

TITLE V: PUBLIC WORKS

Chapter

50. SOLID WASTE

CHAPTER 50: SOLID WASTE

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GENERAL PROVISIONS

All owners of improved residential property in Ashe County which include manufactured homes/apartments / campers pay a solid waste fee to help support the County's landfill and recycling programs.

This fee does not duplicate fees private waste haulers charge their customers. The programs covered by the County's fee are in addition to the programs offered by private waste haulers.

§ 50.01 SHORT TITLE.

This chapter may be cited as the "Ashe County Solid Waste Management Ordinance."
(Ord. passed 8-7-95)

§ 50.02 PURPOSE.

The purpose of this chapter is to regulate the storage, collection, transportation, and disposal of all forms of solid waste that is generated in the county, to insure the proper safe handling and provide for the general health of its citizens. This ordinance is adopted pursuant to G.S. §§ 153A-121, 153A-132.1, and 153A-136.

(Ord. passed 8-7-95)

§ 50.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Any term not specifically defined in this section shall be defined as set forth in the State Solid Waste Management Rules, 10 NCAC 10 G, section .0100, as amended from time to time.

BOARD. The Ashe County Board of Commissioners.

BULKY WASTE. Large items of solid waste such as household appliances, furniture, automobiles, large automobile or vehicle parts, branches, stumps, and other oversize waste, the large size that precludes or complicates its handling by normal solid waste collection, processing or disposal methods.

COLLECTION. The act of removing solid waste (or other materials that have been separated for the purpose of recycling) from the point of generation to a solid waste convenience center, processing facility, or disposal facility.

COMMERCIAL SOLID WASTE. Solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing commercial activities.

COMMERCIAL UNIT. That portion of real estate, including appurtenances, buildings or parts of buildings, over which the proprietor or managing agent of a commercial business or operation has control by virtue of ownership, tenancy, franchise or agency as to such property.

CONSTRUCTION AND DEMOLITION WASTE. Solid waste resulting solely from construction, remodeling, repair and 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 non-hazardous material.

COUNTY SOLID WASTE FACILITY. All county owned and operated disposal facilities including, but not limited to, the sanitary landfill, demolition area, tire disposal area, convenience centers/recycling centers.

DISPOSAL. The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any water, including ground waters.

ENVIRONMENTAL SERVICES DIRECTOR. The head of the Environmental Services Department which includes, but is not limited to the county sanitary landfill, animal shelter, convenience collection centers, and equipment maintenance garage.

GARBAGE. All putrescible waste, including animal offal and carcasses, and recognizable industrial by-products, but excluding sewage and human waste.

HAZARDOUS WASTE. A solid waste, or combination of solid waste 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 or disposed of or otherwise managed.

HOUSEHOLD. A house, trailer, or any other type structure that is a residence of the owner. (Note that a "Household" is different from a "Commercial Unit").

INDUSTRIAL SOLID WASTE. Solid waste generated by industrial process and manufacturing.

INFECTIOUS WASTE. A solid waste capable of generating an infectious disease. The types of waste designated as infectious wastes are micro biological waste, pathological waste, blood products, and sharps.

INSTITUTIONAL SOLID WASTE. Solid waste generated by educational, health care, day care, correctional, and other institutional facilities.

LICENSE. A license to collect, transport or dispose of solid waste, issued pursuant to this subchapter.

LICENSEE. A person holding a license issued pursuant to this chapter.
(Ord. passed 8-7-95)

MUNICIPAL SOLID WASTE. Solid waste generated within the incorporated municipalities that may originate from a commercial, industrial, or residential source, that is collected by the towns or their consignees for the benefit of the municipal residents and merchants.

PUTRESCIBLE WASTE. Solid waste capable of being decomposed by micro organism with sufficient rapidity as to cause a nuisance from odor and gases, such as kitchen waste, offal, and carcasses.

RADIOACTIVE WASTE MATERIAL. Any waste containing radioactive material as defined in G.S. § 104E-5(14).

RECYCLING. The processes in 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. All non-putrescible waste.

RESIDENTIAL UNIT. That portion of land, including appurtenances, buildings or parts of buildings, trailers, or other livable structures, over which the owner or resident has control by virtue of ownership of such property or by being the occupant, tenants, lessee or lessor, of such property.

SCRAP TIRE. A tire that is no longer suitable for its original intended purpose because of wear, damage or defect.

SOLID WASTE. Any hazardous or non-hazardous garbage, refuses, or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility; domestic sewage and sludge 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, semi-solid or contained gaseous material resulting from industrial, institutional, commercial and agriculture operations, and from community activities. The term does not include:

(1) Fowl and animal fecal waste;

(2) Solid or dissolved material in:

(a) Domestic sewage and sludge generated by the treatment thereof in sanitary sewage collection, treatment and disposal systems which are designed to discharge the effluents to the surface waters.

