

**WAYNE COUNTY**  
**SOLID WASTE AND RECYCLING ORDINANCE**

TITLE .....	1
PURPOSE .....	1
AUTHORITY .....	1
JURISDICTION .....	1
DEFINITIONS .....	1
SOLID WASTE DISPOSAL .....	7
WAYNE COUNTY LANDFILL OPERATING POLICIES .....	8
LICENSING OF SOLID WASTE COLLECTORS .....	9
DEMOLITION/CONSTRUCTION LANDFILLS .....	11
TIRE COLLECTION SITE .....	12
HAZARDOUS WASTE .....	13
RECYCLING .....	13
TRANSPORTATION OF SOLID WASTE .....	14
UNAUTHORIZED DUMPS .....	14
LITTERING AND UNAUTHORIZED DUMPING .....	14
PENALTY .....	15
INJUNCTIVE RELIEF .....	15
CONFICTING REGULATIONS REPEALED .....	15
SEVERABILITY .....	15
AMENDEMENTS .....	15
ARTICLE XVI - PENALTIES .....	15
AMENDED ARTICLE VII - OPERATING POLICIES .....	17
ADDITION TO ARTICLE VII – OPERATING POLICIES .....	17

**SOLID WASTE AND RECYCLING ORDINANCE  
WAYNE COUNTY, NORTH CAROLINA**

**ARTICLE I**

**TITLE**

This Ordinance shall be known any may be cited as the **SOLID WASTE AND RECYCLING  
ORDINANCE OF WAYNE COUNTY, NORTH CAROLINA.**

**ARTICLE II**

**PURPOSE**

The purpose of this Ordinance is to promote the public safety, health and welfare of the citizens of Wayne County in dealing with solid waste throughout the County and is designed to protect the public, the resources and property of Wayne County and to promote the removal from the solid waste stream of items which are recyclable.

**ARTICLE III**

**AUTHORITY**

Wayne County hereby exercises to enact his Ordinance pursuant to Chapters 130A and 153A of the North Carolina General Statutes.

**ARTICLE IV**

**JURISDICTION**

On and after the first day of January 1992 this ordinance shall govern solid waste and recycling in Wayne County, North Carolina.

**ARTICLE V**

**DEFINITIONS**

- A. The following definitions shall apply in the interpretation and enforcement of the Ordinance:
  1. "Board" means Board of Commissioners of Wayne County.
  2. "Closure" means the cessation of operation of a solid waste management facility and the act of securing the facility so that it will pose no significant threat to human health or the environment.
  3. "Collection" means 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.
  4. "Commercial" when applied to a hazardous waste facility, means a hazardous waste facility that accepts hazardous waste from the general public or from another person for a fee.

5. "Construction or demolition landfill" means a sanitary landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth or other solid wastes as approved by the Department.
6. "County" means Wayne County, North Carolina
7. "Department" means the Department of Environment, Health, and Natural Resources (DEHNR).
8. "Designated local government" means a unit of local government, which holds a permit issued by the Department pursuant to N.C.G.S. 130A-291(b) to operate a solid waste management facility.
9. "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land or water so that the solid waste may enter the environment or be emitted into the air or discharge into any waters, including groundwater.
10. "Garbage" means all putrescible wastes, including animal offal and carcasses, and recognizable industrial by-products, but excluding sewage and human waste.
11. "Hazardous waste" means 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, disposed of, or otherwise managed.
12. "Hazardous waste facility" means a facility for the collection, storage, processing treatment, recycling, and recovery of disposal of hazardous waste.
13. "Hazardous waste generation" means the act or process of producing hazardous waste.
14. "Hazardous waste disposal facility" means any facility or any portion of a facility for disposal of hazardous waste on or in any land.
15. "Health Director" means the Director of the Wayne County Health Department, or his/her authorized representative.
16. "Inert debris" means solid waste which consists solely of material that is virtually inert and that is likely to retain its physical and chemical structure under expected conditions of disposal.
17. "Infectious waste" means
  - a. 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;
  - b. Laboratory wastes, such as pathological specimens (e.g. all tissues, specimens of blood elements, excreta and secretion from patients or laboratory animals) and disposable fomites (any substance that may harbor or transmit pathogenic organisms) attendant thereto:

