

MCDOWELL COUNTY SOLID WASTE OPERATION ORDINANCE

An ordinance for establishing rules, regulations and guidelines governing the disposal of solid waste within the County of McDowell.

Section 1. Title

McDowell County Solid Waste Operation Ordinance

Section 2. Background and Purpose

The purpose of this ordinance is to:

1. Provide guidelines to ensure proper handling of McDowell County municipal solid waste;
2. Meet local solid waste needs while protecting public health and the environment;
3. Increase the efficiency and cost effectiveness of the solid waste program;
4. Provide accessible, clean, well-lit facilities for the disposal of solid waste and collection of recyclable materials; and
5. To reduce illegal dumping of solid waste.

Section 3. Authority

The McDowell County Board of Commissioners has been authorized by the State of North Carolina to enact this ordinance pursuant to the following General Statutes of North Carolina.

1. 153A-121 General ordinance making power
2. 153A-123 Enforcement of ordinance
3. 153A-136 Regulation of solid waste
4. 14-4 Violation of local ordinance misdemeanor

Section 4. Jurisdiction

Pursuant to G.S. 153-122. This ordinance applies to all users of the McDowell County solid waste disposal facility to include the staffed convenience centers and other waste containers owned or serviced by McDowell County.

Section 5. Definitions

The following definitions apply to the interpretation and enforcement of this ordinance:

Construction or Demolition - When used in connection with waste or debris, means solid waste resulting solely from construction, remodeling, repair or demolition operations on pavement, buildings or other structures.

Corrugated Cardboard – Un-waxed paper boxes and other thick layered brown paper, formed with grooves and ridges, used in shipping or in which shipped goods are received.

County - McDowell County

Covered - Encased by a tarpaulin, camper cover, metal cover, rigid cover, plastic, canvas or other suitable material, which is secured to prevent spillage, leakage or materials from blowing from the vehicle.

Commercial Hauler - Any who collects and transports refuse or other solid waste or recyclable materials on public or private streets in McDowell County for a fee.

Department - The North Carolina Department of Environment, Health and Natural Resources

Dwelling - Any residential unit housed in a building used for residential purposes or manufactured home or a structure used for residential purposes on any property.

Enforcement - By any certified law enforcement officer.

EPA - The United States Environmental Protection Agency

Facility - Solid waste management facility, including the landfill, transfer station, recycling center, wood waste mulching area and other designated areas.

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

Hauler - Any person who collects and transports refuse or other solid wastes or recyclable materials in McDowell County.

Hazardous Refuse - Includes any rusted, jagged appliances or machinery, specifically, iceboxes and refrigerators, whose doors have not been properly dismantled, or which has been determined by the Solid Waste Director to constitute a health or safety hazard.

Hazardous Waste -

1. A solid waste or combination of solid wastes which, because of its quantity, concentration or physical, chemical or infectious characteristics, may cause or significantly contribute to an increase in mortality or increase in serious irreversible or incapacitating reversible illness or pose a substantial problem or potential hazard to human health or the environment if improperly treated, stored, transported or disposed of or otherwise managed.
2. Any substance classified as a hazardous waste by EPA INDIVIDUAL - Any person, organization, business or other entity.

Industrial Waste - All waste, including garbage, solids, semisolids, sludge and liquids created or generated by factories, processing plants or other manufacturing enterprises.

Microbiological Waste - cultures and stocks of infectious agents, including but not limited to specimens from medical, pathological, pharmaceutical, research, commercial and industrial laboratories.

Mixed Load - Materials entering solid waste disposal facilities that are not properly separated for disposal (See 127-9). Mixed load will be determined by the Solid Waste Director or his representative.

Mixed Paper - Envelopes, catalogs, bulk mail, magazines, computer paper, copy paper, file folders, phone books, gray cartons, adding machine tapes, letters, scratch pads, soft-covered books and other material as defined by the Recycling Center Manager.

