

ARTICLE I. - IN GENERAL

Sec. 20-1. - Title.

This chapter shall be known and may be cited as the Yadkin County Solid Waste Management Ordinance.

(Ord. of 10-15-2018, art. I; Ord. of 5-20-2019, art. I)

Sec. 20-2. - Purpose and statutory authority.

The purpose of this chapter is to regulate the storage, collection and disposal of solid waste and to promote the removal of recyclable items from the solid waste stream, and to protect the public safety, health and welfare of the citizens of the county. This chapter is adopted pursuant to the authority contained in G.S. ch. 130A and 153A.

(Ord. of 10-15-2018, art. I; Ord. of 5-20-2019, art. I)

Sec. 20-3. - Definitions.

The following definitions apply in the interpretation and enforcement of this chapter:

Board or board of commissioners means the board of commissioners of Yadkin County, North Carolina.

Bulky waste means large items of solid waste such as mattresses, box springs, household appliances, furniture, automobiles or their parts, trees, branches, stumps and other oversize waste whose large size precludes or complicates their handling by normal waste collection, processing or disposal methods.

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.

Collection containers means the metal dumpsters owned by the county housed at convenience sites throughout the county to be used for the temporary storage of solid waste and recyclables.

Commercial solid waste means all types of solid waste generated by stores, offices, restaurants, warehouses and other non-manufacturing 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 non-hazardous material.

Convenience sites means facilities owned, leased, rented or otherwise operated by the county at which solid waste and recyclables are collected, transported and disposed of. These sites are fenced and are attended by county employees under set operational schedules for the disposal of bagged solid waste and acceptable recyclables from authorized households within the county. Mass disposal (trailers) of bagged or other household trash is not accepted at convenience sites; it must be taken to the transfer station.

County means the county of Yadkin, a body politic and political subdivision of the state of North Carolina.

Department means the North Carolina Department of Environmental Quality ("NCDEQ") or any successor department thereto.

Disposal means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land so that the solid waste or on any land or water so that the solid waste or any

part of the solid waste may enter the environment or be omitted into the air or discharged into any waters, including groundwaters.

Disposal facility means a site that has been established for the collection or disposal of household waste or recyclables. This would include the convenience sites and the solid waste facility.

Enforcement agencies means including, but not limited to, the county solid waste department and employees thereof; the NCDEQ—solid waste section and employees thereof; the county sheriffs office and employees thereof; the state highway patrol and employees thereof; the municipal police departments within the county and employees thereof; the county human services agency—environmental health division and employees thereof; the county manager and private citizens.

Garbage means all wastes which are liable to decay, including the internal organs and carcasses of animals, and recognizable industrial by-products, but excluding sewage and human waste.

Hazardous waste means any waste stream that because of its quantity, concentration or physical, chemical or infectious characteristics, poses a hazard to human health or the environment.

Improved residential property means a dwelling which is used for non-commercial residential purposes together with the land on which the dwelling is situated.

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

Infectious waste means a solid waste capable of producing an infectious disease. The types of waste designated as infectious are: microbiological waste, pathological waste, blood products, and sharps.

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

Manufactured home park means any parcel or contiguous group of parcels owned by a person or family, where a total of three or more manufactured homes are installed and permitted as referenced in the county zoning ordinance.

Manufactured home space means the land in a manufactured home park allotted to or designed for the accommodation of one manufactured home and any accessory structures.

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, industrial waste managed in a solid waste management facility owned and operated by the generator of the industrial waste for management of that waste, or solid waste from mining or agricultural operations.

Person means any individual, firm, organization, partnership, corporation, company or unincorporated association.

Private citizen means any individual disposing and transporting household solid waste.

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 gasses, 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.

Resource Conservation and Recovery Act (RCRA). Enacted in 1976, RCRA is the principal federal law in the United States governing the disposal of solid waste and hazardous waste.

Recycle, recyclables, or recyclable material means those materials or the 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 means solid waste, other than garbage or ashes, from residences, commercial establishments, and institutions.

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

Residential dwelling means a single-family residential structure, including a manufactured home.

Residential household waste means solid waste originating from residences and generated in the day-to-day activities of residential households.

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

Sharps means needles, syringes, and scalpel blades.

Sludge means any solid, semi-solid, or liquid waste generated from a municipal, commercial, institutional, or industrial wastewater treatment plant, waste supply treatment plant, or air pollution control facility, or any other waste having similar characteristics and effects.

