

## DIVISION 3. SOLID WASTE DISPOSAL

### **Sec. 9-43. Definitions**

The following definitions apply in the interpretation and enforcement of this division and where applicable to other provisions of this chapter:

*Board:* Board of Commissioners of Rockingham County.

*Bulky-waste.* Large items of solid waste such as furniture, large auto parts, trees, branches, stumps and other oversized wastes large enough in size to preclude or complicate handling, management and disposal.

*Commercial solid waste:* All types of solid waste generated by stores, offices, restaurants, warehouses and other non-manufacturing activities, excluding residential and industrial waste.

*Commercial purposes:* Solid waste discarded by a business, corporation, association, partnership, sole proprietorship, or any other entity conducting business for economic gain, or by an employee or agent of the entity.

*Construction and demolition waste:* 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, rock, concrete or similar nonhazardous material.

*Department:* The North Carolina Department of Environment and Natural Resources.

*Director of Environmental Engineering:* The duly designated director of county solid waste management.

*Garbage:* All putrescible waste, including kitchen waste, animal offal and carcasses, and recognizable industrial byproducts, but excluding sewage and human waste which is capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors and gases.

*Hazardous waste:* Solid waste, 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.

*Incineration:* The process of burning solid, semisolid, or gaseous combustible wastes to an inoffensive gas and a residue containing little or no combustible material.

*Industrial solid waste:* Solid waste generated by industrial processes and manufacturing.

*Inert debris:* Solid waste that consists solely of material that is virtually inert and that is likely to retain its physical and chemical structure under expected conditions of disposal.

*Institutional solid waste:* Solid waste generated by educational, health care, correctional, and other institutional facilities.

*Land-clearing debris:* Solid waste that is generated solely from land-clearing activities.

*Landfill/sanitary landfill:* 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, surface impoundment, an injection well, a hazardous waste long-term storage facility or a surface storage facility; a sanitary landfill facility is for solid waste disposal in a sanitary manner in accordance with the rules concerning sanitary landfills adopted pursuant to NCGS Chapter 130A Article9.

*Litter:* Any garbage, rubbish, trash, refuse, can , bottle, box, container, wrapper, paper, paper product, tire, appliance, mechanical equipment or part, building or construction material, tool, machinery, wood, motor vehicle or motor vehicle part, vessel, aircraft, farm machinery or equipment, sludge from a waste treatment facility, water supply treatment plant, or air pollution control facility, dead animal, or discarded material in any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

*Medical waste:* 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 or household waste; sharps including needles, syringes, and scalpel blades are medical waste.

*Municipal solid waste:* Solid waste resulting from the operation of residential, commercial, industrial, governmental, or institutional establishments that would normally be managed and disposed through a public or private solid waste management service.

*Pathological waste:* Human tissues, organs, and body parts, and the carcasses and body parts of any animal 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.

*Person:* Any individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, or other legal entity.

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

*Recycling:* 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:* Solid waste, other than garbage or ashes, from residences, commercial establishments and institutions.

*Regulated medical waste:* Blood and body fluids in individual containers in volumes greater than 20 ml., microbiological waste, and pathological waste that have not been treated pursuant to rules promulgated by the Department.

*Responsible Parties:* The owner or occupant, former owner or former occupant, of any

property or part thereof or any agent or other person who participates or acts in concert, assists, directs, creates, or maintains any condition that is in violation of this Ordinance may be held responsible for the violation. When identifying information (for example, an addressee's name on an envelope) is found on solid waste, the owner of the solid waste shall be presumed to have committed the violation. A business may be held responsible for violations conducted by its agents or employees that involve solid waste related to the business.

*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 nonhazardous garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant or air pollution control facility, domestic 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 domestic, industrial, institutional, commercial and agricultural operations, and from community activities. The term does not include: animal fecal waste; solid or dissolved material in domestic sewage, sludges, irrigation return flows, and wastewater discharges and associated sludges; oils; nuclear products and byproducts; mining refuse; all as defined and qualified by existing current regulations. The definition of solid waste shall also include for the purpose of this ordinance the following definitions: Litter, Bulky waste, Commercial solid waste, Construction and demolition waste, Garbage, Hazardous waste, Industrial solid waste, Inert debris, Institutional solid waste, Land-clearing debris, Medical waste, Municipal solid waste, Pathological waste, Radioactive waste, Regulated medical waste, Scrap tires, White goods/scrap metal, and Yard trash.

*Solid-waste disposal site:* A location at which solid waste is properly and lawfully disposed of by incineration, sanitary landfill, or other approved method.

*Solid Waste Enforcement Officer:* The person(s) so authorized to enforce the provisions of this ordinance and other such solid waste ordinances, regulations and laws as such person may be granted authority to enforce; the term *Solid Waste Enforcement Officer* shall include any duly trained and sworn Deputy Sheriff of the Rockingham County Sheriff's Department working under authority of the Rockingham County Sheriff and any other person authorized by the Rockingham County Board of Commissioners or the Rockingham County Manager to enforce the provisions of this ordinance.