(b) Irrigation return flows; and

(c) Waste water discharges and sludge incidental thereto and generated by the treatment thereof which are point sources subject to permits granted under section 402 of the Federal Water Pollution Control Act (Public Law 92-500) as amended, and permits granted under G.S. § 143-215.1 by the Environmental Management Commission; except that any sludge for the purposes of this chapter that meets the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (Public Law 94-580), as amended, shall also be a solid waste for purposes of this definition.

(3) Oils and other liquid hydrocarbons controlled under G.S. Chapter 143, Article 21A; except that such oils or other liquid hydrocarbons that meet the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (Public Law 94-580), as amended, shall also be a solid waste for the purpose of this chapter.

(4) Any radioactive material as defined by the State Radiation Protection Act, G.S. §§ 104E-1 through 104E-28; or

(5) Mining refuse covered by The Mining Act of 1971, G.S. § 74-46-68, and regulated by the State Mining Commission as defined under G.S. §§ 143B-290; except that any specific mining waste that meets the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (Public Law 94-580), as amended, shall also be a solid waste for the purpose of this chapter.

SOLID WASTE COLLECTOR. Any company, corporation, governmental unit, or person who collects or transports solid waste by whatever means.

SOLID WASTE DISPOSAL SITE OR SITES. Any place at which solid wastes are disposed of by incinerators, sanitary landfill, demolition landfill or any other acceptable method.

SOLID WASTE RECEPTACLE. A large metal container used for the temporary storage of solid waste and capable of being emptied into collection vehicles.

TIRE. A continuous solid or pneumatic covering encircling the wheel of a motor vehicle or farm machine as defined in G.S. § 20-4.01(23).

WHITE GOODS. Any inoperative or discarded refrigerators, unit air conditioners, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.

YARD WASTE. Solid waste consisting solely of vegetative matter resulting from landscaping maintenance, including grass, leaves, branches and similar organic material.
(Ord. passed 8-7-95)

§ 50.04 RECOVERY OF COSTS IN CORRECTION OF VIOLATIONS.

In addition to civil penalties in this chapter, any person who violates the terms of this chapter, and such violation creates and causes an expense to the county in correcting the violation, shall pay to the county the costs actually incurred by the county in correcting the violation of this chapter.

(Ord. passed 8-7-95)

§ 50.05 STATE SOLID WASTE MANAGEMENT RULES ADOPTED.

In addition to the terms and provisions of this chapter, the State Solid Waste Management Rules as set forth in Chapter 10 of the State Administrative Code, subchapter 10G, as amended from time to time, are hereby incorporated into and are made a part of this chapter by reference. A violation of the State Solid Waste Management Rules shall also be a violation of this chapter.

(Ord. passed 8-7-95)

§ 50.06 PROVISIONS TO BE MINIMUM REQUIREMENTS.

The provisions of this chapter shall be held to be minimum requirements, adopted for promotion of the public health, safety, moral, and general welfare of the public. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted regulations the most restrictive or that imposing the higher standards shall prevail.

(Ord. passed 8-7-95)

§ 50.07 AMENDMENTS.

The provisions of this chapter may from time to time be amended, supplemented, changed, modified, or repealed by the County Commissioners.

(Ord. passed 8-7-95)

STORAGE AND DISPOSAL OF SOLID WASTE

§ 50.20 APPROVED STORAGE AND DISPOSAL.

No owner, occupant, tenant or lessee of any property shall deposit, store or permit to accumulate any garbage or solid waste upon his property except in a manner prescribed by this chapter.

(A) Solid waste or garbage shall not be deposited, stored or permitted to accumulate on any property in such a manner that it provides food or harborage for rodents or vermin or creates a fire or safety hazard.

(B) The owner, occupant, tenant, or lessee of any property shall remove or cause to be removed any garbage of a perishable or offensive nature that creates an odor or nuisance condition at least once per week, unless stored in a durable, rust resistant, non-absorbent, watertight container with a close fitting cover in place.

(C) It shall be unlawful for any person occupying any dwelling or dwelling unit to place or leave outside of any dwelling or dwelling unit longer than 30 days any dilapidated furniture, icebox, refrigerator, stove or other appliances, machinery, equipment, scrap building material or other item which is either in a partially or wholly rusted, wrecked, junked, dismantled or inoperative condition which, in the opinion of either the Environmental Services Director or the Health Director, constitutes a potential public health hazard. If a health hazard exists, the Department of Environmental Services or the Health Department shall give the occupant or owner written notice that, unless the potential hazard is not removed within 30 days, then prosecution under this chapter will be instituted.

