize vehicle congestion and provide easy access for self-unloading vehicles.

- D. *Vehicle covers or Ties.* All vehicles, both private and commercial, used for the transportation of solid waste shall provide that all solid waste or other items to be disposed of be covered or loads secured by some effective means such to prevent the spillage or loss of waste while being transported. "Effective means" shall mean durable, heavy plastic or canvas tied down or secured to cover all the load. Loads consisting of building rubbish, limbs, bulk items shall be loaded and secured with rope or tie downs to assure spillage does not occur. In the event the load is not completely covered, the Solid Waste Supervisor or his representative shall be the final authority as to whether the load is properly secured.
- E. *Solid Waste or Refuse Collector Permits.* No person shall collect and transport or dispose of solid waste without a written permit from the Solid Waste Department. This subsection shall not apply to any person disposing of solid waste from his own residence or property. The Solid Waste Department shall issue a permit only when, upon inspection, it finds that the facilities, equipment and proposed operating methods of the applicant are in compliance with the requirements of these regulations.

## **Section 10. Bulk Solid Waste Recycling Sites**

- A. *Rural Recycling Sites.* The following firms, institutions, or persons will not be allowed to deposit wastes into rural containers without written approval from the Board of County Commissioners.
  1. Commercial and industrial firms and apartment complexes;

2. Handlers of hazardous waste or items prohibited from acceptance at the waste handling facility;
3. Governmental agencies, schools, and non-profit organizations;
4. Any other nonresidential generator;

These groups (1-4) may deposit separated recyclables at the site with the written permission of the Solid Waste Department.

B. *Restricted Items Not to be Deposited at the Recycling Sites*

1. *Restricted items:* The following items are not to be placed in the bulk containers unless specifically authorized in writing by the Solid Waste Department:
  - a. Items cited under Section 7 (Landfill Management) paragraphs B and D of this Ordinance;
  - b. Construction, land clearing materials;
  - c. Concrete, roadway material debris;
  - d. Pesticides, herbicides;
  - e. Stumps;
  - f. Hazardous wastes;
  - g. Animal or fowl fecal matter and other animal or fowl wastes;
  - h. Ashes;
2. *Vehicles:* The container sites are designed to facilitate the disposal of solid waste in the bulk containers. All vehicles which are not on the site to dispose of solid waste are prohibited. These include but are not limited to: four wheel drive vehicles, trail or dirt motorcycles, bicycles, go-carts or other small motorized vehicles.
3. No person other than County employees or contractors of the County shall be on the site except for the purpose of depositing waste or recyclables.

**Section 11. Disposal of Agricultural Chemical Containers**

Plastic agricultural chemical containers may be disposed of at the recycling centers. Metal containers may be disposed of at the waste handling facility. In disposal of these containers the following rules shall be observed:

- A. Disposal of all agricultural chemical containers shall be done in accordance with all rules and regulations set forth by the N.C. Department of Agriculture.
- B. All containers shall be emptied of all chemical contents and shall have been rinsed with water (inside and outside) and emptied. Plastic containers shall be pressure rinsed by a method approved by the Solid Waste Department.
- C. All steel, metal, plastic, or other impervious containers shall have holes in the sides, top, and bottom so water will not stand in the containers.

- D. All containers (cans, drums, barrels) having a capacity of greater than thirty (30) gallons shall have the top and bottom removed to assure compaction.
- E. All paper, plastic, or other bag material shall be cleaned such that chemical residue does not become airborne.

The hauler shall inform the waste handling facility attendant when agricultural chemical containers are being disposed of at the waste handling facility.

## Section 12. Scavenging

No person shall remove or salvage anything whatsoever from the waste handling facility, the municipal transfer sites, the recycling sites or any other solid waste handling facility owned or operated by Pitt County unless the County elects to salvage or authorize salvage of a material substance for the benefit of the County.

## **Section 13. Solid Waste Management**

The Solid Waste Department shall have the authority to require approved Solid Waste Management Plans and appropriate updates of large generators of solid waste and generators of unusual type of wastes. Such persons are required to comply with their approved plans.

## Section 14. Liability

Pitt County, as a public service, makes available the waste handling facility and the rural recycling sites which may be used at the times and under conditions set forth in this Ordinance. While the County offers this convenience, the County shall not be responsible for damage to private property nor personal injury which may occur on the site. Neither the County nor its employees shall be liable for damage to private vehicles or personal injury to persons using the waste handling facility or rural recycling centers.

