



Chapter 22

SOLID WASTE MANAGEMENT*

* **Cross References:** Buildings and building regulations, ch. 6; environment, ch. 10; utilities, ch. 26.

State Law References: Solid waste management generally, G.S. 130A-290 et seq.; authority to provide for the removal and disposal of garbage and trash, G.S. 153A-132.1; regulation of solid wastes, G.S. 153-136.

Article I. In General

Sec. 22-1. Authority and responsibility.

Secs. 22-2--22-30. Reserved.

Article II. Collection and Disposal

Sec. 22-31. Purpose and statutory authority of article.

Sec. 22-32. Definitions.

Sec. 22-33. General conditions.

Sec. 22-34. Storage and disposal.

Sec. 22-35. Solid waste convenience center.

Sec. 22-36. Source separation and recycling.

Sec. 22-37. Residential back yard composting.

Sec. 22-38. Flow control.

Sec. 22-39. Licensing of solid waste collectors.

Sec. 22-40. Refuse or solid waste collection, transportation and vehicle requirements.

Sec. 22-41. Enforcement.

ARTICLE I.

IN GENERAL

Sec. 22-1. Authority and responsibility.

(a) *Rules and regulations.* The 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 the county under the authority granted under G.S. 153A-136 and shall govern the management, storage, collection, transportation, disposal and recycling of solid waste throughout the county except that these regulations shall not apply to the corporate municipalities of the City of Rocky Mount, Towns of Tarboro, Pinetops, Macclesfield and Princeville.

(b) *Solid waste receptacles.* Solid waste receptacles are maintained throughout the county for the convenience of county residents. Solid waste may be deposited in the receptacles, for eventual disposal at the landfill, only by the residents who reside outside of the corporate area of the municipalities of Rocky Mount, Tarboro, Pinetops, Macclesfield and Princeville.

(c) *Enforcement.*

(1) *Criminal penalty.* Any person violating this section shall be guilty of a misdemeanor punishable in accordance with section 1-7. Each violation and each day's violation shall be treated as a



separate offense.

- (2) *Civil penalty.* Any person who is found in violation of this section shall be subject to a civil penalty in accordance with section 1-7. Each violation and each day's violation shall be treated as a separate offense.
- (3) *Other remedies.* This section may be enforced by equitable remedies, and any unlawful condition existing in violation of this section may be subject to an injunction or order of abatement.

Secs. 22-2--22-30. Reserved.

ARTICLE II.

COLLECTION AND DISPOSAL

Sec. 22-31. Purpose and statutory authority of article.

The purpose of this article is to regulate the storage, collection, transportation, use, disposal and other disposition of solid wastes in the county. This article is adopted pursuant to the authority contained in G.S. 153A-121, 153A-132.1, 153A-136, 153A-274--153A-278, and 153A-291--153A-293, and 130A-309.09, 130A-309.09A, 130A-309.09B, and 130A-309.09D. Unless otherwise indicated, this article pertains to all solid waste activity in the unincorporated county.

Sec. 22-32. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bulky waste means 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.

Clean wood waste means clean wood waste, from construction or demolition activity, that is not treated and free of paint.

Collection means the act of removing solid waste (or materials that have been separated for the purpose of recycling) to a transfer station, processing facility or disposal facility.

Commercial solid waste means solid wastes generated by stores, offices, restaurants, warehouses, and other nonmanufacturing activities, excluding residential and industrial waste.

Construction and demolition waste means solid waste resulting solely from construction, remodeling, repair or demolition operations on buildings or other structures, but does not include inert debris, land clearing debris, yard debris, or used asphalt, asphalt mixed with dirt, sand, gravel, rock, concrete, or similar nonhazardous material.



Department means the state department of environment, health and natural resources (DEHNR).

Garbage means all putrescible solid waste, including animal offal and carcasses, and recognizable industrial byproducts, but excluding sewage and human wastes.

Hazardous wastes means solid wastes, or a combination of solid wastes, that, because of its quantity, concentration or physical, chemical or infectious characteristics, may:

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

Industrial solid waste means solid wastes generated by industrial processes and manufacturing.

Institutional solid waste means solid wastes generated by educational, health care, correctional and other institutional facilities.

Land clearing debris means solid waste that is generated solely from land clearing activities.

Landfill means a disposal facility or part of a disposal facility where waste is placed in or on land and that is not a land treatment facility, a surface impoundment, an injection well, a hazardous waste longterm storage facility, or a surface storage facility.

Medical waste means any solid waste that 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, radioactive waste, household waste as defined in 40 CFR 261.4(b)(1), or those substances excluded from the definition of the term "solid waste" in this article. Sharps are considered medical waste if they come from a health care facility.