(D) It shall be unlawful for any person to leave outside of any building or dwelling, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or any other container of any kind which has an airtight snap lock or other device thereon without first removing the snap lock or doors from the icebox, refrigerator or any other container, except for containers that are crated, strapped or locked to such an extent that it is impossible for a child to obtain access to any airtight compartment thereof.

(E) No person shall throw, dump, deposit or cause to be thrown, dumped or deposited solid waste on property owned by himself or another person; upon any public highway, street or road; upon public land, parks or recreation areas; or upon any other public property; except that property specifically designated for that use.

(F) It shall be unlawful for any person to dispose of solid waste at any place other than a manner approved by law. Acceptable means of solid waste disposal include the following:

(1) Only residential waste shall be deposited in county owned convenience/recycling centers.

(2) Contracting with a licensed solid waste collector.

(3) Hauling solid waste to the county landfill site, or to county owned convenience/ recycling centers.

(4) Burning solid waste in an incinerator that has all required local, state and federal air pollution control permits.

(5) Any other method, including reclamation and recycling processes, that has been approved by the State Department of Health, Environment and Natural Resources.

(G) Where there is more than one premise located in a residential building or mobile home park, it shall be the responsibility of the owner or person in charge to see that the residents of said building or mobile home park dispose of their solid waste in a lawful manner consistent with [this ordinance. one of the following: pay the annual solid waste availability fees as established herein for each residential unit or mobile home; contract with a licensed/permitted solid waste collector; or t](#)The owner or person in charge may collect and transport solid waste to the county sanitary landfill after meeting the following requirements:

(1) Apply for and be approved by the county for the establishment of an account for the purposes of billing and collection of appropriate solid waste disposal fees and display the county identification numbers.

(2) Vehicles and containers used for the collection and transportation of solid waste shall be properly secured, 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. Should spillage occur, the material shall be recovered by the solid waste hauler and returned to the vehicle or container, and the area properly cleaned.

(3) Any person collecting and transporting solid waste generated on his own property for disposal at an approved disposal site shall comply with the applicable section on vehicles and containers.

(Ord. passed 8-7-95; Am. Ord. passed 12-20-95) Penalty, see § 50.99

§ 50.21 OPEN BURNING.

Open burning of solid waste is regulated by the [North Carolina Department of Environmental Quality and the North Carolina Forest Service](#) per applicable guidelines.

(Ord. passed 8-7-95; Am. Ord. passed 12-15-14) Penalty, see § 50.99

§ 50.22 DISPOSAL OF DEAD DOMESTICATED ANIMALS.

In order to provide for the safe disposal of dead animals, one of the following procedures shall be followed for animal owners in the county.

(A) Burial on the animal owner's property. If the cause of death can be determined by the owner of the animal or a local veterinarian, the dead animal should be buried on the land of the animal owner.

(B) Commercial firms. Disposal by a commercial processing firm.

(C) Transport to the county landfill. If the animal owner does not have the equipment necessary to bury the animal, the body of the animal can be disposed of at the county landfill for a fee [set in the solid waste fee schedule of \\$15](#). The bodies of all animals disposed of at the landfill must be disposed of according to instructions from the

employees of the landfill and at such locations as from time to time determined by the employees of the landfill.

(Ord. passed 8-7-95; Am. Ord. passed 12-15-14) Penalty, see § 50.99

§ 50.23 DISPOSAL OF SCRAP TIRES.

(A) Scrap tires shall be disposed of only on a site approved by the Board and only in such manner as provided by the Board.

(B) The Board may set reasonable fees for disposal of scrap tires, and all persons or businesses disposing of scrap tires shall pay the established fee.

(C) It shall be unlawful for any person or businesses to dispose of scrap tires in the county except as provided in this chapter. Each scrap tire disposed of in violation of this chapter shall be a separate offense.

(Ord. passed 8-7-95) Penalty, see § 50.99

§ 50.24 USE OF COUNTY LANDFILL, COUNTY CONVENIENCE/RECYCLING CENTERS.

(A) All persons or businesses using county solid waste facilities operated by the county shall abide by the rules and regulations governing their use. A violation of such rules and regulations shall constitute a violation of this chapter.

(B) The county landfill and convenience/ recycling centers may be used for the disposal of solid waste by county residents or non-resident home owners, ~~as well as occasional visitors traveling through.~~ ~~(Remove)~~ In emergency situations, the solid waste facilities may be opened for additional hours beyond those established by the Board of Commissioners, as may be directed by the County Manager or his authorized representative. Except when open during pre-established hours these facilities shall be kept locked and entry shall not be permitted. Solid waste shall be disposed of at the landfill, ~~convenience~~ ~~convenience~~/recycling centers in a manner and according to the procedures required by the County Department of Environmental Services.

