

BERTIE COUNTY

SOLID WASTE MANAGEMENT ORDINANCE

SECTION I. PURPOSE & STATUATORY AUTHORITY

The purpose of this ordinance is to regulate the storage, collection, transportation, use disposal and other disposition of solid wastes in Bertie County. This ordinance is adopted pursuant to the authority contained in G.S. 153A 121, 153A-132.1, and 153A-136.

SECTION II. DEFINITIONS

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

- A. **BOARD:** Board of Commissioners of Bertie County
- B. **BULKY WASTE:** Large items of solid waste such as household appliances, furniture, automobiles, large auto parts, trees, branches, leaves, stumps, and other oversize wastes whose large size precludes or complicates their handling by normal solid waste collection, processing or disposal methods
- C. **COLLECTION:** The act of removing solid wastes from a point of generation to a central storage point or to a disposal site
- D. **COMMERCIAL SOLID WASTE:** Solid wastes generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities
- E. **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
- F. **DIVISION OF SOLID WASTE MANAGEMENT:** Division of Solid Waste Management of North Carolina Department of Environment, Health and Natural Resources
- G. **GARBAGE:** All putrescible solid wastes, including food wastes and food containers, animal and vegetable matter, animal offal, carcasses, and recognizable industrial by-products, but excluding sewage and human wastes

- H. HAZARDOUS WASTES: Wastes, or a combination of wastes, in a solid, liquid, contained gaseous, or semisolid 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 accumulations 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
- I. INDUSTRIAL SOLID WASTE: Solid wastes generated by industrial processes and manufacturing
- J. INFECTIOUS WASTE: (1) Equipment, instruments, utensils, and formites 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 formites (any substance that may harbor or transmit pathogenic organisms) attendant thereto; (3) surgical operating room pathologic specimens and materials from outpatient areas and emergency rooms
- K. INSTITUTIONAL SOLID WASTE: Solid wastes generated by educational health care, correctional, and other institutional facilities
- L. PERSON: Any individual, firm, partnership, corporation, association, governmental unit or agency, or other legal entity
- M. RADIOACTIVE WASTE: Any wastes that emit ionizing radiation spontaneously
- N. REFUSE: Solid wastes, excluding garbage and ashes, collected from residences, commercial establishments, and institutions
- O. SOLID WASTE: Hazardous or non-hazardous garbage, refuse, sludge from a waste treatment plan, water supply treatment plant, or air pollution control facility and other discarded material, 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;
 - (b) Solid or dissolved material in
 - (i) Domestic sewage and sludges generated by the treatment thereof in sanitary sewage;
 - (ii) Irrigation return flows; and

- (iii) 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 Clean Water Act, as amended (P.L. 92-500), and permits granted under G.G. 143-215.1 by the Environmental Management Commission;
 - (c) Oils and 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, G.S. 104E-1 through G.S. 104E-23; or
 - (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
- P. SOLID WASTE COLLECTOR: Any person who collects, transports, or disposes of solid wastes for compensation, other than one who removes refuse or solid waste from his own premises
- Q. SOLID WASTE DISPOSAL SITE: A location at which solid wastes are disposed of by incineration, sanitary landfill, or other approved method
- R. SOLID WASTE RECEPTABLE: Large container used for the temporary storage of solid wastes and capable of being emptied into collection vehicles or emptied at a solid waste disposal site

SECTION III. STORAGE AND DISPOSAL

- A. No owner, occupant, tenant or lessee of any property may deposit, store, or permit to accumulate any solid wastes 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 wastes from his property at least once each week (7-day period).
- 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. Each container shall be kept clean so that not 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, 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 air-tight 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 Solid Waste Management;
 - 2. In an incinerator that has all required local, state, and federal air pollution control permits;
 - 3. A householder may dispose of solid wastes generated at his own residence on his property in a manner approved by the health director;
 - 4. By any other method, including reclamation and recycling processes that have been approved by the Division of Solid Waste Management;
- H. In addition to the methods listed in SECTION III.G., above, solid wastes, except those not subject to disposal at the landfill, as defined in SECTION IV, may be disposed of in solid waste receptacles provided by the county.
- I. Construction and demolition wastes may be disposed of at sites designed for that purpose as approved by the Division of Solid Waste Management.
- J. Infectious, hazardous, and radioactive wastes shall be disposed of according to written procedures approved by the Division of Solid Waste Management.
- K. Any person collecting and transporting solid wastes generated on his property for disposal at an approved disposal site shall comply with SECTIONS VI.F.1 AND 2 of this ordinance.
- I. Tires shall be disposed of at designated scrap tire disposal sites upon the payment of the appropriate scrap tire disposal fee. The Bertie County Landfill has a special section designated as the scrap tire disposal site and is available for "in-county scrap tires".

SECTION IV. LANDFILL MANAGEMENT

The sanitary landfill of Bertie County may be used for the disposal of solid wastes generated within Bertie County during the regular hours of operation of the

landfill. Solid wastes shall be disposed of at the landfill in a manner and according to the procedures required by the Solid Waste Supervisor or his representative.

- A. The following wastes may not be disposed of in the landfill:
1. Bulky wastes;
 2. Construction and demolition wastes;
 3. Radioactive wastes;
 4. Tires;
 5. Infectious wastes;
 6. Sludges and other semi-solid fluids;
 7. Hazardous wastes;
 8. Burning or smoldering materials, or any other materials that could create a fire hazard;
 9. Automobile, truck, or other motor vehicle bodies;
 10. Metal drums of more than 30 gallon capacity unless the top and bottom have been removed.