Offal - Waste parts, especially of a butchered animal.

Open Burning - Any fire whose products of combustion are emitted directly into the outdoor atmosphere without passing through a stack or chimney, approved incinerator or other similar device.

Open Dump - The consolidation or collection of solid waste from one or more sources at a disposal site which has unsanitary conditions, insignificant or no cover or insignificant or no management. This term shall include any disposal area which has not been approved by and does not have a permit from the Department.

Pathological Waste - Human tissues, organs and body parts and the carcasses and body part of all 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.

Permit - Written authorization from the Solid Waste Director to haul solid waste or recyclable material in McDowell County for hire or compensation.

Permitted Hauler - Any solid waste or recyclable material hauler authorized by the Solid Waste Director to transport refuse, solid waste or recyclable material for hire or compensation.

Person - Any individual, firm, organization, partnership, corporation, company or unincorporated association.

Putrescible Waste - Solid waste capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisance from odors and gases, such as kitchen wastes, offal and carcasses.

Radioactive Material - Any material, which emits ionizing radiation spontaneously.

Recycle, Recyclables or Recyclable Material - Those materials or that 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.

Refuse - All nonputrescible waste.

Refuse Receptacle or Receptacle - A metal or plastic (or other material approved by the Solid Waste Director) container for the storage of solid waste.

Regulated Medical Waste - Blood and body fluids in individual containers in volumes greater than 20 milliliters, microbiological waste and pathological waste that have not been treated.

Rubbish - Solid or liquid waste from residences, commercial establishments or institutions.

Sharps - Needles, syringes with attached needles, capillary tubes, slides and cover slips, scalpel blades, test tubes and blood collection tubes.

Secured - Solid waste shall be confined or fastened and will not fall, leak, blow or spill from the vehicle.

Solid Waste - Any hazardous or nonhazardous garbage or other refuse, rubbish, litter, trash, tires and other discarded solid materials and solid or semisolid waste materials resulting from industrial, commercial and agricultural operations and from community activities, but does not include solids or dissolved materials in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluent, dissolved materials in irrigation return flows or other common water pollutants. As used herein, "solid waste" shall refer collectively to any or all of the aforementioned waste materials, unless otherwise specified.

Solid Waste Director – The Public Services Director or his/her designee.

Transfer Station - A permanent structure with mechanical equipment used for the collection or compaction of solid waste prior to the transportation of solid waste for final disposal.

Unsanitary Accumulation - Any amount of solid waste, which is odoriferous, pestiferous, or otherwise threatening to human health as determined by the Solid Waste Department.

Used Motor Oil - 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 - Inoperative or discarded refrigerators, ranges, water heaters, freezers and other similar domestic and commercial large appliances.

Yard Waste - Solid waste consisting solely of vegetative matter, such as leaves, grass, limbs and trimmings, resulting from landscaping maintenance.

Section 6. Open Dumps Prohibited

No person shall permit an open dump on any private land owned, occupied or leased by him/her for the purpose of disposing solid waste.

Section 7. Transporting Solid Waste

- A. No solid waste shall be transported except in conformance with this ordinance, which applies to licensed haulers, commercial/industrial haulers, and individuals hauling household waste.
- B. Spillage Prohibited: The vehicle or container used for the collection and transportation of solid waste shall be loaded and removed in such a manner that the content will not fall, leak, or spill from the vehicle.

- C. Covered and Secured Loads: Solid waste shall be covered or secured to the vehicle that is transporting it to a county disposal facility. Covers shall remain on the solid waste until the load reaches its proper disposal destination.