- c. Surgical operating room pathologic specimens and disposable fomites attendant thereto, and similar disposable materials from outpatient areas and emergency rooms.
18. "Land clearing debris" means solid waste which is generated solely from land clearing activities.
19. "Landfill Manager" means the Manager of the Wayne County Solid Waste Department or his/her authorized representative.
20. "Manager" means the County Manager of Wayne County, North Carolina or his/her designee.
21. "Manifest" means the form used for identifying the quantity, composition and the origin, routing and destination of hazardous waste during its transportation from the point of generation to the point of disposal, treatment, or storage.
22. "Medical waste" means any solid waste which is generated in the diagnosis, treatment or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, but does not include any hazardous waste identified or listed pursuant to this Article, radioactive waste, household waste as defined in 40 Code of Federal Regulations 261.4(b)(1) in effect on July 1, 1989, or those substances excluded from the definition of "solid waste" in this section.
23. "Natural resources" means all materials which have useful physical or chemical properties which exist, unused, in nature.
24. "Open dump" means a solid waste disposal site which is not a sanitary landfill or demolition landfill.
25. "Operator" means any person, including the owner, who is principally engaged in, and is in charge of, the actual operation, supervision, and maintenance of a solid waste management facility and includes the person in charge of a shift or periods of operation during any part of the day.
26. "Person" means an individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, or other legal entity.
27. "Processing" means any technique designed to change the physical, chemical, or biological character or composition of any solid waste so as to render it safe for transport; amenable to recovery, storage, or recycling; safe for disposal; or reduced in volume or concentration.
28. "Recovered materials" means those materials which have known recycling potential, can be feasibly recycled, and have been diverted or removed from the solid waste stream for sale, use or reuse by separation, collection, or processing.
29. "RCRA" means the Resource Conservation and Recovery Act of 1976, Pub. L. 94-580, 90 Stat. 2795, 42 U.S.C. 6901 ET. Seq., as amended.
30. "Radioactive waste" means any wastes that emit ionizing radiation spontaneously.

31. "Recyclable materials" means those materials which are capable of being recycled and which would otherwise be processed or disposed of as solid waste.
32. "Recycling" means any process by which solid waste or materials which would otherwise become solid waste are collected, separated or processed and reused or returned to use in the form of raw materials or products.
33. "Refuse" means all nonputrescible waste.
34. "Resource recovery" means the process of obtaining material or energy resources from discarded solid waste which no longer has any useful life in its present form and preparing the solid waste for recycling.
35. "Reuse" means a process by which resources are reused or rendered usable.
36. "Sanitary Landfill" means a facility for disposal of solid waste on land in a sanitary manner in accordance with the rules concerning sanitary landfills adopted under this Article.
37. "Septage" means solid waste that is a fluid mixture of untreated and partially treated sewage solids, liquids, and sludge of human or domestic origin which is removed from a septic tank system.
38. "Septage management firm" means a person engaged in the business of pumping, transporting, storing, treating or disposing septage. The term does not include public or community sanitary sewage systems that treat or dispose septage.
39. "Sludge" means any solid, semisolid or liquid waste generated from a municipal, commercial, institutional or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility, or any other waste having similar characteristics and effects.
40. "Solid Waste" means any hazardous or nonhazardous garbage, refuse or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, domestic sewage and sludge's 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 agriculture operations, and from community activities. The term does not include:
  - a. Fecal waste from fowls and animals other than humans;
  - b. Solid or dissolved material in:
    1. Domestic sewage and sludge generated by 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 sludge's incidental to and generated by treatment which are point sources subject to permits granted under Section 402 of the Water Pollution Control Act, as amended (P. L. 92-500), and permits granted under N.C.G.S. 143-214.1 by the Environmental Management

Commission. However, any sludge's that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purpose of this Ordinance.

- c. Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the General Statutes. However, any oils or other liquid hydrocarbons that meet the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this Article;
  - d. Any source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended (42 USC 201.1)
  - e. Mining refuse covered by the North Carolina Mining Act, N.C.G.S. 74-46 through 74-68 and regulated by the North Carolina Mining Commission (as defined under N.C.G.S.143B-290). However, any specific mining waste under RCRA shall also be a solid waste for the purposes of this Article.
41. "Recycling and convenience center" means any site designated, operated and maintained by Wayne County for the purpose of collecting solid waste and recyclables.
42. "Solid waste disposal site" means any place at which solid wastes are disposed of by incineration, sanitary landfill or any other method.
43. "Solid waste generation" means the act or process of producing solid waste.
44. "Solid waste management" means purposeful, systematic control of the generation, storage, collection, transport, separation, treatment, processing, recycling, recovery, and disposal of solid waste.
45. "Solid waste management facility" means land, personnel, and equipment used in the management of solid waste.
46. "Solid Waste Manager" means the Manager of the Wayne County Solid Waste Department.
47. "Special wastes" means solid wastes that can require special handling and management, including white goods, whole tires, used oil, lead-acid batteries, asbestos, medical wastes and household hazardous wastes.
48. "Storage" means the containment of solid waste, either on a temporary basis or for a period of years, in a manner which does not constitute disposal.
49. "Treatment" means any method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of any hazardous waste so as to neutralize such waste or so as to render such waste nonhazardous, safer for transport, amenable for recovery, amenable for storage or reduced in volume.  
"Treatment" includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous.
50. "Unit of local government" means a county, city, town, or incorporated village.
51. "White goods" includes inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.
52. "Yard waste" means solid waste consisting solely of vegetative matter resulting from landscaping maintenance.

