

**TITLE V: PUBLIC WORKS**

Chapter

**50. SOLID WASTE**

**51. SOLID WASTE USER FEES**

**APPENDIX A: ANNUAL LANDFILL AVAILABILITY  
FEES**

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## CHAPTER 50: SOLID WASTE

### Section

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### § 50.01 TITLE.

This chapter shall be known and be cited as the *Macon County Solid Waste Ordinance*. (Ord. passed 7-2-1996)

### § 50.02 PURPOSE AND STATUTORY AUTHORITY.

(A) The purpose of this chapter is to protect human health and the environment by regulating the storage, collection, transportation, and disposal of solid waste in the county; to provide environmentally sound, cost efficient solid waste disposal and to provide for safe operations at the county landfill.

(B) This chapter is adopted under the authority of G.S. §§ 143-215.3(a)(1); 143-215.107(a)(5); 153A-121-132.1, 153A-121-136; 153A-121-274

### § 50.03 ADMINISTRATION AND ENFORCEMENT; GRANTING OF PERMITS.

(A) The Board of Commissioners shall administer, interpret and enforce the provisions of this chapter by and through the Solid Waste Director or his or her representatives. For the purpose of this chapter, representative shall mean any employee within the Solid Waste Department unless otherwise designated by this chapter.

(B) For the purpose of providing for the proper collection, transportation, recycling and/or disposal of solid waste within the county, the Board shall grant the right to collect, transport, recycle and/or dispose of solid waste for compensation. (Ord. passed 7-2-1996)

### § 50.04 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning. When not inconsistent with the context, words used in the present tense include the future tense, words used in the plural include the singular and words in the

singular include the plural. The word "shall" is always mandatory and not merely directive.

**BOARD.** The Board of Commissioners of Macon County, North Carolina.

**BULKY WASTE.** Large items of solid waste such as white goods, furniture (excluding cushions), large auto parts, trees, large blocks of concrete and asphalt, stumps, and other size waste whose large size precludes or complicates their handling by normal solid waste collection, processing, or disposal methods.

**CIVIL PENALTY.** A monetary fine assessed according to a schedule adopted by the Macon County Solid Waste Department due to a violation of this chapter.

**COLLECTOR.** Any person who picks up or hauls solid waste or recyclable materials for a fee.

**COMMERCIAL ESTABLISHMENT.** Any retail, wholesale, institutional, religious, governmental, service establishment, or other non-residential establishment which may generate garbage, litter or other solid waste.

**COMMISSION.** The North Carolina Environmental Management Commission.

**COMPOSTING.** The controlled decomposition of organic waste by naturally occurring bacteria, yielding a stable, humus-like, pathogen-free final product.

**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.

**COUNTY.** Macon County, a body politic and political subdivision of the State of North Carolina.

**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. Solid waste in plastic bags shall not be considered covered except during the transportation of garbage by the resident of a dwelling from that dwelling to a disposal area.

**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 homes, or a structure used for residential purposes on any property.

**EPA.** The United States Environmental Protection Agency.

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

**HAULER.** Any person, permitted or not, who collects and transports refuse or other solid wastes or recyclable materials on public or private streets in Macon County.

**HAZARDOUS REFUSE.** Includes any rusted, jagged appliances or machinery, and ice boxes or refrigerators, whose doors have not been properly dismantled or other articles which have been determined by the Solid Waste Director to constitute a health or safety hazard.

**HAZARDOUS WASTE.** A solid waste or combinations of solid waste which, because of its quantity, concentration or physical, chemical or infectious characteristics may:

(1) Cause or significantly contribute to an increase in mortality or increase in serious irreversible or incapacitating reversible illness.

(2) Poses a substantial problem or potential hazard to human health or the environment if improperly treated, stored, transported or disposed of or otherwise managed.

(3) Any substance classified as a hazardous waste by EPA.

**INDIVIDUAL.** Any person, organization, business or other entity generally capable of owning real estate.

**INDUSTRIAL WASTE.** All waste, including garbage, solid, semi-solids, sludges, and liquids created or generated by factories, processing plants or other manufacturing enterprises.

**MICROBIOLOGICAL WASTE.** Cultures and stocks of fectious agents, including but not limited to specimens from medical, pathological, pharmaceutical, research, commercial and industrial laboratories.

**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 Solid Waste Director.

**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. The term shall include any disposal area which has not been approved by the Solid Waste Director.

**PATHOLOGICAL WASTE.** Human tissues, organs and body parts; 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 Macon 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 micro-organisms 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 non-putrescible waste.

**REFUSE RECEPTACLE OR RECEPTACLE.** A metal or plastic container or a container made of other material approved by the Solid Waste Director.

**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.

**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.

**SOLID WASTE.** Any hazardous or non-hazardous garbage, or other refuse, rubbish, litter, trash, tires, and other discarded solid waste materials, and solid or semi-solid 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 wastewater effluent, dissolved materials in irrigation return flows or other common water pollutants. **YARD WASTE** produced by a residence as defined in this section is exempt. As used herein, **SOLID WASTE** shall refer collectively to any or all of the aforementioned waste materials, unless otherwise specified.

**UNSANITARY ACCUMULATION.** Any amount of solid waste which is odoriferous, pestiferous, or otherwise threatening to human health as determined by the Solid Waste Director.

**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.** Waste consisting solely of vegetative matter resulting from landscaping maintenance such as leaves, grass, limbs, trimmings. Stumps are not considered yard waste.  
(Ord. passed 7-2-1996)

#### § 50.05 DUTIES AND RESPONSIBILITIES.

(A) *Residential and other noncommercial property.*

(1) *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 chapter. Further it shall be the duty of each owner, occupant, tenant, or lessee to provide approved receptacles as specified in § 50.06(A)(1).