Section 8. Disposal - Storage and Accumulation

- A. Municipal solid waste shall be disposed of only by one of the following methods:
 - 1. At any solid waste disposal facility that has been approved by State and local authority.
 - a. At the McDowell County Solid Waste Disposal Facility/Transfer Station (former landfill site)
 - b. At the county facility's white goods/scrap metal area
 - c. Bagged household waste and recyclables may be accepted at the various convenience centers located throughout the county
 - 2. By any other method including recycling and resource recovery that has been approved by State and local solid waste authority.
- B. Hazardous, regulated medical, radioactive waste shall be disposed of according to written procedures approved by the Environmental Protection Agency/North Carolina Department of Environmental Quality.
- C. Littering/dumping prohibited. No person shall intentionally discard, dispose, leave or dump any solid waste on or along any street or highway or on public or private property unless it is a permitted disposal site.
- D. Disposal of tires. The disposal of tires on public or private owned property is prohibited unless it is a facility approved by State and local laws.
- E. Disposal of sharps. Sharps shall be placed in a sealed, labeled, puncture resistant plastic container prior to disposal. A beverage container is not a recommended container for disposing of sharps.
- F. Burning of solid waste is prohibited based on EPA and State of NC regulations.
- G. Storage.
 - 1. Storage container requirements. Solid waste shall be stored in a container that is durable, rust resistant, nonabsorbent, watertight and easily cleaned, with a close-fitting, fly-tight cover in place. Container shall be kept clean so that no insect breeding, odor or other nuisance will exist.

2. Storage of refuse. Refuse must be stored in such manner that it will not provide harborage to rats, cause a fire or safety hazard or become windblown. Solid waste should not be stored for longer than two weeks without disposal.
 3. Airtight containers prohibited. No person shall leave outside of the building or dwelling, or in any place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container of any kind with an airtight door without first removing the door from such icebox or refrigerator.
- H. Accumulation. Improper storage of waste prohibited. No owner, occupant, tenant or lessee of any property, jointly or severally, may deposit, store or permit to accumulate any solid or hazardous waste upon such property that is not stored or disposed of in a manner prescribed by this article. Further, it shall be the duty of each owner, occupant, tenant or lessee to provide approved receptacles as specified in 127-8 G.

Section 9. Facility Regulations

Conforming to facility procedures for the disposal of solid waste and recyclables; at the county transfer station and staffed convenience centers.

- A. Visitors to the transfer station, which are not disposing of solid waste, must be accompanied by an employee of the solid waste department.
- B. The county facilities will be used for the disposal of solid waste, which is generated by the residents of McDowell County only. McDowell County reserves the right to reject waste generated in any other county.
- C. Hours of operation. The facilities shall be open during business hours as established by McDowell County Board of Commissioners. Holiday schedules will be determined by the County Manager and revised annually. Scheduled holiday closings will be posted at the facility scale house and listed in the local newspaper. In emergencies the facility may be opened and closed for additional hours as directed by the county manager or the manager's representative.

The facility shall be kept locked and secured and entry shall not be permitted except when open during regular business hours. Convenience centers and transfer station gates will be locked promptly at scheduled hours of operation. Vehicles entering these facilities must allow enough time to unload and depart from the facility prior to the posted closing time.

- D. Fees. The Board of Commissioners shall adopt a fee schedule, as needed, which will be effective until amended or replaced, for material brought to the transfer station for disposal.