*White goods/scrap metal:* Inoperative and discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances; discarded steel, ferrous, copper and other metallic articles generated from residential, commercial, and industrial sources such as bed springs, machinery, auto parts, lighting fixtures, shelving units, and similar items.

*Yard trash:* Solid waste consisting solely of vegetative matter resulting from landscaping maintenance.

#### **Sec 9-44. Authority.**

The provisions of this ordinance are adopted under the authority granted by North Carolina

General Statutes §§ 153A-121, 132.1, 136, 274 through 278, 291 through 293, and 130A-309.09A and 309.10.

**Sec. 9-45. General Requirements.**

As a necessary resource and public service, the Rockingham County Board of Commissioners, in cooperation with local municipalities, has authorized and provided a solid waste management facility which includes a sanitary landfill, scrap tire collection site, scrap metal/white goods collection site, construction and demolition waste collection and disposal site, recycling site and animal carcass disposal site. These facilities shall be utilized in accordance with the terms and conditions of this ordinance and in compliance with the applicable local, state and federal regulations.

Every person, including but not limited to, any individual, any firm, organization, private corporation, governing body, agents or employees of any entity shall be required to properly and lawfully manage and/or dispose of any and all solid waste originating, generated and/or in any way associated with the person or property owned, leased or under the control of the person as defined. Such management and/or disposal shall be in accordance with the provisions of this ordinance, and the existing local, state and federal regulations and requirements.

**Sec. 9-46. Administration and Enforcement.**

The Rockingham County Board of Commissioners authorizes the administration and enforcement of this ordinance. The administration and enforcement of this ordinance shall be vested with the Rockingham County Manager, the Rockingham County Director of Environmental Engineering or any duly authorized Solid Waste Enforcement Officer and shall be administered in cooperation with the Environmental Health Division of the Rockingham County Department of Public Health and the Rockingham County Sheriff's Department.

**Sec. 9-47. Solid Waste Management and Disposal.**

The intent of this ordinance is to promote and encourage proper and lawful solid waste management including but not limited to waste reduction, reuse, recycling, and disposal. The proper methods of storage, collection, transportation and disposal of solid waste are prescribed in the RULES AND REGULATIONS GOVERNING THE STORAGE, COLLECTION, TRANSPORTING AND DISPOSAL OF SOLID WASTE IN ROCKINGHAM COUNTY, NORTH CAROLINA, as promulgated by the Rockingham County Board of Health dated June 3, 1975 which are incorporated herein by reference as applicable to this ordinance. Laws, rules and regulations required for solid waste disposal facilities, scrap tires, scrap metal and white goods, waste reduction, reuse, recycling, and disposal as prescribed by the North Carolina General Statutes and Administrative Rules of the Department of Environment and Natural Resources are cited and incorporated herein by reference as applicable to this ordinance. This ordinance shall supplement these regulations and apply more stringent requirements as approved within the legal authority of the Board of Commissioners.

### **Sec. 9-48. Violations.**

The following solid waste management and disposal practices shall be unlawful and considered violations of this ordinance:

- (a) Maintaining, allowing, or causing improperly managed solid waste to remain upon any property.
- (b) Burning solid waste or allowing, causing, or permitting the burning of solid waste on any property except as permitted by existing fire codes and regulations.
- (c) Throwing, scattering, spilling, placing, dumping, depositing, causing or allowing to be blown, scattered, spilled, thrown or placed, or otherwise disposing of any solid waste upon any property with or without the consent of the property owner which is inconsistent with proper and lawful solid waste management and disposal practices; the occurrence of any of the foregoing acts resulting from transporting solid waste in a vehicle shall also constitute a violation.
- (d) Burying in the earth or submersing in water any solid waste material that is not permitted by proper and legal solid waste management and disposal regulations and practices.

### **Sec. 9-49. Permissible Methods of Disposal.**

The following solid waste management and disposal practices shall be considered permissible and lawful with respect to this ordinance:

- (a) Disposal of solid waste in a sanitary landfill or other disposal facility duly authorized and permitted by the North Carolina Department of Environment and Natural Resources;
- (b) Disposal of solid waste in an approved incinerator or other heat treating device duly authorized and permitted by the North Carolina Department of Environment and Natural Resources;
- (c) Recycling of solid waste utilizing approved lawful practices and available resources and outlets for recycled materials.

### **Sec. 9-50. Enforcement Measures and Remedies.**

Rockingham County may exercise any of the following remedies for violation of any provision of this ordinance as allowed and authorized by the North Carolina General Statutes, including NCGS § 153A-123 which provides that violation of a county ordinance is a misdemeanor, that the county may levy a civil penalty for violations, and that the ordinance may be enforced by equitable remedies such as injunction.