(C) No solid waste which has been collected by a contract hauler for a fee, charge, tax, or other compensation shall be accepted at the convenience/ recycling center sites. Such waste shall be disposed of directly at the county landfill or other such approved solid waste facility.

(D) The following wastes shall not be disposed of in the county landfill.

- (1) Radioactive waste.
- (2) Hazardous waste.
- (3) Burning and smoldering materials.
- (4) Liquid waste.
- (5) Used oil.
- (6) Yard waste.
- (7) White goods.
- (8) Antifreeze.
- (9) Aluminum cans.
- (10) Slugs, offal.

(11) Land clearing debris, stumps, tree trunks, etc. shall be confined to demolition field.

(12) Untreated regulated medical waste.

(13) Pallets.

(14) Plastic.

(15) Electronics.

(16) Tires.

(17) Batteries.

(18) Paint.

(19) Insecticides.

(20) Pesticides.

(21) Oil filters.

(22) Oyster shells.

(23) Fluorescent lights containing mercury.

(E) The following waste may be accepted at the landfill on a conditional basis only: Sludges, barrels, sharps, asbestos, dead animals, land clearing debris, stumps, tree trunks, scrap wood and scrap building material, springs, wire, cable, bands, plastic packaging, and similar materials in large quantities, or in lengths exceeding three feet.

(Ord. passed 8-7-95; Am. Ord. passed 12-15-14; Am. Ord. passed 1-5-15) Penalty, see § 50.99

§ 50.25 OPERATION POLICIES OF COUNTY SOLID WASTE FACILITIES.

The landfill, convenience/recycling centers located in the county shall be operated according to the rules and regulations providing standards for solid waste disposal adopted by the State Commission for Health Services, bulletin no. 411. The operational requirements for a landfill, convenience/recycling centers as outlined in the state administrative code, as amended from time to time, are made a part of this chapter by reference. For clarification the list of acceptable items at the convenience/recycling centers is synonymous with the landfill (§ 50.24) except that white goods and tires must be transported directly to the landfill.

(A) The solid waste facilities are operated as authorized by the Board of Commissioners under the supervision of the Environmental Services Director, or his designee.

(B) Solid waste facilities shall be open on such schedule as may be established by the Board of Commissioners. Facilities will be open to the public only when a county employee or agent is on duty and the gate is open.

(C) All solid waste shall be deposited inside the designated areas or in containers as prescribed by the attendant personnel.

(D) No person may remove any item from a convenience center container, climb on or into a designated container, or willfully damage a container.

(E) Vehicles shall observe the posted speed limits or adhere to 5 m.p.h. in the absence of such. They shall follow all other directional signs as well.

(F) Solid waste shall be observed and inspected for prohibited materials. Persons delivering solid waste to the county solid waste facilities shall upon request, disclose the

full nature, content, and source of all materials delivered. All solid waste delivered to the county solid waste facilities must be separated into various categories and disposed of in the appropriate area. Vehicles arriving with mixed loads will be instructed on the proper disposal area(s). Solid waste will be accepted only in the appropriate disposal area. Persons disposing of unacceptable materials may be required to remove such materials at the discretion of the Director. All costs incurred by the county for the removal of prohibited material shall be recoverable from the person disposing and the person or persons generating such material.

(G) Solid waste shall be disposed of at these facilities in a manner as prescribed by the Director or his designee. It shall be the responsibility of persons generating solid waste to insure that it is disposed of in accordance with the requirements of this chapter.

(Ord. passed 8-7-95; Am. Ord. passed 10-18-04; Am. Ord. passed 12-15-14) Penalty, see § 50.99

§ 50.26 USE OF RECYCLING CONTAINER SITES.

Container sites for recyclable materials provided throughout the county are for use by residences ~~and businesses?? alike within the unincorporated areas~~ of the county only; or by others as may be authorized by the Board of Commissioners. Materials deposited in the containers such as cardboard boxes and other packaging materials shall be reduced to its smallest volume by bending breaking and compressing, before placing it into the containers.

(Ord. passed 8-7-95) Penalty, see § 50.99

§ 50.27 TESTING OF LAND WHERE SOLID WASTE HAS BEEN DEPOSITED.

No building shall be erected on any land where there has been or is being any garbage or solid waste deposited until tests are made of the property showing there is no danger in the future of settling or explosion due to methane gas being formed from the solid waste that has been deposited.

(Ord. passed 8-7-95) Penalty, see § 50.99

§ 50.28 CLOSING OF ILLEGAL DUMPS.

Upon determination and notification by either the Environmental Services Director or the Health Director, any person having an illegal dump shall take the following corrective action:

(A) Implement effective rodent control measures for at least two weeks after closing the dump to prevent rodent migration to adjacent properties, if determined necessary by the Health Director.