E. Mixed Load Penalty.

1. Solid waste that is not properly separated will be required to be separated or assessed a mixed load penalty. Mixed loads will consist of solid waste that is permitted in the transfer station and one or more of the following materials listed in Section 10-A: (1. Aluminum cans; 12. White goods and metal; 13. Tires; 14. Yard waste; 15. Any other waste which is determined to be detrimental to the solid waste facility; 16. Clean recyclable corrugated cardboard.).
 2. Mixed Load Penalty Assessment. Individuals bringing in mixed loads will be given a verbal warning by transfer station staff. After the verbal warning individuals bringing in mixed loads will be assessed a penalty as adopted in the current McDowell County fee schedule.
- F. Waste containers owned or serviced by McDowell County government (except those located at convenience centers or the transfer station) are for that agency use only. These containers are not for public use; only waste generated "within" the designated agency shall be placed in these containers. (No household waste is permitted in these containers.) Only bagged waste will be allowed in these containers. Yard waste, corrugated cardboard, construction material, and white goods are prohibited.
- G. Loitering and rummaging prohibited. No person shall loiter, rummage or remove articles from any convenience center, transfer station facility or other county serviced containers.
- H. Vehicular Operations. All persons entering or traveling on convenience center or transfer station property will operate their vehicles in a safe and courteous manner and observe posted speed limits or caution signs.
- I. Safety at transfer station. Only authorized McDowell County personnel will be allowed inside the transfer station floor except that a waste hauler may exit his or her truck for mechanical adjustment and unloading preparations. Non self-unloading vehicles are not permitted on the transfer station floor. Vehicles, which are not self-unloading (Ex: dump or eject) must use designated unloading areas to the side of the transfer station. Children are not permitted to exit any vehicle at the transfer station.
- J. Weighing of Vehicles. All vehicles, entering the disposal area (transfer station) with solid waste other than white goods and/or scrap metal must be weighed on the scales prior to and after unloading such waste for the purpose of recording correct disposal weights.

- K. Unloading waste. Waste shall be unloaded and deposited only in authorized areas. It is the responsibility of the waste hauler to ensure that waste is placed in the proper area. In the event the hauler is unsure, they must ask a transfer station employee or convenience center attendant for directions. Persons placing waste in the wrong location will be required to move that material to the proper location.

- L. Inspection. All solid waste entering the disposal facilities is subject to inspection by county solid waste employees. McDowell County reserves the right to ask for identification to verify residency. Persons disposing of prohibited material will be required to remove such materials at the discretion of the Solid Waste Director or his representative.

Section 10. Prohibited Waste and Special Handling

- A. The following list of waste may not be disposed of in any county solid waste disposal facility (unless designated.) This waste may not be co- disposed or mixed with other solid waste.
 - 1. Aluminum cans (except placed at recycling containers)
 - 2. Burning or smoldering materials or any other material that would create a fire hazard
 - 3. Hazardous waste
 - 4. Lead acid batteries (except placed for recycling)
 - 5. Liquid waste of any kind
 - 6. Metal drums (unless they are rinsed and both ends removed)
 - 7. Pathological waste or regulated medical waste
 - 8. Septage that is of fluid mixture
 - 9. Sharps not properly contained
 - 10. Used motor oil (except placed for recycling) Used motor oil may be deposited in the holding tank at a designated area in the county transfer station for the purpose of recycling. Oil is unacceptable if mixed with water or gasoline.
 - 11. White goods and metals (except placed for recycling) White goods and pieces of metal may be deposited at a designated area for recycling.

12. Whole tires (except at tire collection site). Whole automobile, trucks and equipment tires will be accepted at the designated tire disposal site. Tires must be removed from their rims and be free of water, dirt and debris and cannot be co-mingled with other solid waste. All tires must be certified as of their origin.
 - a. Homeowners are allowed to dispose of 5 passenger car tires per year free of charge. Tires in excess of this amount will be assessed a fee.
 - b. Tire dealers, new or used, fleet services and junkyards must have certification forms filled out prior to disposal.
 13. Yard waste (except at the county yard waste site)
 14. Any other waste which is determined to be detrimental to the solid waste facilities as designated by the Solid Waste Director
 15. Clean recyclable corrugated cardboard (except in containers for recycling)
- B. Recycling encouraged. All persons, businesses and industries are encouraged to remove recyclable materials from their solid waste stream and use their own recycling system or the county facility.

Section 11. Commercial Hauler ID/License Issuing

For the purpose of providing for the proper collection, transporting and disposal of solid waste within McDowell County.