Solid waste means any hazardous or non-hazardous garbage, refuse, or sludge from a wastewater 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, 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 sludge generated by treatment thereof in sanitary sewage collection, treatment, and disposal systems that are designed to discharge effluents to the surface waters;
 - b. Irrigation return flows;
 - c. Wastewater discharges and the sludge incidental to and generated by treatment which are point sources subject to permits granted under section 402 of the Water Pollution Control Act, as amended (P.L. 92-500), and permits granted under G.S. 143-215.1 by the Environmental Management Commission. However, any sludge that meets 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. 143-21A. 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 U.S.C. § 2011);
- (5) Mining refuse covered by the North Carolina Mining Act, G.S. 74-46—74-68 and regulated by the North Carolina 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 facility means the county facility established to process trash for transfer to the landfill and to sort and process recyclables.

Solid waste household fee means an annual fee assessed on each unincorporated residential dwelling in the county. The fee is determined by the board of commissioners on an annual basis based on the cost of operating the county convenience sites. The fee is billed with the ad valorem taxes and is payable at the same time and in the same manner as property taxes.

Special wastes means solid wastes that can require special handling and management including, but not limited to, white goods, whole tires, used oil, lead-acid batteries, and medical wastes.

Transfer station means facility at which county solid waste is compacted for transport to an approved sanitary landfill.

Used motor 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 or discarded refrigerators, ranges, water heaters, freezers, and other similar domestic and commercial large appliances.

Yard waste means waste consisting solely of vegetative matter resulting from landscaping maintenance such as leaves, grass, limbs or trimmings. Stumps are not considered yard waste.

(Ord. of 10-15-2018, art. II; Ord. of 5-20-2019, art. II)

Secs. 20-4—20-48. - Reserved.

ARTICLE II. - SOLID WASTE CONVENIENCE SITES

Sec. 20-49. - Purpose; applicability.

Collection containers are maintained at convenience sites located throughout the county for use by county resident and non-resident property owners who are assessed the annual solid waste fee and who are not delinquent in payment and display a current, valid permit on their vehicle(s). Solid waste may be disposed at convenience sites only in accordance with the provisions of this article.

(Ord. of 10-15-2018, art. III; Ord. of 5-20-2019, art. III)

Sec. 20-50. - Prohibitions.

- (a) No person shall use collection containers in the county for the disposal of solid waste which is accumulated or generated outside of the county.
- (b) No person shall place any of the following in the collection containers as defined in section 20-3:
 - (1) Bulky waste.
 - (2) Commercial waste.
 - (3) Construction and demolition waste.
 - (4) Hazardous waste.
 - (5) Industrial waste.
 - (6) Infectious waste.
 - (7) Institutional waste.

Additional wastes that shall not be placed inside collection containers include the following:

- (8) Asbestos.
- (9) Burning or smoldering materials, or any other materials that would create a fire hazard.

- (10) Dead animals or parts thereof.
- (11) Lead-acid batteries.
- (12) Liquid waste.
- (13) Paint or paint products.
- (14) Radioactive waste.
- (15) Regulated medical waste.
- (16) Sharps not properly contained.
- (17) Sludges.
- (18) Special waste.
- (19) Tires.
- (20) White goods.
- (21) Yard waste.
- (22) Other materials as designated by the county.

- (c) No solid waste or recyclable materials shall be left outside of the fence. No waste shall be placed and left on the ground inside the site except as directed by the site attendant.
- (d) No person shall set fires in or upon collection containers.
- (e) No person shall vandalize or damage collection containers.
- (f) No person shall climb on or into collection containers.
- (g) No person shall enter a convenience site for the purpose of examining and or removing any items from the site (scavenging).
- (h) No unauthorized person shall enter a convenience site before or after normal operating hours.
- (i) Commercial, industrial and institutional solid waste shall not be disposed at county convenience sites. County convenience sites shall be used only by authorized private citizens for disposal of residential household waste.
- (j) No person shall dispose of solid waste at a convenience site unless the solid waste is properly bagged.
- (k) No person shall dispose of municipal solid waste generated within the boundaries of the county anywhere except for the the county convenience sites or the solid waste facility.
- (l) No person shall enter a convenience site to dispose of waste/recyclables with household waste/recyclables on a trailer. Trailers containing household waste/recyclables must be taken to the landfill site. Trailers whose primary purpose is not to deliver household solid waste/recyclables are permitted.
- (m) Acceptable recycling materials shall be placed in the designated collection containers for those specific items.
- (n) All children at convenience sites must be accompanied and supervised by an adult at all times.