(B) Compact and cover existing solid waste with at least two feet or more of compacted earth approximately two weeks after any necessary rodent control baiting.

(C) Implement erosion control measures by grading and seeding as necessary.

(D) Post signs indicating the dump site closure.

(Ord. passed 8-7-95) Penalty, see § 50.99

COMMERCIAL COLLECTION, TRANSPORT AND DISPOSAL; LICENSING

~~§ 50.40 DEFINITIONS.~~

~~—For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~—LICENSE. A license to collect, transport or dispose of solid waste, issued pursuant to this subchapter.~~

~~—LICENSEE. A person holding a license issued pursuant to this chapter.~~

~~(Ord. passed 8-7-95)~~

§ 50.41 AUTHORITY TO GRANT LICENSES.

For the purposes of providing for the proper collection, transportation, recycling and disposal of solid waste, a license to provide such service will be required by the county.

(Ord. passed 8-7-95)

§ 50.42 LICENSE REQUIRED; EXCEPTIONS.

(A) It shall be unlawful for any person or business to engage in the business of collecting, transporting and disposing of solid waste, outside of any municipality, but within any area of the county, except under the authority in full force and effect given by a license as provided for in this chapter.

(B) This section shall not apply to valid religious, charitable or civic organizations which are collecting, transporting, recycling or disposing of solid waste as a fund-raising project or as may otherwise fit the definition of institutional garbage.

(Ord. passed 8-7-95) Penalty, see § 50.99

§ 50.43 LICENSES SUBJECT TO PROVISIONS OF ORDINANCE, AMENDMENTS TO ORDINANCE; UNAUTHORIZED LICENSES VOID.

Any and every license issued shall be subject to the provisions of this chapter, as amended from time to time, except any amendment that may be made affecting the duration of a license existing at the time of the enactment of the amendment. Any license transferred or assigned without the express written authority of the Board shall be void and of no effect, and the collection of solid waste thereunder is a violation of this chapter.

(Ord. passed 8-7-95)

§ 50.44 APPLICATION, ISSUANCE, REVOCATION OF LICENSE.

(A) All applicants for license to collect, transport, dispose or recycle solid waste for any fiscal year (commencing July 1) shall file written application with the County Manager on or before February 15 prior to the beginning of the fiscal year and shall furnish the following:

(1) The name and address of the applicant, and whether the applicant is a sole proprietorship, corporation or partnership, with disclosure of all ownership interest if requested by the County Manager.

(2) A list of equipment possessed, available or to be obtained by the applicant.

(3) The number of employees the applicant expects to use in the business.

(4) The experience of the applicant in solid waste collection.

(5) A balance sheet or equivalent financial statement prepared by a certified public accountant or other person satisfactory to the Board, as to the applicants last business year, showing the net worth of the business. All financial data submitted in compliance with the requirements with this division shall be confidential and shall not be regarded as public information.

(6) Planned routes and the area of the county the applicant expects to serve.

(7) A schedule of fees the applicant plans to charge.

(8) Any other information the Board may reasonably request.

(B) Licensed haulers need only to pay annual license fees for renewal of license.

(C) The Board reserves the right to withdraw any license upon satisfactory proof of the inability of the licensee or upon the failure of the licensee to properly perform the duties covered by the license contract in a proper and satisfactory manner, after the licensee has been given an opportunity for a hearing before the Board, by written notice setting out the time and place of the hearing, at least ten days before the hearing.

(D) Before the county issues a license pursuant to this section, the County Manager or his duly authorized representative shall determine that all facilities, equipment and proposed operating methods that the applicant plans to use in the solid waste collection business are in compliance with this chapter and applicable regulations of the Department of Environment, Health and Natural Resources.

(Ord. passed 8-7-95)

§ 50.45 LICENSE FEE.

The licensee shall pay to the county the sum of \$100 for the issuance of each license.

(Ord. passed 8-7-95)

§ 50.46 SALE, TRANSFER OF LICENSE.

No license granted under the provisions of this chapter shall be sold, assigned, pledged, or transferred, except after application to and written approval by the Board, nor shall it be transferred by change of ownership or control of a license without written application and written approval by the Board.

(Ord. passed 8-7-95)

§ 50.47 BOND, INSURANCE REQUIREMENTS FOR LICENSEES.