## **Section 15. Fees**

D. The Solid Waste Department may waive disposal fees on properly separated recyclables or materials which may be used to benefit the County. These materials include but are not limited to:

1. Any recyclable items which are collected and marketed by the County;
2. Dirt;
3. Concrete;
4. Gravel;
5. Any items which may be utilized by the County, from time to time, in the opinion of the Solid Waste Supervisor;

#### **Section 16. Enforcement, Penalties and Remedies**

A. The employees of the Solid Waste Department are hereby empowered to issue civil citations upon the observance of a violation of this Ordinance. It is the intent of this Ordinance that each person is responsible for the proper management of his/her own waste and is responsible for all acts involving vehicles and equipment owned by him/her. The owner of a vehicle shall be responsible for dumping, littering and other violations in which his vehicle is used.

The addressee of first class mail shall be responsible for the proper management of the paper associated with that mail when it becomes waste. The presence of first class mail in waste material shall be *prima facie* evidence that the addressee owns that waste. The Solid Waste Department is further empowered to allow persons to perform cleanup work in a quantity and at a time satisfactory to the Department in lieu of prosecution and/or civil penalties for violations.

Where one or more persons are required to perform or not perform certain acts, it is the intent of this Ordinance that the liability be joint and several.

B. Minimum civil penalties for violation of this Ordinance shall be the following:

1. Scavenging

|                     |          |
|---------------------|----------|
| First Offense       | \$25.00  |
| Second Offense      | \$50.00  |
| Subsequent Offenses | \$100.00 |

2. Illegal dumping including dumping prohibited materials or quantities of materials in the solid waste receptacles or transfer station, dumping in unapproved areas, placing recyclables in inappropriate containers, or garbage in recycling containers:

|                     |          |
|---------------------|----------|
| First Offense       | \$100.00 |
| Second Offense      | \$200.00 |
| Subsequent Offenses | \$400.00 |

3. Improper transportation, improper vehicles, or improper license by contract haulers of solid waste (leaving the county facility without unloading or properly covering the load after being informed of improper transportation constitutes another offense):

|                     |          |
|---------------------|----------|
| First Offense       | \$100.00 |
| Second Offense      | \$200.00 |
| Subsequent Offenses | \$400.00 |

4. Violation of any other provision of this Ordinance or the N.C. Division of Solid and Hazardous Waste Management Rules:

|                     |          |
|---------------------|----------|
| First Offense       | \$100.00 |
| Second Offense      | \$200.00 |
| Subsequent Offenses | \$400.00 |

5. Littering:

|                     |          |
|---------------------|----------|
| First Offense       | \$100.00 |
| Second Offense      | \$200.00 |
| Subsequent Offenses | \$400.00 |

6. Deliberate refusal to follow instructions of solid waste personnel at or recycling centers:

|                     |          |
|---------------------|----------|
| First Offense       | \$100.00 |
| Second Offense      | \$200.00 |
| Subsequent Offenses | \$400.00 |

7. Failure to obtain approval of a Solid Waste Management Plan by municipalities, industries, institutions and others or failure to implement the approved plan:

First Offense                    \$1,000.00 total  
*(first 120 days of violation)*

Second Offense                \$2,000.00 total  
*(second 60 days of continuing violation)*

Subsequent Offenses            \$1,000.00 per day  
*(each day after the first 180 days of continuing violation)*

8. Failure to separate waste in accordance with Section 4 of this Ordinance:

|                     |   |
|---------------------|---|
| First Offense       | 3 times the prevailing tipping fee or \$100, <i>whichever is greater</i>  |
| Second Offense      | 6 times the prevailing tipping fee or \$200, <i>whichever is greater</i>  |
| Subsequent Offenses | 12 times the prevailing tipping fee or \$400, <i>whichever is greater</i> |

9. Misrepresentation of the origin of waste delivered to County facilities resulting in the County not receiving a tipping fee for nonhousehold waste:

|                     |   |
|---------------------|---|
| First Offense       | the greater of 10 times the prevailing tipping fee or \$2,000 |
| Subsequent Offenses | the greater of 20 times the prevailing tipping fee or \$4,000 |

C. Notwithstanding the penalties described in Paragraph B above, the County may seek restitution for damages or extra expense caused by the violation of this Ordinance in any court having jurisdiction.

D. 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 General Statutes of North Carolina. In the case of criminal violations, each day a violation occurs or continues to occur shall be a separate offense.

**Section 17. Severability**

If any provision or clause of these regulations with application thereof to any person or circumstances, is held invalid, such holding shall not invalidate any other provisions or clauses of these regulations and the same shall remain in full force and effect.

**Section 18. Effective Date**

These rules and regulations shall be in full force and effect from and after the 1<sup>st</sup> day of July, 1996.