B. The following definitions shall apply in the interpretation and enforcement of this ordinance as it relates to oil and used oil:

1. "Public used oil collection center" means
    - a. Automotive service facilities or governmentally sponsored collection facilities, which in the course of business accept for disposal small quantities of used oil from households;
    - b. Facilities which store used oil in above ground tanks, which are approved by the Department and which in the course of business accept for disposal small quantities of used oil from households
  2. "Used oil" means any oil which has been refined from crude oil or synthetic oil and as a result of use, storage, or handling has become unsuitable for its original purpose due to the presence of impurities or loss of original properties, but which may be suitable for further use and is economically recyclable.
  3. "Used oil recycling facility" means any facility that recycles more than 10,000 gallons of used oil annually.
- C. Unless a different meaning is required by the context, the following definition shall apply throughout this Ordinance as it relates to the collection, storage, and disposal of tires and scrap tires:
1. "Collection site" means a site used for the storage of scrap tires.
  2. "Disposal fee" means any amount charged by a tire collector, tire processor, or unit of local government in exchange for accepting scrap tires.
  3. "In county scrap tire" means any scrap tire brought for disposal from inside the county in which the collection or processing site is located.
  4. "Out of county scrap tire" means any scrap tire brought for disposal from outside the county in which the collection or processing site is located.
  5. "Processing site" means a site actively used to produce or manufacture usable materials, including fuel, from scrap tires. Commercial enterprises processing scrap tires shall not be considered solid waste management facilities insofar as the provisions of N.C.G.S. 130A-294(a)(4) and N.C.G.S.130A-294 (b) are concerned.
  6. "Scrap tire" means a tire that is no longer suitable for its original intended purpose because of wear, damage or defect.
  7. "Stockpile-stockpile tires" means that more than ten (10) scrap tires are being kept on the same parcel or lot of land.
  8. "Tire" means a continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle as defined in N.C.G.S. 20-4.01(23).
  9. "Tire collector" means a person who owns or operates a site used for the storage, collection, or deposit of more than 50 scrap tires. This definition shall exclude an individual who is collecting tires under the authority of NCGS 130A-309.60(c)(5).

10. "Tire hauler" means a person engaged in the picking up or transporting of scrap tires for the purpose of storage, processing, or disposal.
11. "Tire processor" means a person who engages in the processing or scrap tires or one who owns or operates a tire-processing site.
12. "Tire retailer" means a person who engages in the retail sale of a tire in any quantity for any use or purpose by the purchaser other than for resale.

## **ARTICLE VI**

### **SOLID WASTE 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 garbage from his property at least once each week (7 Day period).
- C. Garbage shall be stored only in container that is durable, rust resistant, nonabsorbent, watertight and easily cleaned, with a close fitting, fly tight cover in place, with adequate handles or bails to facilitate handling. In addition to the containers described above, solid waste may be stored during the seven-day period in other containers which are adequate and suitable receptacles provided that if the receptacles do not have fly tight, the garbage in said containers shall be wrapped, bagged, or enclosed in paper or plastic material. Each container shall be kept clean so that no other nuisance condition exists.
- D. Solid waste 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 salvage and recycling operation, 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, tenant or lessee of any building or dwelling, may leave outside the building or dwelling, in a place accessible to children, any abandoned or unattended icebox, refrigerator or other receptacle that has an airtight door without first removing the door; provided however, that any icebox, refrigerator, freezer or other receptacle that has an airtight door, may be securely locked to prevent children from gaining access.
- G. No solid waste collector or other person shall dispose of solid waste, except by one of the following methods, provided that this section shall not be construed to prevent any person from properly disposing of solid waste from his own residence on his own property in a safe and sanitary manner approved by the Health Director or Solid Waste Manager:
  1. Sanitary landfill which has been approved by the Department of Environment, Health, and Natural Resources.
  2. Recycling and Convenience Centers operated by Wayne County.
  3. Incinerator, which meets all requirements of the local, state, and federal air pollution standards, has been approved by the appropriate state and federal agencies.