(2) *Open dumps prohibited.* No person shall permit on any land owned, occupied, or leased by him or her any open dump.

(3) *Responsibility for removal.* It shall be the duty of any owner, occupant, tenant, or lessee of any property, jointly or severally, to remove or properly dispose of any of the conditions described in subsection (1) above.

(B) *Commercial, industrial and institutional property.*

(1) *Proper maintenance of premise.* The owner, proprietor, or person in charge of any commercial, industrial, or institutional building, parking lot or other site shall be obligated both jointly and severally to keep driveways, yards, parking lots, and areas adjacent thereto and under his or her control, clean at all times; and to place sweepings, litter, refuse and other debris in an approved receptacle to prevent dispersal by wind, rain, animals and other causes. Further, no crate, box, or similar container liable to deterioration by sun, wind, rain, animals or other causes shall be kept on any street or sidewalk, parking lot or other area, except that such containers may be placed out for collection on the day of such collection.

(2) *Solid waste receptacles required.* The owner, proprietor, or person in charge of any commercial, industrial, or institutional building, parking lot, or other site shall be obligated, jointly and severally, to provide solid waste receptacles of sufficient size and quantity as specified in § 50.06 of this chapter. Specifically, but not exclusively, the requirement for such containers shall apply to shopping centers, supermarkets, convenience stores, fast food and other restaurants, service stations, and other similar establishments; and shall, likewise apply to industries, commercial establishments, schools, manufactured home parks, recreational vehicle parks, summer camps, churches and other institutions. Spillage and overflow from such containers shall be cleaned up by the owner, proprietor, or person in charge immediately and as it occurs.

(Ord. passed 7-2-1996) Penalty, see § 50.99

**§ 50.06 STORAGE, COLLECTION, TRANSPORTATION, AND DISPOSAL.**

(A) *Storage.*

(1) *Property 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. The number of containers shall be adequate to store one week's accumulation of solid waste. Containers shall be kept clean so that no insect breeding, odor, or other nuisance will exist. Garbage bags are permissible residential household garbage containers.

(2) *Prohibition to rodents.* Solid waste shall be stored in a manner that will not harbor rodents and vermin and will not create a fire hazard.

(3) *Storage of other refuse.* Other refuse may be stored as in subsection (1) above, but shall be stored in such a manner that it will not provide harborage to rats, cause a fire or safety hazard or become windblown.

(4) *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 which has an airtight door without first removing the door from such icebox or refrigerator, or disabling any latching mechanism.

(B) *Transportation.*

(1) *Conformity with ordinance required.* No solid waste shall be transported except in conformance with this section which applies to permitted haulers and individuals hauling their own solid waste.

(2) *Spillage prohibited.* The vehicles or containers used for the collection and transportation of solid wastes shall be covered and removed in such a manner that the contents will not fall, leak, or spill

therefrom. Materials spilled by the hauler shall be picked up immediately by the hauler and returned to the vehicle or container, and the area properly cleaned.

(3) *Cover requirements.* Vehicles shall be covered by effective means during transportation to prevent the blowing of materials from out of the vehicle. "Effective means" shall include, but not be limited to a, durable, heavy plastic, or canvas tied down or secured to cover all the load. Loads consisting of bulky waste, white goods, lumber, pallets, and crates do not have to be covered but shall be secured with rope or tie downs to assure spillage does not occur. Upon entrance to the landfill gate, any removal of tarps or similar covers on solid waste shall be prohibited until destination is reached in a designated landfill disposal area.

(4) *Equipment required to conform to standards.* All trucks and other equipment used by the collector must meet minimum standards prescribed by the County Solid Waste Department. These standards shall require, at a minimum, that truck beds be covered. Vehicles shall be leakproof, durable and easily cleaned to prevent insect breeding, odor, or other nuisance, and shall be maintained in good repair as determined by the Solid Waste Director.

(C) *Disposal.*

(1) *No disposal except as provided.* Solid waste shall be disposed of only by one of the following methods:

(a) Sanitary landfill that has been approved by the Department.

(b) Incinerator that meets all requirements of the local, state and federal air pollution standards and control permits.

(c) By any other method including reclaiming, composting or recycling processes that have been approved by the Solid Waste Director.

(2) *Disposal of hazardous, regulated medical, radioactive waste.* Hazardous, regulated medical and radioactive wastes shall be disposed of according to written procedures approved by the state and federal guidelines.

(3) *Littering prohibited.* No person may intentionally or negligently, discard, dispose, leave, or dump any solid waste on or along any street or highway or on public or private property unless such solid waste is placed in a receptacle or at a location designated for the deposit of solid waste.

(4) *Disposal of tires.* The disposal of tires on public or privately owned property is strictly prohibited.

(5) *Disposal of sharps.* Sharps shall be placed in an approved sealed, puncture-proof container prior to disposal.

(6) *Private disposal of solid waste.* Provided that this section shall not be construed to prevent any person from properly disposing of solid waste from his or her own residence on his or her property in a safe and sanitary manner and at a depth and distance from any body of water specified by the County Health Department so as to prevent contamination. All such private disposal sites must receive prior approval from the Solid Waste Director, and the County Health Director, or their designees, and all solid wastes deposited must be covered with at least 6" of compacted dirt daily.

(7) *Other disposal of solid waste prohibited.* Any other disposal of solid waste is expressly prohibited.

(8) *Businesses prohibited from utilizing convenience centers.* Businesses are prohibited from depositing solid waste at convenience centers. All business generated solid waste must be deposited at the Franklin or Wilson Gap Landfills

(9) *Application to agricultural properties.* Nothing in this chapter shall be interpreted so as to make the same applicable to any agricultural practices. (Ord. passed 7-2-1996) Penalty, see § 50.99

## § 50.07 LANDFILL MANAGEMENT.

(A) *Conformity with landfill procedures required.* Waste shall be disposed of at the county landfills in the manner and according to procedures established by the Solid Waste Director.