The applicant for a license, upon being awarded the rights to collect and dispose of solid waste by the board as provided in this chapter, shall secure and present to the County Manager a good and sufficient surety bond or liability insurance policy covering and insuring the payment of such damages as may be caused by the licensee to the premises or property upon which it may enter for the purpose of collecting or disposing of solid waste, in the sum of not less than \$100,000, or such greater sum as deemed appropriate by the County Manager and Environmental Services Director considering the size and capacity of

the licensee and the number of customers served. Furthermore, a certificate of insurance shall be provided evidencing this coverage and the fact that the applicant disclosed to the insurance carrier that the company or business intends to haul solid waste as a commercial carrier. Such policy shall contain a hold harmless clause indemnifying the county against claims made against the licensee.

(Ord. passed 8-7-95)

§ 50.48 RESPONSIBILITIES OF LICENSEE.

The licensee shall serve every person who contracts with it for solid waste collection in such a manner that the licensee does not cause the person to be in violation of this chapter. The licensee shall not discriminate against any person for contract purposes in violation of the Civil Rights Act, as amended, on the basis of race, color, creed, religion, sex, or physical impairment.

(Ord. passed 8-7-95) Penalty, see § 50.99

§ 50.49 COLLECTION AND TRANSPORTATION OF WASTE.

(A) The licensee shall be responsible for the satisfactory collection and transportation of all solid waste to a county operated disposal site or facility or to a licensed recycling center.

(B) Vehicles shall display, in three inch numbers and/or letters, in an area visible on the driver's side door or on the left front fender, the county issued identification numbers.

(C) Vehicles or containers used for the 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 therefrom, and shall be adequately secured or covered to prevent spillage therefrom. Should spillage occur the material shall be recovered immediately by the solid waste hauler and returned to the vehicle or container, and the area of spillage properly cleaned.

(Ord. passed 8-7-95) Penalty, see § 50.99

FEES

§ 50.60 AUTHORITY TO ESTABLISH FEES.

~~The County Board of Commissioners may establish a fee schedule for the collection and disposal of solid waste and for the use and availability of a disposal facility in accordance with G.S. § 153A-292 as may be amended from time to time.~~

There is imposed a fee for the availability and use of solid waste disposal facilities provided by the county, in an amount sufficient to recover the cost of providing, operating, and maintaining sufficient facilities to provide for the handling and disposal of solid waste at its disposal facility, including the costs of methods of solid waste management specified in GS 130A-309.04(a) for the purposes of solid waste sorting, reducing, composting, recycling, bailing and disposal in the county. This fee shall be imposed county-wide, upon all properties which produce solid waste, whether inside or outside incorporated areas within the county.

(Ord. passed 8-7-95)

§ 50.61 ANNUAL REVIEW.

The Board of Commissioners will assess the expenditure requirements of the Department of Environmental Services for both solid waste collection and disposal, during their budgeting deliberations every spring in order to arrive at a revenue schedule that will adequately meet those needs. The annual review process will include calculations to determine current general departmental needs, as well as, look toward providing for anticipated future ones. This will include, but may not be limited to capital outlay for the procurement of equipment necessary to operate the department as well as the infrastructure preparation needed in order to maintain compliance with applicable permits, in addition to personnel and supplies required to perform routine operations. (Ord. passed 8-7-95)

~~§ 50.62 FORMULA FOR ESTABLISHING FEES.~~

~~—(A) The price per ton of garbage will be determined by multiplying the DISPOSAL BUDGET by the percentage of annual tonnage commercial, and dividing that sum by the number of commercial tons received annually.~~

~~—(B) The solid waste disposal fee will be similarly calculated by multiplying the DISPOSAL BUDGET by the percentage of annual tonnage residential, and dividing that sum by the number of non-municipal households.~~

~~—(C) The solid waste DISPOSAL BUDGET consists of three distinct elements, the sum of which form the basis for annually adjusting the tipping fees and household fees to accurately reflect the actual cost of these services.~~

~~—(1) Capital Outlay Construction which is calculated by multiplying the average per acre construction cost of a subtitle D lined landfill facility, by the number of acres, then multiplying that sum by Y, where Y equals the total expected capacity divided into the actual tonnage used in a year.~~

~~—(2) Capital Outlay Equipment which is the earth and garbage moving machinery necessary to maintain daily operations of solid waste facilities amortized over their powertrain warranty period (usually five years).~~

~~—(3) Operations Expenses less amortized capital outlays which is account codes 10.582.02 through 10.582.57 in the annual budget ordinance.~~

~~(Ord. passed 8-7-95)~~

§ 50.63 FEE APPLICATION AND REMEDY.

The solid waste fees hereinabove imposed shall be assessed, in the amounts set forth in this chapter upon the flowing property:

A. All residential dwelling units, including houses, apartment units, and manufactured homes and permanent campers / camper hookups within the county.

B. _____

C. ~~_____~~ Each individual unit is responsible for payment of fee (example: Apartment Units, Mobile Home Park Units, etc.)