4. Demolition/construction landfill approved by appropriate County, State, and Federal Agencies.
5. By any other method including reclaiming or recycling processes which has been approved by the Department of Environment, Health and Natural Resources, the Health Director and the Solid Waste Manager.

## **ARTICLE VII**

### **WAYNE COUNTY LANDFILL OPERATING POLICIES**

- A. The landfill shall be operated by the County of Wayne under the supervision of the Solid Waste Manager, and in conformance with rules and regulations established by the Department or its agencies.
- B. The landfill will be open to the public only when a County of Wayne employee is on duty and the gate is open.
- C. Hours of operation will be posted at the gate and made known to the public by all available news media.
- D. Burning on the site is prohibited.
- E. Vehicles shall observe the posted speed limit and other directional signs and shall never exceed 15 miles per hour.
- F. Vehicles arriving at the landfill must be in compliance with collection and transportation of solid waste regulations, which are as follows:
  1. Vehicles or containers used for the collection and transportation of solid waste, including those of persons disposing of their own personally generated solid waste, shall be covered, leak proof, durable and of easily cleaned construction. These shall be cleaned as often as necessary to prevent a nuisance or insect breeding and shall be maintained in good repair.
  2. Vehicles or containers used for collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak or spill there from, and shall be loaded as to prevent blowing of materials. If spillage should occur, the material shall be picked up immediately by the driver of the vehicle from which it spilled and returned to the vehicle or container and the area properly cleaned.
  3. Any vehicle arriving on site not properly conforming to these rules shall be refused admission or ordered out of the landfill. County employees shall insure that these regulations are followed.
- G. Salvaging or loitering is not permitted: provided, however, that the Solid Waste Manager may authorize County employees to appropriate for County use any material which has been delivered to the landfill or to recycling and convenience centers.
- H. Dumping restrictions in the landfill:

1. Auto bodies will not be accepted for disposal.
  2. Animal carcasses may be accepted when arrangements for handling are made in advance with the Solid Waste Manager under the provisions of N.C.G.S. 106-403.
  3. Hazardous waste, including but not limited to, explosives, pathological waste, pesticides, chemicals, liquid waste, or any toxic material, which may be harmful to public health, will not be accepted.
  4. Barrels and drums shall not be accepted unless they are empty and perforated sufficiently to ensure no liquid or hazardous waste is contained therein.
  5. Articles larger than six (6) feet in diameter shall not be accepted.
  6. Stumps, logs, and/or limbs delivered to the landfill must not be mixed with other garbage or solid Waste and shall be placed only in designated areas.
- I It shall be the responsibility of the hauler to make prior arrangements with the site operator to provide for special handling of waste such as spoiled foods, animal carcasses or waste which requires immediate covering.
- J Arrangements shall be made in advance for the disposal of egg waste.
- K Conditions for accepting certain types of solid waste:
7. All lead-acid batteries shall be separated from other solid waste and deposited at specified areas at recycling and convenience centers or the landfill.
  8. All used oil shall be disposed of at a public used oil collection center. All recycling and convenience center and the landfill will have appropriate containers for used oil. It shall be a violation of the Ordinance to dispose of used oil except at a public used oil collection center in an approved container.
  9. All white goods shall be segregated from other solid waste, and shall be placed at the landfill in the designated place for white goods.
  10. Tires and scrap tires shall be segregated from all other solid waste and shall be brought to the landfill. Any person presenting a tire or scrap tire at the landfill must pay the disposal fee set by the County or the County Manager. There shall be no tires or scrap tires accepted from out of Wayne County.
  11. All construction and demolition debris shall be segregated and disposed in separate locations in the landfill on or after January 1, 1992. Any construction and/or demolition debris which could be placed in a constructional demolition landfill, as defined in Article V, A5, Section A (5), mixed with other solid waste shall not be accepted at the landfill.
  12. All yard waste shall be segregated from other solid waste and disposed of only in designated places in the landfill on and after January 1, 1992.