SECTION V. SOLID WASTE RECEPTACLES

Solid waste receptacles are maintained at selected sites throughout the county for the convenience of Bertie county residents and shall be used only by residents of Bertie County. Solid wastes may be deposited in the solid waste receptacles only in accordance with the provisions of this ordinance.

- A. All solid wastes shall be deposited inside the solid waste receptacle. No solid waste may be left at the disposal site outside the receptacle.
- B. Commercial, industrial, and institutional solid wastes or trailer parks, apartment complexes, etc. producing over five (5) cubic yards of waste in any one day may not be deposited in solid waste receptacles.
- C. Solid waste collectors shall not use solid waste receptacles.
- D. The following wastes may not be deposited in solid waste receptacles:

1. Hazardous wastes;
 2. Liquid wastes;
 3. Infectious wastes;
 4. Radioactive wastes;
 5. Bulky wastes;
 6. Tires;
 7. Construction and demolition wastes;
 8. Seafood residues;
 9. Animal/fowl carcasses; and
 10. Burning or smoldering materials, or any other materials that could create a fire hazard.
- E. No person may remove any item from a solid waste receptacle, climb on or into a receptacle, or damage any receptacle.

SECTION VI. LICENSING of SOLID WASTE COLLECTIONS

- A. No person shall engage in business as a solid waste collector except under a license issued by Bertie County pursuant to this ordinance.
- B. Applications for licenses to engage in the business of solid waste collector shall be filed with the County Manager on forms furnished by the county. The application shall be accompanied by a twenty-five dollar (\$25) processing fee. 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 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;
 7. Schedule of fees the applicant plans to charge; and
 8. Proof of adequate insurance including, but not limited to, workmen's compensation, general liability and automobile liability.
- C. Before issuing a license pursuant to this section, the County Manager shall inspect or cause to be inspected all facilities and equipment the applicant plans to use in the solid waste collection business.
- D.
1. The County Manager may issue the applicant a license only when he finds that the applicant's facilities, equipment, and proposed operating methods are in compliance with this ordinance and that the applicant will perform solid waste collection in an efficient and sanitary manner. A condition of the license shall be that the licensee shall serve every person who contracts with him for solid waste collection in such a manner that the licensee does not cause the person to be in violation of this ordinance.
 2. If the County Manager denies an applicant a license, the applicant may appeal the decision to the Board of County Commissioners by giving written notice of appeal to the County Manager within ten (10) days of receipt of the County Manager's denial of license. After a hearing on the appeal, the Board shall either affirm the denial or direct the County Manager to issue the license.
 3. A license shall be valid for a period of one year from the date of issuance.
- E. A licensee shall submit a report every six (6) months to the County manager containing the following information:
1. Total number of customer;
 2. Number of customers added or deleted since last report;
 3. Changes in routes;
 4. New and replacement equipment; and

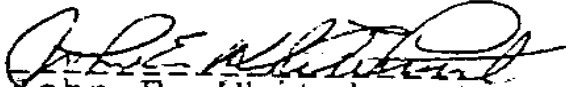
5. Any other information required by the County Manager and pertinent to the solid waste collection business.
- F.
1. Vehicles and containers used for the collection and transportation of solid wastes shall be covered, leakproof, durable, and easily cleanable. They shall be cleaned as often as necessary to prevent a nuisance and insect breeding and shall be maintained in good repair. Vehicles shall display in letters at least three (3) inches high the name and address of the licensee, the cubic yardage of the vehicle and the license number assigned by the county.
 2. Vehicles and containers used for the collection and transportation of solid wastes 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 of materials. If spillage or leakage should occur, the material shall be recovered immediately by the licensee and returned to the vehicle or container, and the area properly cleaned.
- G.
- When the County Manager finds that a licensee has violated this ordinance or the conditions of his license, he shall give the licensee written notice of the violation and inform him that if another violation occurs within thirty (30) days, or in the case of a continuing violation if it is not corrected within ten (10) days, the license will be revoked. If another violation occurs within the thirty (30) day period, or if the continuing violation is not corrected within ten (10) days, the County Manager shall give the licensee written notice that his license is revoked. Upon receipt of the revocation, the licensee shall stop collecting, transporting, or disposing of solid wastes. The County Manager may reinstate a revoked license after the revocation has been in effect for thirty (30) days if he finds that the conditions causing the violation have been corrected. A licensee whose license has been revoked may appeal the revocation to the Board of County Commissioners by giving written notice of appeal to the County manager within ten (10) days of receiving notice of revocation from the County Manager. After a hearing on the appeal, the Board shall either affirm the revocation or direct the County Manager to reinstate the license.
- H.
- The Board of County Commissioners shall set or approve all fees charged by solid waste collectors. The Board may classify fees according to whether residential, commercial, institutional, or industrial customers are served, so that reasonable compensation may be provided in accordance with the public interest. Fee schedules may be amended by the Board from time to time
- I.
- No license issued pursuant to this ordinance shall be assignable.

SECTION VIII. PENALTIES

Any person violating this ordinance shall be guilty of a misdemeanor punishable by a fine not to exceed fifty dollars (\$50) or imprisonment for not more than thirty (30) days, or both. Each day's continuing violation shall be a separate and distinct offense.

Approved this the 2nd of July, 1990.

The above is a true and accurate copy

A handwritten signature in black ink, appearing to read "John E. Whitehurst", written over a horizontal line.

John E. Whitehurst
County Manager/Clerk