- A. Persons engaged in the business, as a commercial collector/hauler will be required to possess a hauler ID license. (To include tire haulers)
- B. Application for the license shall be filed with the Solid Waste Director. The applicant shall furnish the following information:
 1. Name and address and phone number of applicant/owner(s).
 2. A list of equipment used for transporting and storing.
 3. Each vehicle shall be identified by make, model and license tag number (truck number if multiple).
 4. Planned routes applicant serves, schedule and type of waste. (As planned routes change it is the applicant's responsibility to update with the Solid Waste Director.)

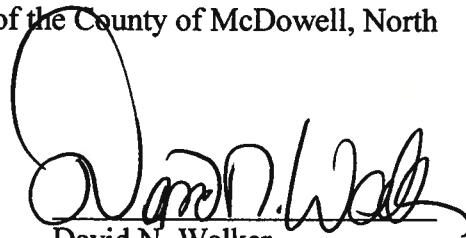
- C. Collector/haulers vehicle shall be covered, have racks, gates or doors; of durable material in order to hold waste until time of disposal at county transfer station. The solid waste director shall inspect vehicle prior to the license issuance.
- D. Fees. The Board of Commissioners reserves the right to charge a disposal fee for any waste brought to the transfer station.. Any such fees shall be published in the McDowell County fee schedule.
- E. Appeals. When any person has made application for a permit to collect or transport solid waste or recyclable materials and the Solid Waste Director has refused to issue said permit to the applicant, the applicant may appeal the refusal by notice of appeal must be filed within 30 days after the refusal.
- F. License renewal. All licenses must be renewed annually on the anniversary date of issue. Renewal application should have changes in routes, equipment update, and other pertinent information.
- G. License are not re-assignable.
- H. Revocation of license.
 - 1. If equipment or operating methods of license holder is discovered to be substandard by the Solid Waste Director, the Solid Waste Director shall give written notice to the license holder or owner stating that unless such conditions or practices are corrected within 30 days the license will be revoked.
 - 2. The operating license shall be revoked until corrective action has been taken. A one-time extension of 30 days may be granted by the Solid Waste Director.
 - 3. Any revocation of a solid waste hauler's license may be appealed to the McDowell County Manager by the submission of a notice of appeal within 30 days of the effective date of the revocation. If a notice of appeal is not filed within 30 days, the license shall be deemed to have been automatically revoked.
 - 4. Items that would be considered a violation of license.
 - a. Improper or unserviceable equipment (uncovered loads) (b.) Hauling out of county waste to county facility
 - b. Repeated mixed load violations
 - c. Any other actions deemed detrimental to facility operations

Section 12. Enforcement of Ordinance

- A. If any person shall violate this ordinance, he or she shall be guilty of a misdemeanor and shall be fined not more than fifty dollars (\$50.00) or imprisoned for not more than thirty (30) days, or both, for each offense, as provided in G.S. 14-4 and G.S. 153-A-132. 1. Each day or portion thereof that this ordinance is violated shall constitute a separate offense as provided in G.S. 153A132.1. Violations of this ordinance which are subject to the provisions of G.S. 14-399 shall be punishable according to the provision of that Statute.
- B. Civil Penalty. Any person who is found in violation of this ordinance shall be subject to a civil penalty of not more than \$50 as provided in G.S. 153A-123. Each day's violation shall be treated as a separate offense.
- C. Remedies. This ordinance may be enforced by equitable remedies and any unlawful condition existing or in violation of this ordinance may be enforced by injunction and order of abatement in accordance with G.S. 153A-123.

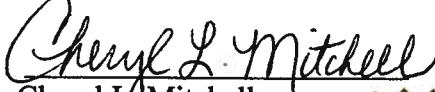
This Ordinance shall take effect and be in force from and after the day of November 9, 2020.

Duly adopted by the Board of Commissioners of the County of McDowell, North Carolina, this the 9th day of November, 2020.



David N. Walker
Chairman

Attest



Cheryl L. Mitchell
Clerk to the Board