(B) *Landfill tours.* Landfill tours or visitors to the landfill must be accompanied by an employee of the Solid Waste Department.

(C) *Affiliation with county required.* All solid waste generated in the county shall be disposed of in the county in a permitted disposal facility unless otherwise specified by the Board of Commissioners.

(D) *Hours of operation.* The landfill shall be open during business hours as established by the Board. The landfills shall be closed Christmas and Thanksgiving Days only. In emergencies, the landfills may be opened for additional hours as directed by the County Manager or the manager's representative.

(E) *Security of the landfills.* Except when open during regular business hours, the landfill shall be kept locked, and entry shall not be permitted.

(F) *Tipping fee.* A tipping fee shall be charged to all users of the landfills. This tipping fee shall be based on the number of tons of material brought for disposal. There will be no fee charged for acceptable recyclable materials that have been separated and properly prepared. The Board shall adopt a schedule of fees from time to time which shall be effective until amended or replaced.

(G) *Use by multi-dwelling properties, parks, camps.* Where there are multiple occupants of premises located in residential or business buildings, manufactured home parks, recreational vehicle parks, summer camps or campgrounds and where solid waste is collected at a central location within the facility, it shall be the responsibility of the owner or person in charge of each building, park or camp to contract with a permitted hauler and to pay for the regular collection or all solid waste from each collection site. An owner of multi-premise building, park or camp may apply to



the Solid Waste Director for an exemption if it can be shown that he or she is now disposing of solid waste in a safe and sanitary manner as outlined in this chapter.

(H) *Loitering, scavenging and rummaging prohibited.* No person may loiter, scavenge, or rummage about the landfills or convenience centers to remove articles therefrom.

(I) *Speed limit within the landfills or convenience centers.* All persons entering or traveling on landfill or convenience center property shall observe posted speed limits and shall operate their vehicles in a safe and courteous manner.

(J) *Vehicles which are self-unloading must be at the landfills one-half hour before the landfills close.* All vehicles which are self-unloading shall arrive at the county landfills no later than one-half hour before the close of the normal operating day.

(K) *Uncovered waste prohibited.* No vehicle shall be allowed to deposit waste at the county landfills unless the waste is enclosed in the vehicle or secured by methods stated in § 50.06(B)(3). The Solid Waste Director shall determine the adequacy of the covering and his or her decision shall be final.

(L) *Deposit waste only in authorized areas.* No person may deposit material at any point in the landfill except where indicated by authorized employees of the landfill or by official signs.

(M) *Discharge of firearms, explosives, fireworks prohibited.* No person may discharge firearms, fireworks or explosives on county owned landfill or convenience center property without written authorization by the Solid Waste Director.

(N) *Solid waste subject to inspection.* Solid waste may be observed and inspected for prohibited materials. Persons disposing of unacceptable material may be required to remove such materials at the discretion of the Solid Waste Director or Landfill Foreman.

(O) *Disposal of incinerator ash.* Ash from a commercial solid waste incinerator or a hazardous water incinerator shall not be disposed of at the county landfill unless each load is accompanied by a chemical analysis certifying that it contains no hazardous or potentially hazardous contaminants. Said analysis shall be performed by a firm acceptable to the Board.

(P) *Prohibited wastes.* The following waste may not be disposed of in the county landfill cell area:

- (1) Burning or smoldering materials, or any other materials that would create a fire hazard.
- (2) Hazardous wastes.
- (3) Cardboard.
- (4) Used motor oil.
- (5) Lead-acid batteries.
- (6) Liquid wastes.
- (7) White goods.
- (8) Tires.
- (9) Radioactive wastes.
- (10) Wet sludges which cannot pass the paint filter test.
- (11) Aluminum cans.
- (12) Metal drums of 50 gallons or more capacity unless drain holes are provided to prevent containers from holding liquid, or unless filled with identifiable solid waste which is otherwise acceptable.
- (13) Stumps, brush, limbs, yard waste, landscape waste, construction and demolition material mixed with solid waste unless separated prior to disposal.
- (14) Automobiles, truck or other motor vehicle bodies, large pieces of metal such as manufactured homes and farm equipment.

(15) Wood waste greater than 6 inches in diameter at the butt end and greater than 4 feet in length.

(16) No ash unless approved by the Solid Waste Director.

(17) Regulated medical waste.

(18) Friable asbestos.

(Ord. passed 7-2-1996) Penalty, see § 50.99

### § 50.08 SOURCE SEPARATION AND RECYCLING.

(A) *Disposal of tires.* Automobile and truck tires will be accepted at Franklin and Wilson Gap Landfills. Tires must be removed from their rims and free of mud, dirt, and water. Persons bringing loads of tires will be required to stack them into tractor trailers. A handling fee may be charged for specialized and oversized tires.

(B) *Disposal of white goods.* White goods may be deposited free of charge at the designated areas of the Franklin and Wilson Gap Landfills. White goods may not be deposited at convenience centers.

(C) *Removal of freon.* The Solid Waste Department will remove the freon free of charge from all white goods which are deposited at the Franklin and Wilson Gap Landfills.

(D) *Disposal of used motor oil.* Used motor oil may be deposited in the tank provided at both the Franklin and Wilson Gap Landfills. This tank is for residential users only. Used motor oil will not be accepted from commercial or industrial users.

(E) *Disposal of used anti-freeze.* Used anti-freeze may be deposited in the tank provided at both the Franklin and Wilson Gap Landfills. This tank is for residential users only. Used anti-freeze will not be accepted from commercial or industrial users.