**Criminal Penalty:** Any person, firm or corporation who violates any of the provisions of this ordinance shall be guilty of a misdemeanor punishable pursuant to NCGS § 14-4 and by

a fine not to exceed five hundred dollars (\$500.00) or imprisonment for not more than thirty (30) days, or both. Each day's continuing violation is a separate and distinct offense.

If there is probable cause to believe that any person has violated any provision of this ordinance, the Solid Waste Enforcement Officer may issue a citation and/or obtain a criminal summons for such person to appear in court. Upon conviction for the violation of this ordinance, the violator shall be subject to the maximum penalty as prescribed by law and this ordinance as determined at the discretion of the court of competent jurisdiction.

**Civil Penalty:** Any person, firm, or corporation who violates any of the provisions of this ordinance shall be subject to a civil penalty not to exceed five hundred dollars (\$500.00) as provided in NCGS § 153A-123. Each day's violation is a separate and distinct offense.

The minimum civil penalties for any violation of this ordinance are set forth in Sec. 9-53. A Notice may be issued for multiple violations and the violator assessed the sum of the penalties for each offense.

Notice of Civil Penalty may be served upon the violator in person by the Solid Waste Enforcement Officer, posted on the property if owned by the violator, or mailed to the person by certified mail if the person cannot be readily found. Any Notice so served or mailed shall direct the violator to make payment of the penalty on or before a specified day and hour to the Rockingham County Environmental & Engineering Services Department and to present evidence of the remedy of any violation of this ordinance within a reasonable period of time specified by the Solid Waste Enforcement Officer not less than seventy-two (72) hours after service or delivery to the violator. If served by certified mail, the violator shall have six (6) days after the return receipt date to comply with the Notice.

A penalty of \$500 may be assessed for any violation for a commercial purpose or a flagrant and willful violation. Flagrant and willful violations include, but are not limited to, repeat violations, failure to timely clean up the solid waste after notice, or violations that include property damage.

**Equitable Relief:** Any person, firm, or corporation who violates any of the provisions of this ordinance shall promptly clean up the litter if feasible, and if not feasible, shall perform other clean-up service commensurate with the offense committed. Community service shall be required of the violator in addition to any civil or criminal penalty assessed against the violator.

A violation may constitute grounds for the Solid Waste Enforcement Officer to seek injunctive relief.

This ordinance may be enforced by equitable remedies, and any unlawful condition which may be in violation of this ordinance may be abated by mandatory or prohibitory injunction in accordance with NCGS § 153A-123.

A warning may be issued by the Solid Waste Enforcement Officer without fine when the officer is of the opinion that a violation of this ordinance may be remedied without the necessity of prosecution; however, a warning citation may not be issued in the case where public health and/or safety are endangered.

**Sec. 9-51. Severability.**

If any Section, subsection, sentence, phrase or portion of this ordinance is for any reason invalid or unconstitutional as determined by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

**Sec. 9-52. Effective Date.**

This ordinance shall become effective upon its adoption. The amendments to this ordinance shall become effective as of October 1, 2005.

**Sec. 9-53. Civil Penalty Fee Schedule.**

**Solid Waste Disposal Civil Penalty Fee Schedule**

<u>SECTION</u>	<u>OFFENSE DESCRIPTION</u>	<u>FEE</u>
§ 9-48. (a)	Maintaining, allowing, causing improperly managed solid waste to remain upon any property	
	1st offense.....	\$ 75.00
	2nd offense.....	\$150.00
	<u>3rd offense and subsequent violations.....</u>	<u>\$300.00</u>
9-48. (b)	Burning solid waste or allowing, causing, or permitting the burning of solid waste on any property except as permitted by existing fire codes and regulations.	
	1st offense .....	\$ 75.00
	2nd offense .....	\$150.00
	<u>3rd offense and subsequent violations.....</u>	<u>\$300.00</u>
9-48. (c)	Throwing, scattering, spilling, placing, dumping, depositing, causing or allowing to be blown, scattered, spilled, thrown or placed, or otherwise disposing of any solid waste upon any property with or without the consent of the property owner which is inconsistent with proper and lawful solid waste management and disposal practices; the occurrence of any of the foregoing acts resulting from transporting solid waste in a vehicle shall also constitute a violation.	
	1st offense.....	\$150.00
	2nd offense .....	\$300.00
	<u>3rd offense and subsequent violations.....</u>	<u>\$500.00</u>
9-48. (d)	Burying in the earth or submersing in water any solid waste material that is not permitted by proper and legal solid waste management and disposal regulations and practices.	
	1st offense.....	\$ 75.00
	2nd offense .....	\$150.00
	<u>3rd offense and subsequent violations.....</u>	<u>\$300.00</u>
9-50	<u>Any violation for a commercial purpose or a flagrant and willful violation .....</u>	<u>\$500.00</u>