A.D. _____

~~Every non-municipal residence is considered to be a household, along with non-municipal commercial units, which shall be levied the solid waste household availability fee as calculated annually in § 50.62 except that they apply for and receive approval for an unoccupied dwelling affidavit with the County Tax Assessor's office within the prescribed time limit. Non-municipal homeowners may receive refunds for this fee if they can provide proof that they have made other disposal arrangements with a private contract hauler. Paid receipts for the solid waste availability fee and ones for money paid to a franchised private collector are sole grounds for refund when produced as evidence of duplication of payment for the prior calendar year.~~

(Ord. passed 8-7-95)

§ 50.64 ~~TIPPING FEES.~~ AMOUNT OF FEES

SOLID WASTE FEE:

The amount of the solid waste fees to be charged from time to time shall be established by the County Board of Commissioners in its annual budget ordinance. The amounts of the Solid Waste Fee availability fees shall be as follows:

There are two separate levels of participation in the Solid Waste Fee.

Solid Waste Annual Fee – Full use of the convenience centers

Solid Waste Availability Fee – Properties with private contracted collection service (75% of Solid Waste Annual Fee, must provide paid receipts for collection services to be eligible for availability fee. Private contractor must be licensed with County)

<u>User Category</u>	<u>Fee</u>
<u>All residential dwelling units, including houses and manufactured homes within the County. (apartments)</u>	<u>Reference Solid Waste Fee Structure</u>
<u>Campers – permanent / Hook-ups (vacant – for rent) – permanent</u>	<u>75% of the Solid Waste Household Fee Reference Solid Waste Fee Structure</u>

"Campers / Hook-ups get charged "availability fee"

-Tipping Fees- The standard rate as outlined in this chapter shall be set annually by the Ashe County Board of Commissioners. § 50.62 shall be equally applicable to commercial, industrial, and municipal wastes. Institutional waste as defined in § 50.03 shall be exempt

~~from this fee.~~ Separate fees apply to special handling materials, such as tires and white goods.

(Ord. passed 8-7-95)

Cross-reference:

Fees relating to the disposal of recyclables, see § 50.99(D)(7)

METHOD OF BILLING AND COLLECTION OF SOLID WASTE FEES. (A) The solid waste fees assessed pursuant to this subchapter shall be added, as a separate identified charge, to the property tax statements sent to those county taxpayers who are owners of property described in this chapter. The County Tax Collector shall collect, and is charged with the duty of collecting, the solid waste fees which are added to the property tax statements as authorized by G.S. §153A-293. The Tax Collector shall use all lawful means to collect the fees assessed against improved properties, the collection of which she or he is charged, as authorized by G.S. § 153A-293, and delinquent fees can be collected in the same manner as delinquent real property taxes, thereby making the delinquent fees a lien on real property described on the bill that includes the fee, effective on January 1 of each year, beginning January 1, 1992.(year we started) (B) The amount of the solid waste tipping fees shall be determined at the solid waste collection or disposal site, through a measurement system using either weight or volume, depending on the type of solid waste being disposed of. The solid waste tipping fees so determined shall be invoiced monthly by the County Finance Officer.

REQUEST FOR RELEASE / REFUND OF RESIDENTIAL SOLID WASTE FEE

All persons requesting a release or refund of the solid waste disposal fee shall submit a request form along with required information to the tax administration office. Request will be reviewed before release/refund is approved of made.

EXCLUSION AND APPEALS.

Exclusions

(A) The fees imposed by this subchapter shall be not be collected at a rate of 50% of the solid waste disposal fee from those property owners excluded under the provisions of G.S. § 105-277.1 as elderly applicants and disabled applicants where the owner is either 65 years of age or older or is totally and permanently disabled; and where the owner has made the required application and has been approved for exclusion by the office of the Tax Assessor of the county.

(B) The Solid Waste Disposal Fee availability fee will be waived if a resident of Ashe County owns property in addition to a residence in which he/she resides, and that property is used solely for personal recreation use. (Remove, should be per property – how do we know “solely for personal recreation use?”)

(C) Any business whose principal place of business is their home are excluded (Remove, how do we keep up with that? Commercial)

(D) Any business engaged in farming, including dairy farms are excluded Solid Waste 14 Ordinance Revised June 04, 2012. (This is commercial, we are just dealing with just residential now? Remove)

(F) The Solid Waste Disposal Fee availability fee will be waived on any residence / Camper or Camper Hook up where the power has been disconnected for a period of eight months of the calendar year or the residence is found to be unsound or condemned.

Appeals

Property owners can appeal the Solid Waste Disposal availability fee in writing to the Ashe County Tax Administration Office by January 5th of the following year for which the bill became due.

The Board of Commissioners shall hear any request for appeals on an as-needed basis.