Municipal solid waste means solid waste resulting from the operation of residential, commercial, industrial, governmental or institutional establishments that would normally be collected, processed and disposed of through a public or private solid waste management service. Municipal solid waste does not include hazardous waste, sludge or solid waste from mining or agriculture.

Pathological waste means human tissues, organs and body parts, and the carcasses and body parts of any animals that were known to have been exposed to pathogens that are potentially dangerous to humans during research, were used in the production of biologicals or in vivo testing of pharmaceuticals, or that died with a known or suspected disease transmissible to humans.

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.

Putrescible means solid waste capable of being decomposed by microorganisms with sufficient rapidity



as to cause nuisances from odors and gases, such as kitchen wastes, offal and animal carcasses.

Radioactive waste means waste containing any material, whether solid, liquid or gas, that emits ionizing radiation spontaneously.

Recycling means the process by which solid waste or recovered materials are collected, separated or processed, and reused or returned to use in the form of raw materials or products.

Refuse means solid wastes, excluding garbage and ashes, collected from residences, commercial establishments and institutions.

Regulated medical waste means blood and body fluids in individual containers in volumes greater than 20 ml and microbiological waste, and pathological waste that has not been treated pursuant to rules promulgated by the department.

Resource recovery means the process of obtaining material or energy resources from discarded solid waste that no longer has any useful life in its present form and preparing the solid waste for recycling.

Salvageable materials means any materials deposited as refuse but retaining enough of original qualities to be considered useful.

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 pursuant to G.S. 130A-290 et seq.

Scavenging means the rummaging through or removal of waste or solid waste from bulk containers on the landfill or convenience sites.

Scrap tire means a tire that is no longer suitable for its original, intended purpose because of wear, damage or defect.

Septage means solid waste that is a fluid mixture of untreated and partially treated sewage solids, liquids and sludge of human or domestic origin that is removed from a septic tank system.

Sharps means needles, syringes and scalpel blades.

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.

Solid waste means any hazardous or nonhazardous garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, domestic sewage and sludges generated by their treatment 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:



- (1) Fecal waste from fowls and animals other than humans.
- (2) Solid or dissolved material in:
 - a. Domestic sewage and sludges generated by their treatment in sanitary sewage collection, treatment, and disposal systems that are designed to discharge effluents to the surface waters;
 - b. Irrigation return flows; and
 - c. Wastewater discharges and the sludges incidental to and generated by the treatment that are point sources subject to permits granted under section 402 of the Clean Water Act, as amended (PL 92-500), and permits granted under G.S. 143-215.1 by the environmental management commission; however, any sludges that meet the criteria for hazardous waste under RCRA shall also be a solid waste for purposes of this definition.
- (3) Oils and other liquid hydrocarbons controlled under G.S. 143-215.1 et seq.; 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 definition.
- (4) Any source, special nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended (42 USC 2011).
- (5) Mining refuse covered by the North Carolina Mining Act, G.S. 74-46--74-68, and regulated by the state mining commission. However, any specific mining waste that meets the criteria for hazardous waste under RCRA shall also be a solid waste for the purposes of this definition.

Solid waste collector means 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.

Solid waste disposal site means a location at which solid wastes are disposed of by any approved method.

Solid waste receptacle means a container used for the temporary storage of solid waste while awaiting collection.

Source separation means setting aside recyclable materials at their point of generation by the generator.

Tire means a continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle as defined in G.S. 20-4.01(23).

Transfer station means a site at which solid waste is concentrated for transport to a processing facility or disposal site. A transfer station may be fixed or mobile.

Used oil means any oil that 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.

White goods means inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.

Yard trash means solid waste consisting solely of vegetative matter resulting from landscaping maintenance.

Cross References: Definitions generally, § 1-2.

Sec. 22-33. General conditions.

All solid waste management in the county shall be in accordance and in compliance with solid waste management rules as set forth by the department, solid waste management division, solid waste section, as amended through January 9, 1992. Definitions are taken from the solid waste management rules and the U.S. Environmental Protection Agency's "Guidelines for the Storage and Collection of Residential, Commercial and Institutional Solid Waste, 40 CFR 243.100, and "Source Separation for Materials Recovery Guidelines," 40 CFR 246.101.

Sec. 22-34. 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 outside of the dwelling unit, that is not stored or disposed of in a manner that exemplifies good sanitation practices.

(b) The owner, occupant, tenant or lessee of any property shall remove or cause to be removed all solid wastes from his property before harborage of such waste creates a health hazard.