(F) *Recycling encouraged.* Each person who owns, leases, or occupies any place of business, industry, commerce, or other place providing goods or services, or any institution, church, camp or school shall remove recyclable materials from the solid waste generated and make them available for recycling.

(G) *Recyclable materials.* Recyclable material shall consist of the following items and shall be prepared for recycling at the county convenience centers as directed:

(1) *Glass.* All brown, clear and green containers (bottles and jars) glass shall be rinsed and caps removed. Labels do not have to be removed.

(2) *Aluminum, tin or steel cans.* Beverage and food cans shall be rinsed. Labels do not have to be removed.

(3) *Plastic containers #1, #2, #3, and #6.* Remove caps, rinse, and step on containers to flatten them. Labels do not have to be removed.

(4) *Corrugated containers (cardboard).* Flatten. Try to keep clean and dry.

(5) *Mixed paper (see definition).* Keep flat, clean and dry.

(6) *Newspaper.* Bundle with a string or leave loose. Keep flat, clean and dry. Inserts may remain.

(7) *Other materials.* As they are added to the recycling program.

(H) *Removal of recyclable materials prohibited.* No person, other than a county employee or the county's authorized agent, may remove recyclable materials from a county landfill or convenience center.

(Ord. passed 7-2-1996) Penalty, see § 50.99

### § 50.09 ENFORCEMENT.

(A) This chapter may be enforced by any methods authorized by G.S. § 153A-123, or § 153A-277. Each day's violation shall be treated as a separate offense.

(B) This chapter may be enforced by equitable remedies, and any unlawful condition existing in violation of this chapter may be enforced by injunction and order of abatement in accordance with G.S. § 153A-123(e).

(1) *Injunction.* Where necessary to effectuate compliance with this chapter, the Solid Waste Director shall institute an action in a court of competent jurisdiction seeking an injunction against further violation of this chapter. Such action may be joined with a civil action instituted to collect accrued civil penalties in accordance with § 50.99(B).

(2) *Order of abatement.* Where necessary to abate a condition existing upon land in violation of this chapter or a use made of land in violation of this chapter the Solid Waste Director shall institute an action in a court of competent jurisdiction seeking an order of abatement or the use of condition of land in violation of the chapter. Such action may be joined to an action for an injunction and/or an action to recover civil penalties accrued against an individual for the use or condition of land in violation of this chapter.

(3) *Other equitable remedies.* This chapter may be enforced by any other equitable remedy which a court of competent jurisdiction deems just and proper.

(4) *Delinquent accounts.* Section 50.07(F) of this chapter provides the payment of a tipping fee by users of the landfill. The Solid Waste Department shall have the authority to set up accounts with regular users of the landfill, to be billed on a monthly basis. When any account becomes more than 60 days past due, the Solid Waste Director shall be authorized to discontinue service to the holder of the delinquent account until such time as the account is paid in full.

Further, the Solid Waste Director shall be authorized to use any means that a private citizen could use to collect a debt including but not limited to, the institution of a civil action to collect monies owed. (Ord. passed 7-2-1996)

### § 50.10 APPEALS.

An individual may appeal the imposition of any penalty against him or her pursuant to § 50.99(B) or § 50.09(C) of this chapter.

(A) *Commencement of appeal.* Such appeal shall be commenced by the submission, in writing, of a notice of appeal delivered to the Solid Waste Director within ten days from the date the appellant has received notification of the imposition of any penalty. Any civil penalties which are imposed shall be held in abeyance until the appeal has been determined.

(B) *Solid Waste Appeals Committee.* All appeals will be decided in a hearing held by the Solid Waste Appeals Committee. This committee shall be a three member committee comprised of the County Manager, or his or her designee, one member from the Solid Waste Advisory Committee (SWAG), and a citizen of Macon County.

(1) *Appointment term.* The committee members, other than the County Manager, shall be appointed by the Board of Commissioners for terms of two years, provided, however, that the terms shall be staggered and the initial committee shall have one member appointed for a term of one year, and a second member appointed for a term of two years.

(2) *Bylaws.* The Solid Waste Appeals Committee shall adopt a set of bylaws to govern its procedures. These bylaws shall be approved by the Board of Commissioners before becoming effective.

(C) *Meeting date.* The Solid Waste Appeals Committee shall meet as necessary to hear any appeals which have arisen since the previous meeting. The committee shall establish the date, place and time of

the meeting and shall give written notice thereof to all appellants. Each appeal shall be heard within 90 days of notice thereof having been given.

(D) *Written decision.* The Solid Waste Appeals Committee shall issue a written decision within 15 days of the hearing. Any written decision of the hearing committee shall notify the appellant that his or her further appeal rights will be to a court of competent jurisdiction, which shall be filed in writing with the committee, within 30 days of the date on the written decision.

(Ord. passed 7-2-1996)

#### **§ 50.11 ADDRESSEE RESPONSIBLE; COMMERCIAL LOGOS.**

(A) If any object of refuse is discovered upon any lands or waters in any areas of the county, other than an approved sanitary landfill or convenience center, and it bears the name, address or other means of identification of a person or persons, the person so identified shall be presumed to have disposed of said refuse in violation of this chapter.

(B) Bags, boxes, bins, cartons and other containers used to carry food, clothing and other goods and printed matter purchased, rented or otherwise obtained from a restaurant, supermarket, store or other place of business or organization, which containers or printed matter bear the logo, name address or other means of identification of the place from which the goods were obtained, shall not be considered as a means of identification for the purposes of this section.

(Ord. passed 7-2-1996)

#### **§ 50.12 ASSISTANCE FOR CLEANUP AVAILABLE.**

On receipt of a notice of a violation, a person may request the aid of the Solid Waste Department in correcting the violation, and shall pay to the Solid Waste Department any costs incurred by the Solid

Waste Department in removing or otherwise correcting the violation.