## **ARTICLE VIII**

### **LICENSING OF SOLID WASTE COLLECTORS**

- A No person shall engage in business as solid waste collectors accept under a license issued by the Solid Waste Manager pursuant to this Ordinance. For the purpose of this Ordinance, Solid Waste Collector does not include one who merely hauls solid waste. Exempt from this article are any individuals who gather solid waste from several different locations, if those locations are owned by or leased by the individual gathering said solid waste.
- B Application for licenses to engage in the business of solid waste collector shall be filed with the Solid Waste Manager on forms approved by the Solid Waste Manager. The applicant shall furnish the following information:
  1. Name and address of the applicant and whether a sole proprietorship, incorporation, partnership with disclosure for the ownership interest;
  2. A list of the equipment possessed, available, or to be obtained by the applicant;
  3. Number of employees' applicant expects to use in the business;
  4. Experience of the applicant in solid waste collection;
  5. Planned routes and the areas of the County the applicant expects to serve.
- C Before issuing a license pursuant to this section, the Solid Waste Manager shall inspect or cause to be inspected all facilities and equipment the applicant plans to use in the solid waste collection business.
  1. The Solid Waste Manager may issue the applicant a license only when he finds that applicant's facilities, equipment, and proposed operating methods are in compliance with this Ordinance and applicable regulations. 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 Solid Waste Manager denies an applicant, the applicant may request a hearing before the County Manager. The County Manager shall keep summary minutes of the hearing and at least one week after the hearing shall give the applicant written notice of his decision either granting the license or affirming the denial of the license. The applicant may appeal the County Manager's decision to the Board of County Commissioners by giving written notice of appeal to the Board within ten days of the mailing by the County Manager of his decision following the hearing. After a hearing on the appeal, the Board shall either affirm the denial or direct the Solid Waste Manager to issue the license.
  3. A license shall be valid for a period of one year from the date of issuance. The amount of the license will be established by the annual county budget.
- D A licensee shall submit periodic reports to the Solid Waste Manager as requested by the Solid Waste Manager. These reports shall include, if requested, a list or designation of specific vehicles being operated on specific routes with the names of the drivers on specific dates. This information may be used by the Solid Waste Manager or law enforcement officials to prosecute individuals who have littered or who have operated vehicles collecting solid waste in violation of this Ordinance or other laws or regulations.
  1. Vehicles and containers used for the collection and transportation of solid wastes shall be covered, leak proof, durable and easily cleanable. They shall be cleaned as often as necessary to prevent a nuisance and insect breeding and shall be maintained in good

- repair. Vehicles shall display in letters at least three inches high, the name and licensee and the cubic yardage of the vehicle. Truck numbers issued by the Solid Waste Department will be displayed on the left door with the letters at least tow inches high.
- 2. Vehicles and containers used for the collection and transportation of solid waste shall be loaded and moved in such a manner that the contents will not fall, leak or spill and shall be covered to prevent the blowing of material. 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.
  - E When the Solid Waste 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 days, or in the case of a continuing violation if it is not corrected within ten days, the license will be revoked. If another violation occurs within the thirty-day period, or if the continuing violation is not corrected within ten days the Solid Waste Manager shall give the licensee written notice that his license is revoked. Upon receipt of the notice of revocation, the licensee shall stop collecting, transporting or disposing of solid wastes. The Solid Waste Manager may reinstate a revoked license after the revocation has been in effect for thirty days if he finds that the condition causing the violation has been corrected. A licensee whose license has been revoked may appeal the revocation to the Board within ten days of receiving notice of revocation from the Solid Waste Manager. After a hearing on the appeal, the Board shall either affirm the revocation or direct the Solid Waste Manager to reinstate the license.
  - F No license issued pursuant to this Ordinance shall be assignable.
  - G Licensees who fail to separate solid waste as required in this Ordinance, shall have their licenses revoked.

## **ARTICLE IX**

### **DEMOLITION/CONSTRUCTION LANDFILLS**

- A A site plan for a proposed demolition/construction landfill shall be submitted to the Solid Waste Manager for review and approval. The site plan shall be submitted in accordance with the rules of the Department or its agencies.
- B The following regulations are designed to accommodate demolition/construction landfills in order to:
  1. Maintain aesthetic quality, visual character, and overall harmony to the area.
  2. Promote the maintenance of the areas environmental integrity and the overall health, safety and welfare of the community by providing a review mechanism to insure demolition/construction landfills are designed and developed in compliance with local regulations as well as set forth by the Department.
- C Compliance with the provisions set forth below shall apply to all proposed landfill sites as defined in this article except that the disposal of on-site generated material in residential developments shall not be subject to the regulations herein.
- D In accordance with the Department and the Department's rules, the applicant shall obtain an approval letter from the County Planning Director stating whether or no the proposed site is in an area that is zoned and if so, whether the site complies with the zone. A letter of approval issued by the Planning Director shall enable the applicant to apply for a demolition landfill permit pursuant to the requirements of the Department. If the state does not issue a permit, a

local permit will not be issued. Any violation of the site application permit, or the operations permit as issued by the state, shall be considered a violation of this Ordinance as well.