(Ord. of 10-15-2018, art. III; Ord. of 5-20-2019, art. III)

Secs. 20-51—20-71. - Reserved.

ARTICLE III. - SOLID WASTE FACILITY

Sec. 20-72. - Purpose.

Collection containers are for use by county resident and non-resident property owners who are assessed the annual solid waste household fee who are not delinquent in payment and display a current, valid permit on their vehicle(s).

(Ord. of 10-15-2018, art. IV; Ord. of 5-20-2019, art. IV)

Sec. 20-73. - Prohibitions.

- (a) No person shall use collection containers in the county for the disposal of solid waste which is accumulated or generated outside of the county.
- (b) No person shall set fires in or upon collection containers.
- (c) No person shall vandalize or damage collection containers.
- (d) No person shall climb on or into collection containers.
- (e) No person shall enter the solid waste facility for the purpose of examining and or removing any items from the premises (scavenging).
- (f) No unauthorized person shall enter the solid waste facility before or after normal operating hours.
- (g) No person shall dispose of municipal solid waste generated within the boundaries of the county anywhere except for the county convenience sites or the solid waste facility.
- (h) Acceptable recycling materials shall be placed in the designated collection containers for those specific items.
- (i) All vehicles with a trailer hauling solid waste are required to cross scales at the scale house.
- (j) Waste that is accepted at the solid waste facility:
 - (1) Bulky waste;
 - (2) Recyclables;
 - (3) Construction demolition;
 - (4) Yard waste;
 - (5) White goods (appliances);
 - (6) Scrap metal;
 - (7) Tires;
 - (8) Motor oil; and
 - (9) Electronics.
- (k) Waste that is not accepted at solid waste facility:
 - (1) Batteries;
 - (2) Fluorescent light bulbs;
 - (3) Pallets;
 - (4) Hazardous materials;
 - (5) Sludge;
 - (6) Liquid waste;
 - (7) Radioactive waste;
 - (8) Asbestos; and

(9) Burning or smoldering materials, or any other materials that would create a fire hazard.

(Ord. of 10-15-2018, art. IV; Ord. of 5-20-2019, art. IV)

Secs. 20-74—20-109. - Reserved.

ARTICLE IV. - HOUSEHOLD FEE

Sec. 20-110. - Assessed on each residential property.

A solid waste household fee is assessed on each residential dwelling in the county for the availability of solid waste disposal facilities provided by the county. Properties subject to this fee are all residential dwellings in the unincorporated areas of the county. Residential dwellings include: single-family detached homes (stick-built and modular); manufactured homes; and manufactured homes in a manufactured home park.

(Ord. of 10-15-2018, art. V; Ord. of 5-20-2019, art. V)

Sec. 20-111. - Method of billing and collection.

- (a) The solid waste household fee shall be charged as follows: each residential dwelling shall be charged the current annual amount as determined by the county board of commissioners and as set forth in the current county fee schedule. Property owners are required to notify the county tax office with any changes to residential dwellings on their property.
- (b) The solid waste household fee assessed shall be added, as a separate identified charge, to the property tax statements as authorized by G.S. 153A-293. The county tax collector shall collect, and is charged with the duty of collecting, the solid waste household fee which is added to the property tax statements, and in the case of non-payment, may be collected in any manner by which delinquent real property taxes or personal property taxes may be collected. The solid waste household fee is treated the same in that the citizen can receive the early payment discount paid in August and, likewise, payments will accrue interest when paid after the due date. A partial exemption of the solid waste household fee is given to qualifying owners who receive the senior/disabled property tax exemption as authorized by the state.
- (c) In return for payment of the solid waste household fee, households will be permitted to dispose of household quantities of bagged household waste at the county convenience sites and solid waste facility. Recyclables shall be charged at the rates as set forth in the current county fee schedule. Yard waste shall be charged at the rates as set forth in the current county fee schedule. Construction and demolition waste; loose trash; bulky items such as furniture; and items that do not fit in a garbage bag; will be charged at the tipping fee rate as set forth in the current county fee schedule.