(Ord. passed 7-2-1996)

#### **§ 50.99 PENALTY.**

(A) *Criminal penalties.* Violations of this chapter shall constitute a misdemeanor punishable by a fine not to exceed \$500 or imprisonment for not more than 30 days or both. Each day's violation shall be treated as a separate offense.

(1) *Warning ticket.* Upon the initial violation of a particular provision of this chapter an individual shall be issued a warning ticket. Such warning ticket shall identify the particular practice which is in violation of this chapter and shall state the time, date and place of the violation. Such warning ticket shall further state that if the individual has similar violations within six months following the date of the warning ticket the Solid Waste Director shall cause a warrant to be issued for the subsequent violation.

(2) *Warrant.* If an individual violates this chapter within the six months following the issuance of a warning ticket in a manner that is similar to the violation specified in the warning ticket, the Solid Waste Director shall cause a warrant to be issued for the arrest of the individual.

(B) *Civil penalties.* Any individual who is found in violation of this chapter may be subject to a civil penalty of \$50 as provided in G.S. § 153A-123. Each day's violation shall be treated as a separate offense.

(1) *Initial notification.* Before any civil penalty may be imposed, the Solid Waste Director shall identify the circumstances giving rise to the violation, including the times, dates, and places of the violation and shall notify the offender thereof in writing. Such notification shall state that if the violation is not abated within a reasonable time not to exceed 15 days the individual will be subjected to a

civil penalty. If circumstances exist such that the violation may not be abated within 15 days, the Solid Waste Director may, upon written request, grant an extension of time commensurate with the magnitude of the violation. The amount of the civil penalty to be imposed shall be stated. Such notification shall inform the individual of his or her rights to appeal the determination that the individual is in violation of this chapter by submitting a notice of appeal to the Solid Waste Director within ten days of the date of the receipt of initial notification above.

(2) *Imposition of penalty; second notification.* If after 15 days, or the end of any extension granted by the Solid Waste Director, the violation has not been abated the Solid Waste Director shall send to the violator a second notification. Such notification shall assess against the violator a civil penalty in accordance with division (B)(1) above. Such notification shall further inform the violator of his or her right to appeal the determination that he or she is still in violation of this chapter.

(3) *Further penalties/accrual.* If after three more days the violation has not been abated, the Solid Waste Director may assess the second civil penalty in accordance with division (B)(2) above. Such assessment shall include a notification that further civil penalties may be assessed every three days until either the violation is abated or until the Solid Waste Director decides that enough fines have accrued to warrant civil action to collect the accrued fines.

(4) *Civil action.* When necessary to collect any civil penalty or accrued civil penalties, the Solid Waste Director shall cause a civil action to be instituted against an individual for the collection of all accrued fines.

(Ord. passed 7-2-1996)



**MACON COUNTY  
SOLID WASTE  
ORDINANCE**

**As Amended  
November 10, 2008**

**CHAPTER 50: SOLID WASTE**

Section

50.01	Title	121-291 through 293, and 130A-309.09A to 130A-309.09C, and 130A-309.09D.
50.02	Purpose and statutory authority	
50.03	Administration and enforcement; granting of permits	
50.04	Definitions	(C) Unless otherwise indicated, this chapter applies to publicly owned municipal solid waste management facilities located in all unincorporated areas of the county and incorporated areas which have ratified the ordinance set forth in this chapter. (Ord. passed 7-2-1996)
50.05	Duties and responsibilities	
50.06	Storage, collection, transportation, and disposal	
50.07	Landfill management	
50.08	Source separation and recycling	
50.09	Enforcement	
50.10	Appeals	<b>§50.03 ADMINISTRATION AND ENFORCEMENT.</b>
50.11	Addressee responsible; commercial logos	
50.12	Assistance for cleanup available	(A) The Board of Commissioners shall administer, interpret and enforce the provisions of this chapter by and through the Solid Waste Director or his or her representatives. For the purpose of this chapter, representative shall mean any employee within the Solid Waste Department unless otherwise designated by this chapter.
50.99	Penalty	(B) For the purpose of providing for the proper collection, transportation, recycling and/or disposal of solid waste within the county, the Board shall grant the right to collect, transport, recycle and/or dispose of solid waste for compensation by franchise or long term contract pursuant to S.L. 1991-1013. The Board may require a permit or license for the collection or disposal of solid waste within the county. (Ord. passed 7-2-1996)

**§ 50.01 TITLE.**

This chapter shall be known and be cited as the *Macon County Solid Waste Ordinance*. (Ord. passed 7-2-1996)

**§ 50.02 PURPOSE AND STATUTORY AUTHORITY.**

(A) The purpose of this chapter is to protect human health and the environment by regulating the storage, collection, transportation, and disposal of solid waste in the county; to provide environmentally sound, cost efficient solid waste disposal and to provide for safe operations at the county landfill.

(B) This chapter is adopted under the authority of G.S. §§ 143-215.3(a)(1); 143-215.107(a)(5); 153A-121-132.1, 153A-121-136; 153A-121-274 through 153A-121-278; 153A-

**§ 50.04 DEFINITIONS.**

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning. When not inconsistent with the context, words used in the present tense include the future tense, words used in the plural include the singular and words in the



singular include the plural. The word "shall" is always mandatory and not merely directive.

**BOARD.** The Board of Commissioners of Macon County, North Carolina.

**BULKY WASTE.** Large items of solid waste such as white goods, furniture (excluding cushions), large auto parts, trees, large blocks of concrete and asphalt, stumps, and other size waste whose large size precludes or complicates their handling by normal solid waste collection, processing, or disposal methods.