- E After obtaining all necessary permit, the owner/developer/operator shall have prepared a legal description that would be sufficient as an instrument of conveyance of the property. This description along with the site map and a certified copy of applicable permits, shall be filed for recordation with the Register of Deeds. The document shall be filed under the name of the owner and shall specifically state that the site was granted a permit for disposal of demolition debris. After these documents have been properly recorded, a certified copy shall be filed with the County Planning Office and the Solid Waste Manager.
- F The developer/owner/operator of the disposal site shall provide free and unobstructed access during normal operation hours to county officials charged with the administration of the Ordinance and to state officials charged with the responsibility of inspecting said sites.
- G If a developer/owner/operator operates a demolition/construction landfill in violation of this Ordinance, he shall be notified by the County to cease and to properly dispose of said waste pursuant to this Ordinance. If he fails to do so the county may petition the General Court of Justice to order compliance.
- H All existing demolition/construction landfills that do not have a valid permit shall comply with these regulations immediately and failure to do so by the first day of December 1992 shall constitute a violation of this Ordinance. The County may apply to the General Court of Justice to require the developer/owner/operator of a demolition/construction landfill, which does not have a valid permit, to secure a valid permit or to properly dispose of the waste.

## **ARTICLE X**

### **TIRE COLLECTION SITE**

- A No one shall own or operate a tire collection site for scrap tires in Wayne County without a license issued by the Solid Waste Manager. Tire collectors, must complete a form furnished by the Solid Waste Manager which shall provide among other things, the following information:
  1. Name of owner and operator;
  2. Place or places of collection;
  3. Purpose for collection;
  4. Manner by which the tire collector expects to manage or dispose of the scrap tires;
  5. Proof that the tires are not health hazard to the community by reason of insect or rodent infestation.
- B The license shall be valid for one year.
- C If any individual has stockpiled tires without a license, the County shall give thirty days written notice to dispose of said stockpile. Said notice shall be given by certified mail. If the owner has not removed the tire within thirty days after the mailing of said notice, the County may petition the General Court of Justice to have the tires removed. All costs of said removal shall be borne by the owner/operator.
- D No person sorting tires pursuant to N.C.G.S. 130A-309.60(c)(5) shall be required to comply with this Article.

## **ARTICLE XI**

### **HAZARDOUS WASTE**

No hazardous waste facility shall be operated in Wayne County without the permission of the Wayne County Commissioners. Such permission shall not be granted until, after a public hearing, the Board of Commissioners makes findings of fact in its minutes that there is no undue danger to the citizens of Wayne County and that the operator of such a facility has the ability or has posted sufficient bond or other surety to properly operate and eventually close said facility.

## **ARTICLE XII**

### **RECYCLING**

- A In addition to the other provisions of this Ordinance, after January 1, 1992, all cardboard, newspapers and magazines, glass bottles and jars, aluminum cans, plastic soft drink containers, which are PETE (polyethylene terephthalate) and marked with the number one (1) and plastic containers, which are HDPE (high density polyethylene) and marked with the number two (2), and all clean paper shall be separated prior to disposal at the recycling and convenience centers. Items will be placed in the appropriate containers at said centers. Items will be placed in the appropriate containers at said centers. As markets develop, other recyclable items must be separated before disposal. The Solid Waste Manager shall provide appropriate receptacles for said items and shall notify the public. Persons arriving at the recycling and convenience centers with unsorted waste may:
  - 1. Sort and dispose of at center; or,
  - 2. Transport to the landfill and pay assessed charges for violations. Burn barrels are considered unsorted waste.
- B On and after the first day of January 1992, no individual, solid waste collector or municipality shall deliver loads of solid waste to the landfill which contain more than ten percent (10%) by volume of recyclables such as cardboard, newspapers and magazines, glass bottles and jars, aluminum cans, plastic soft drink containers, which PETE and marked with the number one (1), plastic milk containers which are HDPE and marked with the number two (2) and all clean paper. After October 1, 1992, violators shall have to pay penalties for the violation as follows:
  - 1. First three violations - four times the normal tipping fee;
  - 2. Second three violations - eight times the normal tipping fee;
  - 3. Third three violations - ten times the normal tipping fee;
  - 4. Fourth three violations - twenty times the normal tipping fee;
- C All municipalities and all licensees must report totals of materials recycled to the Solid Waste Manager on or before November 1 of each year or as required by the Solid Waste Manager or the County Manager. Failure to provide the reports in a timely manner will cause the entity failing to report to pay double tipping fee on all solid waste brought to the Wayne County Landfill until the reports have been properly filed.
- D To the extent practical, the County encourages the reuse of materials. Construction and demolition materials, such as bricks, concrete, and wood may be stockpiled for the subsequent use or reuse of said materials. The stockpiles must not contain solid waste which cannot be reused. Anyone who intends to store materials for reuse must treat the area that is