(c) Garbage shall be stored only in a container that is durable and easily cleaned. 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 resist harborage to rodents and vermin and will not create a fire hazard. Regulated refuse under this subsection includes but is not limited to lumber, boxes, barrels, bottles, cans, tires, paper, cardboard, rags, old furniture and other bulky waste, and white goods.

(e) No owner, occupant, tenant or lessee of any building or dwelling may leave outside the building or dwelling, in a place accessible to children, any abandoned or unattended icebox, refrigerator or other receptacle that has an airtight door without first removing the door (G.S. 14-318.1).

(f) Solid waste shall be disposed of only in a facility permitted by the state.

(g) In addition to the methods listed in subsection (c) of this section, refuse may be disposed of in solid waste receptacles provided by the county.

(h) No person may discard, impose, leave or dump any solid waste on or along any street or highway or on public or private property unless such solid waste is placed in a receptacle or at a location designated for the deposit of solid waste.



(i) Construction wastes may be disposed of at disposal sites approved and permitted by the department.

(j) Regulated medical, hazardous and radioactive waste must be disposed of according to written procedures approved by the department.

(k) Any person collecting and transporting solid wastes generated on such person's property for disposal at an approved disposal site shall comply with section 22-39(f) concerning vehicles and containers.

(l) All sharps shall be placed in a sealed, puncture-proof container prior to disposal.

Sec. 22-35. Solid waste convenience center.

(a) Solid waste receptacles are maintained at selected centers throughout the county for the convenience of county residents. Use by out-of-county residents is prohibited. Solid waste may be deposited in the solid waste receptacles only in accordance with the provisions of this article.

(b) The following wastes may not be deposited in solid waste receptacles or at solid waste convenience centers:

- (1) Asbestos.
- (2) Burning or smoldering materials, or any other materials that would create a fire hazard.
- (3) Commercial waste.
- (4) Construction waste and demolition waste.
- (5) Hazardous waste.
- (6) Industrial waste.
- (7) Institutional waste.
- (8) Liquid waste.
- (9) Radioactive waste.
- (10) Regulated medical waste.
- (11) Sludges.
- (12) Barrels without both ends cut out.
- (13) Sharps not properly contained.



(14) Animal parts or carcasses.

(15) Land clearing debris.

(c) The following wastes may be accepted at solid waste convenience centers when there is a specific area designated for the collection of such items:

(1) Lead-acid batteries.

(2) Used oil with no other substances mixed in.

(3) White goods.

(4) Yard waste.

(5) Furniture.

(6) Tires.

(d) All solid waste intended for disposal in a solid waste receptacle shall be deposited inside the receptacle. No solid waste may be left at the solid waste convenience center outside the receptacle unless the site is staffed and the solid waste is considered by the attendant to be salvageable. It then may be placed in the area designated for salvageable materials.

(e) No person may remove any item from a solid waste container, climb on or into a container, or damage any container.

(f) No person shall vandalize any property associated with solid waste convenience centers.

(g) Solid waste collectors shall not use solid waste receptacles at county solid waste convenience centers.

(h) No person may trespass on property used for consolidated solid waste convenience centers during nonoperational hours.

(i) No person shall loiter in or around convenience centers during operational hours.

(j) Convenience sites shall operate a swap shop that allows residents to drop off items that they do not want that may be useful to others. Scavenging or rummaging through waste or solid waste from bulk containers is prohibited.

(Ord. of 8-5-2002, § 1)

Sec. 22-36. Source separation and recycling.

(a) Each person who owns, leases or manages a residence, residential unit, or place of business,



industry, commerce or other place providing goods or services, or institution, church or school is encouraged to remove recyclable materials from the solid waste generated as required in subsection (b) of this section and make them available for recycling as required in subsection (c) of this section. Nothing in this section is intended to prevent any person from donating or selling recyclable materials to any other person.

(b) All recyclable material should be separated from other solid waste and made available for recycling. Recyclable material should not be mixed with or disposed of with other solid waste. Recyclable material should consist of the following items depending on availability of markets:

- (1) *Glass.* All brown, green and clear glass should be rinsed.
- (2) *Cans.* Except for aluminum cans, all other metal cans should be rinsed. All cans, including aluminum, should be flattened.
- (3) *Plastic.* All plastic containers must be rinsed and flattened with caps removed. Other plastic may be accepted as directed by the designated body in charge of recycling.
- (4) *Corrugated cardboard and brown paper bags.* All boxes and bags should be clean and dry. Boxes should be flattened.
- (5) *Newspapers.* All newspapers should be clean and dry.
- (6) *Motor oil.* Motor oil must be in closed containers. Oil must not be mixed with other substances.

(c) All recyclable materials brought to the recycling dropoff sites shall be placed in recycling collection containers provided by the designated body in charge of recycling.