**CIVIL PENALTY.** A monetary fine assessed according to a schedule adopted by the Macon County Solid Waste Department due to a violation of this chapter.

**COLLECTOR.** Any person who picks up or hauls solid waste or recyclable materials for a fee.

**COMMERCIAL ESTABLISHMENT.** Any retail, wholesale, institutional, religious, governmental, service establishment, or other non-residential establishment which may generate garbage, litter or other solid waste.

**COMMISSION.** The North Carolina Environmental Management Commission.

**COMPOSTING.** The controlled decomposition of organic waste by naturally occurring bacteria, yielding a stable, humus-like, pathogen-free final product.

**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.

**COUNTY.** Macon County, a body politic and political subdivision of the State of North Carolina.

**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. Solid waste in plastic bags shall not be considered covered except during the transportation of garbage by the resident of a dwelling from that dwelling to a disposal area.

**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 homes, or a structure used for residential purposes on any property.

**EPA.** The United States Environmental Protection Agency.

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

**HAULER.** Any person, permitted or not, who collects and transports refuse or other solid wastes or recyclable materials on public or private streets in Macon County.

**HAZARDOUS REFUSE.** Includes any rusted, jagged appliances or machinery, and ice boxes or refrigerators, whose doors have not been properly dismantled or other articles which have been determined by the Solid Waste Director to constitute a health or safety hazard.

**HAZARDOUS WASTE.** A solid waste or combinations of solid waste which, because of its quantity, concentration or physical, chemical or infectious characteristics may:

(1) Cause or significantly contribute to an increase in mortality or increase in serious irreversible or incapacitating reversible illness.

(2) Poses a substantial problem or potential hazard to human health or the environment if improperly treated, stored, transported or disposed of or otherwise managed.

(3) Any substance classified as a hazardous waste by EPA.

**INDIVIDUAL.** Any person, organization, business or other entity generally capable of owning real estate.

**INDUSTRIAL WASTE.** All waste, including garbage, solid, semi-solids, sludges, and liquids created or generated by factories, processing plants or other manufacturing enterprises.

**MICROBIOLOGICAL WASTE.** Cultures and stocks of fectious agents, including but not limited to specimens from medical, pathological, pharmaceutical, research, commercial and industrial laboratories.

**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 Solid Waste Director.

**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. The term shall include any disposal area which has not been approved by the Solid Waste Director.

**PATHOLOGICAL WASTE.** Human tissues, organs and body parts; 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 Macon 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 micro-organisms 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 non-putrescible waste.

**REFUSE RECEPTACLE OR RECEPTACLE.** A metal or plastic container or a container made of other material approved by the Solid Waste Director

**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.

**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.

**SOLID WASTE.** Any hazardous or non-hazardous garbage, or other refuse, rubbish, litter, trash, tires, and other discarded solid waste materials, and solid or semi-solid 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 wastewater effluent, dissolved materials in irrigation return flows or other common water pollutants. **YARD WASTE** produced by a residence as defined in this section is exempt. As used herein, **SOLID WASTE** shall refer collectively to any or all of aforementioned waste materials, unless otherwise

specified.

**UNSANITARY ACCUMULATION.** Any amount of solid waste which is odoriferous, pestiferous, or otherwise threatening to human health as determined by the Solid Waste Director.

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

#### **§ 50.05 DUTIES AND RESPONSIBILITIES.**

(A) *Residential and other noncommercial property.*

(1) *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 chapter. Further it shall be the duty of each owner, occupant, tenant, or lessee to provide approved receptacles as specified in § 50.06(A)(1).

(2) *Open dumps prohibited.* No person shall permit on any land owned, occupied, or leased by him or her any open dump.

(3) *Responsibility for removal.* It shall be the duty of any owner, occupant, tenant, or lessee of any property, jointly or severally, to remove or properly dispose of any of the conditions described in subsection (1) above.

(B) *Commercial, industrial and institutional property.*

(1) *Proper maintenance of premise.* The owner, proprietor, or person in charge of any

commercial, industrial, or institutional building, parking lot or other site shall be obligated both jointly and severally to keep driveways, yards, parking lots, and areas adjacent thereto and under his or her control, clean at all times; and to place sweepings, litter, refuse and other debris in an approved receptacle to prevent dispersal by wind, rain, animals and other causes. Further, no crate, box, or similar container liable to deterioration by sun, wind, rain, animals or other causes shall be kept on any street or sidewalk, parking lot or other area, except that such containers may be placed out for collection on the day of such collection.

(2) *Solid waste receptacles required.* The owner, proprietor, or person in charge of any commercial, industrial, or institutional building, parking lot, or other site shall be obligated, jointly and severally, to provide solid waste receptacles of sufficient size and quantity as specified in § 50.06 of this chapter. Specifically, but not exclusively, the requirement for such containers shall apply to shopping centers, supermarkets, convenience stores, fast food and other restaurants, service stations, and other similar establishments; and shall, likewise apply to industries, commercial establishments, schools, manufactured home parks, recreational vehicle parks, summer camps, churches and other institutions. Spillage and overflow from such containers shall be cleaned up by the owner, proprietor, or person in charge immediately and as it occurs.

(Ord. passed 7-2-1996) Penalty, see § 50.99

#### **§ 50.06 STORAGE, COLLECTION, TRANSPORTATION, AND DISPOSAL.**

(A) *Storage.*

(1) *Property 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. The number of containers shall be adequate to store one week's accumulation of solid waste. Containers shall be kept clean so that no insect breeding, odor, or other nuisance will exist. Garbage bags are permissible residential household garbage containers.

(2) *Prohibition to rodents.* Solid waste shall be stored in a manner that will not harbor rodents and vermin and will not create a fire hazard.