being used to store materials for reuse as an automobile graveyard or junkyard as defined in the Salvage Yard Ordinance Regulating the Operation and Maintenance of Automobile Graveyards and Junkyards in Wayne County, NC, which was adopted on the 7th day of October, 1986. The plan for said area must be presented to the Solid Waste Manager and the area shall be fenced as though it were an automobile graveyard or junkyard. The owner of the area must also present a plan to the Solid Waste Manager of how any residue of the operation shall be used or disposed of. The State of North Carolina shall determine whether a person who is stockpiling for reuse needs a license pursuant to Article IX of the Ordinance.

## **ARTICLE XIII**

### **TRANSPORTATION OF SOLID WASTE**

No individual shall transport solid waste, demolition/construction/landscape waste or yard waste in any vehicle or container unless the waste is covered by being in an enclosed vehicle or container or otherwise adequately covered by a metal or fabric cover; provided, however, a person may transport loads consisting solely of limbs if they are securely tied to the motor vehicles or trailer.

## **ARTICLE XIV**

### **UNAUTHORIZED DUMPS**

Reserved for future codification.

## **ARTICLE XV**

### **LITTERING AND UNAUTHORIZED DUMPING**

- A It shall be unlawful for anyone to dispose of solid waste in an open dump.
- B It shall be unlawful to leave solid waste at a recycling and convenience center or landfill unless there is a county employee present who consents and/or supervises the leaving of the solid waste at said site.
- C It shall be unlawful for any person to litter at Recycling and Convenience Centers. Littering shall include dumping solid waste in a solid waste container and causing said container to overflow. It shall be unlawful for any person to dump solid waste at a landfill except in areas designated by the Manager of the Solid Waste Department. All costs incurred by Wayne County in the collection and removal of litter at a Recycling and Convenience Center or landfill, or in the collection and proper disposition of unauthorized dumping at a landfill shall be recoverable from the person who littered or dumped in violation of this Ordinance and from the person who generated said litter or unauthorized dumped material.
- D It shall be unlawful for any person to place garbage on the ground for the purpose of feeding livestock.
- E If any solid waste disposed of in violation of this Ordinance can be identified as having last belonged to, been in the possession of, sent to or received by or to have been the property of any person prior to being disposed of, such identification shall be presumed to be prime facie evidence that such person disposed of or caused to be disposed of such solid waste in violation of this Ordinance.

## **ARTICLE XVI**

## **PENALTY**

Any person who violates the rules and regulations set forth in this Ordinance shall be guilty of a misdemeanor and shall be subject to a fine of not more than Fifty Dollars (\$50.00) or imprisonment of not more than thirty (30) days, as specified by N.C.G.S. 14-4. Each day violation occurs is a separate violation with respect to the unlawful storage of solid waste.

## **ARTICLE XVII**

### **INJUNCTIVE RELIEF**

Wayne County may petition the General Court of Justice in Wayne County seeking injunctive relief or other relief as deemed appropriate to require compliance with this Ordinance. Cost of such action shall be assessed against the individual who is failing to comply with this Ordinance.

## **ARTICLE XVIII**

### **CONFLICTING REGULATIONS REPEALED**

All regulations or parts of regulations in conflict herewith are repealed only to the extent necessary to give these regulations full force and effect.

## **ARTICLE XIX**

### **SEVERABILITY**

If any provision of these rules and regulations, or the application thereof to any person or circumstance, is held invalid, the remainder of the rules and regulations or the application of such provision to other persons or circumstances shall not be affected thereby.

### **AMENDEMENTS**

## **ARTICLE XVI - PENALTIES**

### **A Criminal Penalties**

1. Any person who violates the rules and regulations set forth in this ordinance shall be guilty of a misdemeanor and shall be subject to a fine of not more than two hundred dollars (\$200.00) or imprisonment of not more than thirty (30) days, as specified by N.C.G.S. 14.4. Each day a violation occurs is a separate violation with respect to the unlawful storage of solid waste.