(d) Ownership of recyclable materials shall be determined as follows:

- (1) After recyclable material has been placed in a designated container at a convenience center, the recyclable material shall become the property of the designated body in charge of recycling.
- (2) No person, other than an employee or representative of the designated body in charge of recycling, may remove recyclable material from a recycling collection center.

Sec. 22-37. Residential back yard composting.

Backyard composting is considered a preferred means of waste reduction in the residential community. Residents are urged to separate compostable materials from their waste streams for composting.

Sec. 22-38. Flow control.

(a) The landfill shall be designated to accept solid waste generated exclusively by residents, businesses and other institutions located in the county.

(b) No person, except licensed private collectors and county or municipal collectors, shall collect or



remove any solid waste within the county for disposal.

Sec. 22-39. Licensing of solid waste collectors.

(a) No person shall engage in business as a solid waste collector except under a license issued by the county pursuant to this section.

(b) Applications for licenses to engage in the business of solid waste collector shall be filed with the solid waste department on forms furnished by the county. The applicant shall furnish the following information:

- (1) The 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, including motor vehicle license tag numbers.
- (3) The number of employees the applicant expects to use in the business.
- (4) The experience of the applicant in solid waste collection.
- (5) The planned routes and areas of the county the applicant expects to serve.
- (6) Liability insurance coverage.
- (7) The name and location of the facility where collected waste is to be disposed of.
- (8) Proof of availability of recycling service with recycling for at least three types of items.

(c) Before issuing a license pursuant to this section, the solid waste department shall inspect or cause to be inspected all facilities and equipment the applicant plans to use in the solid waste collection business.

(d) The solid waste department may issue the applicant a license only when it is found that the applicant's facilities, equipment and proposed operating methods are in compliance with this article and the applicable rules of the department and that the applicant will perform waste collection in an efficient and sanitary manner. A condition of the license shall be that the licensee shall serve every person in such a manner that the licensee does not cause the person to be in violation of this article. If the solid waste department denies an applicant a license, the applicant may request a hearing before the public works director. The solid waste director shall keep summary minutes of the hearing and within one week after the hearing shall give the applicant written notice of the decision either granting the license or affirming the denial of the license. The applicant may appeal the solid waste director's decision to the board of commissioners by giving written notice of appeal to the county manager within five working days of receipt of the public works director's decision following the hearing. After a hearing on the appeal, the board shall either affirm the denial or direct the public works department to issue the license. A license shall be valid for a period of one year from the date of issuance.

(e) A licensee shall submit an annual report to the solid waste department containing the following



information:

- (1) The total number of customers.
- (2) The number of customers added or deleted since the last report.
- (3) Changes in routes.
- (4) New and replacement equipment.
- (5) The total amount of solid waste and recyclables collected.

(f) Vehicles and containers used for the collection and transportation of solid wastes shall be covered, leakproof, durable and easily cleaned. 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 numbers at least three inches high the county license number of the licensee and the license sticker issued by the solid waste department. 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 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.

(g) When the solid waste department finds that a licensee has violated this article or the conditions of the license, the licensee shall receive written notice of the violation and be informed that if another violation occurs within 30 working days, or in the case of a continuing violation if it is not corrected within ten working days, the license will be revoked. If another violation occurs within the 30-working-day period, or if the continuing violation is not corrected within ten working days, the solid waste department shall give the licensee written notice that the license is revoked. Upon receipt of the revocation, the licensee shall stop collecting, transporting or disposing of solid wastes. The solid waste department may reinstate a revoked license after the revocation has been in effect for 30 working days if the solid waste department 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 commissioners by giving written notice of the appeal to the solid waste department within ten working days of receiving notice of revocation from the solid waste department. After a hearing on the appeal, the board shall either affirm the revocation or direct the solid waste department to reinstate the license.

- (h) No license issued pursuant to this article shall be assignable.

Sec. 22-40. 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 driver 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 to prevent the spillage or loss of waste while being transported. "Effective means", as used in this subsection, shall mean durable, heavy plastic or canvas tied down or secured to cover all of the load. Loads consisting of building rubbish, limbs and 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 this section.

Sec. 22-41. Enforcement.

(a) *Criminal penalty.* Any person violating this article shall be guilty of a misdemeanor punishable in accordance with section 1-7. Each day's continuing violation shall be a separate and distinct offense.

(b) *Civil penalty.* Any person who is found in violation of this article shall be subject to a civil penalty as provided in G.S. 153A-123. Each day's violation shall be treated as a separate offense.

(c) *Remedies.* This article may be enforced by equitable remedies, and any unlawful condition existing or in violation of this article may be enforced by injunction and order of abatement in accordance with G.S. 153A-123.