(3) *Storage of other refuse.* Other refuse may be stored as in subsection (1) above, but shall be stored in such a manner that it will not provide harborage to rats, cause a fire or safety hazard or become windblown.

(4) *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 which has an airtight door without first removing the door from such icebox or refrigerator, or disabling any latching mechanism.

(B) *Transportation.*

(1) *Conformity with ordinance required.* No solid waste shall be transported except in conformance with this section which applies to permitted haulers and individuals hauling their own solid waste.

(2) *Spillage prohibited.* The vehicles or containers used for the collection and transportation of solid wastes shall be covered and removed in such a manner that the contents will not fall, leak, or spill therefrom. Materials spilled by the hauler shall be picked up immediately by the hauler and returned to the vehicle or container, and the area properly cleaned.

(3) *Cover requirements.* Vehicles shall be covered by effective means during transportation to prevent the blowing of materials from out of the vehicle. "Effective means" shall include, but not be limited to a, durable, heavy plastic, or canvas tied down or secured to cover all the load. Loads consisting of bulky waste, white goods, lumber, pallets, and crates do not have to be covered but shall be secured with rope or tie downs to assure spillage does not occur. Upon entrance to the landfill gate, any removal of tarps or similar covers on solid waste shall be prohibited until destination is reached in a designated landfill disposal area. (4) *Equipment required to conform to standards.* All trucks and other equipment used by the collector must meet minimum standards prescribed by the County Solid Waste Department. These standards shall require, at a minimum, that truck beds be covered. Vehicles shall be leakproof, durable and easily cleaned to prevent insect breeding, odor, or other nuisance, and shall be

maintained in good repair as determined by the Solid Waste Director.

(C) *Disposal.*

(1) *No disposal except as provided.* Solid waste shall be disposed of only by one of the following methods:

(a) Sanitary landfill that has been approved by the Department.

(b) Incinerator that meets all requirements of the local, state and federal air pollution standards and control permits.

(c) By any other method including reclaiming, composting or recycling processes that have been approved by the Solid Waste Director.

(2) *Disposal of hazardous, regulated medical, radioactive waste.* Hazardous, regulated medical and radioactive wastes shall be disposed of according to written procedures approved by the state and federal guidelines.

(3) *Littering prohibited.* No person may intentionally or negligently, discard, dispose, leave, or dump any solid waste on or along any street or highway or on public or private property unless such solid waste is placed in a receptacle or at a location designated for the deposit of solid waste.

(4) *Disposal of tires.* The disposal of tires on public or privately owned property is strictly prohibited.

(5) *Disposal of sharps.* Sharps shall be placed in an approved sealed, puncture-proof container prior to disposal.

(6) *Private disposal of solid waste.* Provided that this section shall not be construed to prevent any person from properly disposing of solid waste from his or her own residence on his or her property in a safe and sanitary manner and at a depth and distance from any body of water specified by the County Health Department so as to prevent contamination. All such private disposal sites must receive prior approval from the Solid Waste Director and the County Health Director, or their design and all solid wastes deposited must be covered with

at least 6" of compacted dirt daily.

(7) *Other disposal of solid waste prohibited.* Any other disposal of solid waste is expressly prohibited.

(8) *Businesses prohibited from utilizing convenience centers.* Businesses are prohibited from depositing solid waste at convenience centers. All business generated solid waste must be deposited at the Franklin or Wilson Gap Landfills

(9) *Application to agricultural properties.* Nothing in this chapter shall be interpreted so as to make the same applicable to any agricultural practices.

(Ord. passed 7-2-1996) Penalty, see § 50.99

#### § 50.07 LANDFILL MANAGEMENT.

(A) *Conformity with landfill procedures required.* Waste shall be disposed of at the county landfills in the manner and according to procedures established by the Solid Waste Director.

(B) *Landfill tours.* Landfill tours or visitors to the landfill must be accompanied by an employee of the Solid Waste Department.

(C) *Affiliation with county required.* All solid waste generated in the county shall be disposed of in the county in a permitted disposal facility unless otherwise specified by the Board of Commissioners.

(D) *Hours of operation.* The landfill shall be open during business hours as established by the Board. The landfills shall be closed Christmas and Thanksgiving Days only. In emergencies, the landfills may be opened for additional hours as directed by the County Manager or the manager's representative.

(E) *Security of the landfills.* Except when open during regular business hours, the landfill shall be kept locked, and entry shall not be permitted.

(F) *Tipping fee.* A tipping fee shall be charged to all users of the landfills. This tipping fee shall be based on the number of tons of material brought for disposal. There will be no fee charged for acceptable recyclable materials that have been separated and properly prepared. The Board shall adopt a schedule

of fees from time to time which shall be effective until amended or replaced.

(G) *Use by multi-dwelling properties, parks, camps.* Where there are multiple occupants of premises located in residential or business buildings, manufactured home parks, recreational vehicle parks, summer camps or campgrounds and where solid waste is collected at a central location within the facility, it shall be the responsibility of the owner or person in charge of each building, park or camp to contract with a permitted hauler and to pay for the regular collection or all solid waste from each collection site. An owner of multi-premise building, park or camp may apply to the Solid Waste Director for an exemption if it can be shown that he or she is now disposing of solid waste in a safe and sanitary manner as outlined in this chapter.

(H) *Loitering, scavenging and rummaging prohibited.* No person may loiter, scavenge, or rummage about the landfills or convenience centers to remove articles therefrom.

(I) *Speed limit within the landfills or convenience centers.* All persons entering or traveling on landfill or convenience center property shall observe posted speed limits and shall operate their vehicles in a safe and courteous manner.

(J) *Vehicles which are self-unloading must be at the landfills one-half hour before the landfills close.* All vehicles which are self-unloading shall arrive at the county landfills no later than one-half hour before the close of the normal operating day.