ADMINISTRATION AND ENFORCEMENT

§ 50.75 ENFORCEMENT.

(A) The Environmental Services Director of the county shall administer and enforce the provisions of this chapter.

(B) The rules and regulations prescribed in this chapter shall be enforced by the department head or other authorized personnel of the County Manager's Office, Department of Environmental Services, District Health Department, Sheriff's Department and any other appropriate agencies having duties and responsibilities in the areas of health, solid waste disposal and law enforcement. These agencies are hereby empowered to issue citations upon violation of this chapter.

(Ord. passed 8-7-95)

§ 50.76 EQUITABLE ENFORCEMENT.

The provisions of this chapter may be enforced by equitable remedy, and any unlawful condition existing or in violation of this chapter may be enforced by injunction and order of abatement in accordance with the provisions of G.S. § 153A-123. In assessing penalties under this chapter, the Enforcing Officer shall consider the following factors:

- (A) The number of previous violations;
- (B) The number of communications with the offender prior to the subject violation;
- (C) Steps taken by the person to try to comply;
- (D) The estimated amount and quantity of solid waste in the offending situation.

(Ord. passed - -95)

§ 50.99 PENALTY.

(A) In addition to and separate and apart from the specific remedies set forth in this chapter, any person who violates any provision of this chapter shall be guilty of a misdemeanor and shall be punished as provided in G.S. 14-4.

(B) If any person shall violate the rules and regulations adopted by the County Commissioners or the North Carolina Department of Environment, Health and Natural Resources, or their successor organization, they shall be guilty of a misdemeanor, as provided by G.S. 14-4, and Article 1, Chapter 130A, Section 25. Each day such violations continue to exist shall constitute a separate and distinct offense.

(C) If any object of solid waste is discovered on any lands or waters of the county, other than specifically designated for that use, bearing a person's name, address or means of identification of a person or persons, it shall be prima facie evidence of ownership, and after an attempt has been made to contact the person or persons so identified and advise said individuals to clean up the objects of solid waste by taking them to an approved disposal site in the county, with such individual or individuals being advised to return to the citing officer within ten days with a receipt from such approved disposal site indicating the deposit of said objects in same, then upon failure of any such person to comply with the specific directions of the officer, such failure to comply shall constitute a violation of this division (C). A person violating this section shall be guilty of a class 3 misdemeanor and, in addition to the punishment provisions of G.S. Chapter 15A, Article 81B, Part 3, shall pay a fine as outlined in division (B) above of this section.

(D) The county may exercise any of the following remedies as authorized by North Carolina General Statutes, including but not limited to seeking restitution for damages incurred by cost of clean up resulting from violations of this chapter, with the minimum charge being \$25.00. The minimum civil penalties for violations of this chapter shall be as follows:

(1) Scavenging or the unauthorized salvaging of discarded items:

- (a) First offense \$ 25
- (b) Second offense \$ 50
- (c) Subsequent offenses \$100

(2) Illegal dumping including dumping prohibited materials or quantities of materials at County Solid Waste Facilities, or in unapproved areas:

- (a) First offense \$200
- (b) Second offense \$300
- (c) Subsequent offenses \$500

(3) Dumping in waterways including streams, creeks, rivers, lakes or ponds:

- (a) First offense \$200
- (b) Second offense \$300
- (c) Subsequent offenses \$500

(4) Illegal burning of refuse, garbage, rubbish, tires, shingles, asphalt, petroleum products or other materials that emit noxious fumes for the purpose of disposal:

- (a) First offense \$200
- (b) Second offense \$300
- (c) Subsequent offenses \$500

(5) Improper transportation by individuals en route to disposal or collection facilities, or use of improper vehicles or license by contract haulers or landlords carrying solid waste:

- (a) First offense \$100
- (b) Second offense \$200
- (c) Subsequent offenses \$400

(6) Littering solid waste facilities including 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:

- (a) First offense \$100
- (b) Second offense \$200
- (c) Subsequent offenses \$400

(7) Disposing of recyclable materials co-mingled with garbage with contents that amount to 25% or more by weight or volume will be charged according to the following schedule:

- (a) First offense Written warning
- (b) Second offense Tipping fee of twice the current rate
- (c) Subsequent offenses Three times the current tipping fee

(8) Concealment purposefully with the intent of disposing of illegal materials in solid waste facilities.

- (a) First offense \$200

- (b) Second offense \$300
- (c) Subsequent offenses \$500

(9) The County Manager or Environmental Services Director has the authority to rescind a license and to remove any containers from within the county.
(Ord. passed 8-7-95; Am. Ord. passed 12-20-95; Am. Ord. passed 7-1-06; Am. Ord. passed 12-15-14)