(Ord. of 10-15-2018, art. V; Ord. of 5-20-2019, art. V)

Sec. 20-112. - Exemptions.

The following properties are exempt from the solid waste household fee:

- (1) Commercial and business enterprises;
- (2) Industrial and manufacturing properties;
- (3) Multi-family residential dwellings;
- (4) Institutional properties;

- (5) Unimproved properties; and
- (6) Properties inside the corporate limits of Yadkinville; Jonesville; Boonville; and East Bend whose solid waste is collected by the respective municipality.

(Ord. of 10-15-2018, art. V; Ord. of 5-20-2019, art. V)

Sec. 20-113. - Display of decal on vehicle.

The resident must have a current, valid county provided decal in or on their vehicle to dispose of solid waste and drop off recyclables at the solid waste facility and convenience sites. If a decal is not displayed, the individual shall be required to see the site attendant on duty and provide proof of possession of the current decal. Any individual that does not display a solid waste decal on their vehicle, but disposes of solid waste and/or recycling inside or outside a Solid Waste facility shall be subject to a civil penalty per Section 20-143.

(Ord. of 10-15-2018, art. V; Ord. of 5-20-2019, art. V)

Sec. 20-114. - Owners of manufactured home parks.

- (a) Owners of manufactured home parks (as defined in the county zoning ordinance), shall provide and maintain for all tenants a refuse collection system that conforms to all applicable municipal, county, and state solid waste rules and regulations. Such refuse collection systems shall be one of the following:
 - (1) Provision of weekly curbside waste pickup for each manufactured home;
 - (2) Provision and sanitary maintenance of a common collection container on the grounds; or
 - (3) Payment of solid waste household fees by the manufactured home park owner to the county for each manufactured home in the park to have privileges to use the county convenience sites.
- (b) The owner shall certify in the county manufactured home park refuse collection registration form with the office of the tax collector, the method of refuse collection provided. The county manufactured home park refuse collection registration form is mailed out to owners of manufactured home parks annually in December and is required to be filed by January 31 of each year.
- (c) Owners of manufactured home parks that choose to provide either weekly curbside waste pickup service to each manufactured home, or provision and sanitary maintenance of a common collection container on the grounds, shall submit annually a copy of the service contract or a paid bill along with the refuse collection registration form. Owners who choose to provide either curbside pickup or a common receptacle shall submit a copy of the service contract or a paid bill, along with the refuse collection registration form.
- (d) Owners of manufactured home parks who choose to pay the solid waste household fee shall be billed for each manufactured home in the park.
- (e) Manufactured home park owners who do not file the annual refuse collection registration form, and associated documentation, by January 31 of each year, shall be billed by certified mail at the current rates of the solid waste household fees.

(Ord. of 10-15-2018, art. V; Ord. of 5-20-2019, art. V)

Secs. 20-115—20-141. - Reserved.

ARTICLE V. - ENFORCEMENT

Sec. 20-142. - Enforcement authority; inspection and compliance.

- (a) This chapter shall be enforceable by the enforcement agencies as defined in section 20-3.
- (b) The provisions of this chapter may be enforced by the inspection of county collection containers, convenience sites, solid waste facility, or by the observance of those persons who are seen to violate any of the provisions contained herein.
- (c) In addition to this chapter, all citizens must adhere to all applicable state and federal laws regarding the disposal, dumping, littering, and burning of solid waste in the county.

(Ord. of 10-15-2018, art. VI; Ord. of 5-20-2019, art. VI)

Sec. 20-143. - Remedies.

The county may exercise remedies for violation of any provision of this chapter as permitted and authorized by the G.S. 153A-123 as follows:

- (1) Civil Penalty. Any person who is found in violation of this chapter shall be subject to civil penalty. The civil penalties are as follows:
 - a. \$100.00 for first offense.
 - b. \$500.00 for second offense.
 - c. \$1,000.00 for third offense. Any offense by an individual after their third offense shall be subject to a \$1,500.00 fine per offense after the third offense.
- (2) If penalties are not paid within thirty days of the offense, the fine(s) shall be assessed to the individual's taxes. If the individual is not a resident of Yadkin County the County will pursue a remedy from a court of competent jurisdiction to issue an order that may be appropriate.

(Ord. of 10-15-2018, art. VII; Ord. of 5-20-2019, art. VII)