### **B Civil Penalties**

1. The employees of Wayne County 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 own waste and is responsible for all acts involving vehicles and equipment owned by him. 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 and the enforcement officer are empowered to allow person to perform clean up work in lieu of a prosecution and/or civil penalties for violations.
2. The minimum civil penalties for violation of this ordinance shall be as follows:

a. Restitution for Damages

- The County may seek restitution of damages or extra expenses including the cost of clean up, resulting from any violation of this ordinance. The minimum charge for clean up will be \$25.00. Actual charges will be determined by the Solid Waste Director or authorized personnel.

b. Monetary Penalties

- The minimum civil penalties for violation of this ordinance shall be as follows:

1. Scavenging - Unauthorized salvaging of discarded items.

- |                       |          |
|-----------------------|----------|
| • First offense       | \$ 25.00 |
| • Second offense      | \$ 50.00 |
| • Subsequent offenses | \$100.00 |

2. Illegal dumping - Illegal dumping, including dumping prohibited quantities of material at county solid waste facilities, or dumping in unapproved areas.

- |                       |          |
|-----------------------|----------|
| • First offense       | \$100.00 |
| • Second offense      | \$200.00 |
| • Subsequent offenses | \$300.00 |

3. Dumping in waterways - Illegal dumping in waterways, including streams, creeks, rivers, lakes, or ponds.

- |                       |          |
|-----------------------|----------|
| • First offense       | \$200.00 |
| • Second offense      | \$300.00 |
| • Subsequent offenses | \$500.00 |

4. Illegal burning - Illegal burning of wire, tires and other rubber products; paper and cardboard; treated, painted or finished wood; plastic; garbage; heavy oil; asphalt materials; building material, especially asbestos; paint; agricultural chemicals; household chemicals; refuse; garbage; rubbish; shingles; and asphalt or other petroleum products for the purpose of disposal.

- |                       |          |
|-----------------------|----------|
| • First offense       | \$200.00 |
| • Second offense      | \$300.00 |
| • Subsequent offenses | \$500.00 |

5. Improper Transportation - Improper transportation, including uncovered trucks and unsecured loads, improper vehicles or improper license by contract haulers of solid waste.

- |                       |          |
|-----------------------|----------|
| • First offense       | \$100.00 |
| • Second offense      | \$200.00 |
| • Subsequent offenses | \$400.00 |

6. Littering in Wayne County - Littering includes failure to place all solid waste spilled in transferring it from the transport vehicle to the container, or leaving solid waste at a closed facility.

- First offense \$100.00
  - Second offense \$200.00
  - Subsequent offenses \$400.00
7. Failure to remove solid waste - Failure to remove solid waste from property within seven (7) days of notification by the County.
- First offense \$100.00
  - Second offense \$200.00
  - Subsequent offenses \$400.00
8. Failure to remove bulky waste - Failure to remove bulky waste within seventy-two (72) hours of notification to remove. Bulky waste is defined as large items of solid waste such as household appliances, furniture, mattresses, bedding, automobiles, large machinery parts, trees, branches, stumps and other waste whose large size precludes or complicates its handling by normal solid waste collection, processing or disposal methods.
- First offense \$100.00
  - Second offense \$200.00
  - Subsequent offenses \$400.00
9. Unauthorized scrap tire collection - Operating a scrap tire collection site containing more than fifty tires without a license.
- First offense \$100.00
  - Second offense \$200.00
  - Subsequent offenses \$400.00
10. Placing garbage on the ground - Placing garbage on the ground for the purpose of feeding livestock.
- First offense \$100.00
  - Second offense \$200.00
  - Subsequent offenses \$400.00
11. Trash along highways - Breaking bags of solid waste on highway rights of way by mowing or other means.
- First offense \$100.00
  - Second offense \$200.00
  - Subsequent offenses \$400.00

#### **AMENDED ARTICLE VII - OPERATING POLICIES**

##### Paragraph F3

Any vehicle arriving on site not properly confirming to these rules shall not be refused admission to the landfill, but the driver and/or owner of said vehicle shall be cited for violation of the Ordinance as provided in Article XVI.

#### **ADDITION TO ARTICLE VII – OPERATING POLICIES**

##### Paragraph H7

No solid waste generated outside of Wayne County shall be placed in the Wayne County Landfill. If solid waste has already been dumped, the tipping fee shall be quadrupled and the driver and/or owner of the vehicle shall be subject to the penalties set out in Article XVI.