(K) *Uncovered waste prohibited.* No vehicle shall be allowed to deposit waste at the county landfills unless the waste is enclosed in the vehicle or secured by methods stated in § 50.06(B)(3). The Solid Waste Director shall determine the adequacy of the covering and his or her decision shall be final.

(L) *Deposit waste only in authorized areas.* No person may deposit material at any point in the landfill except where indicated by authorized employees of the landfill or by official signs

(M) *Discharge of firearms, explosives, fireworks prohibited.* No person may discharge firearms, fireworks or explosives on county owned landfill or convenience center property without written

authorization by the Solid Waste Director.

(N) *Solid waste subject to inspection.* Solid waste may be observed and inspected for prohibited materials. Persons disposing of unacceptable material may be required to remove such materials at the discretion of the Solid Waste Director or Landfill Foreman.

(O) *Disposal of incinerator ash.* Ash from a commercial solid waste incinerator or a hazardous water incinerator shall not be disposed of at the county landfill unless each load is accompanied by a chemical analysis certifying that it contains no hazardous or potentially hazardous contaminants. Said analysis shall be performed by a firm acceptable to the Board.

(P) *Prohibited wastes.* The following waste may not be disposed of in the county landfill cell area:

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

(2) Hazardous wastes.

(3) Cardboard.

(4) Used motor oil.

(5) Lead-acid batteries.

(6) Liquid wastes.

(7) White goods.

(8) Tires.

(9) Radioactive wastes.

(10) Wet sludges which cannot pass the paint filter test.

(11) Aluminum cans.

(12) Metal drums of 50 gallons or more capacity unless drain holes are provided to prevent containers from holding liquid, or unless filled with identifiable solid waste which is otherwise acceptable.

(13) Stumps, brush, limbs, yard waste, landscape waste, construction and demolition material mixed with solid waste unless separated prior to disposal.

(14) Automobiles, truck or other motor vehicle bodies, large pieces of metal such as manufactured homes and farm equipment.

(15) Wood waste greater than 6 inches in diameter at the butt end and greater than 4 feet in length.

(16) No ash unless approved by the Solid Waste Director.

(17) Regulated medical waste

(18) Friable asbestos.  
(Ord. passed 7-2-1996) Penalty, see § 50.99

#### **§ 50.08 SOURCE SEPARATION AND RECYCLING.**

(A) *Disposal of tires.* Automobile and truck tires will be accepted at Franklin and Wilson Gap Landfills. Tires must be removed from their rims and free of mud, dirt, and water. Persons bringing loads of tires will be required to stack them into tractor trailers. A handling fee may be charged for specialized and oversized tires

(B) *Disposal of white goods.* White goods may be deposited free of charge at the designated areas of the Franklin and Wilson Gap Landfills. White goods may not be deposited at convenience centers.

(C) *Removal of freon.* The Solid Waste Department will remove the freon free of charge from all white goods which are deposited at the Franklin and Wilson Gap Landfills.

(D) *Disposal of used motor oil.* Used motor oil may be deposited in the tank provided at both the Franklin and Wilson Gap Landfills. This tank is for residential users only. Used motor oil will not be accepted from commercial or industrial users.

(E) *Disposal of used anti-freeze.* Used a freeze may be deposited in the tank provided at both

the Franklin and Wilson Gap Landfills. This tank is for residential users only. Used anti-freeze will not be accepted from commercial or industrial users.

(F) *Recycling encouraged.* Each person who owns, leases, or occupies any place of business, industry, commerce, or other place providing goods or services, or any institution, church, camp or school shall remove recyclable materials from the solid waste generated and make them available for recycling.

(G) *Recyclable materials.* Recyclable material shall consist of the following items and shall be prepared for recycling at the county convenience centers as directed:

(1) *Glass.* All brown, clear and green containers (bottles and jars) glass shall be rinsed and caps removed. Labels do not have to be removed.

(2) *Aluminum, tin or steel cans.* Beverage and food cans shall be rinsed. Labels do not have to be removed.

(3) *Plastic containers #1, #2, #3, and #6.* Remove caps, rinse, and step on containers to flatten them. Labels do not have to be removed.

(4) *Corrugated containers (cardboard).* Flatten. Try to keep clean and dry.

(5) *Mixed paper (see definition).* Keep flat, clean and dry.

(6) *Newspaper.* Bundle with a string or leave loose. Keep flat, clean and dry. Inserts may remain.

(7) *Other materials.* As they are added to the recycling program.

(H) *Removal of recyclable materials prohibited.* No person, other than a county employee or the county's authorized agent, may remove recyclable materials from a county landfill or convenience center.

(Ord. passed 7-2-1996) Penalty, see § 50.99

#### § 50.09 ENFORCEMENT.

(A) This chapter may be enforced by any methods authorized by G.S. § 153A-123, or § 153A-

277. Each day's violation shall be treated as a separate offense.

(B) This chapter may be enforced by equitable remedies, and any unlawful condition existing in violation of this chapter may be enforced by injunction and order of abatement in accordance with G.S. § 153A-123(e).

(1) *Injunction.* Where necessary to effectuate compliance with this chapter, the Solid Waste Director shall institute an action in a court of competent jurisdiction seeking an injunction against further violation of this chapter. Such action may be joined with a civil action instituted to collect accrued civil penalties in accordance with § 50.99(B).

(2) *Order of abatement.* Where necessary to abate a condition existing upon land in violation of this chapter or a use made of land in violation of this chapter the Solid Waste Director shall institute an action in a court of competent jurisdiction seeking an order of abatement or the use of condition of land in violation of the chapter. Such action may be joined to an action for an injunction and/or an action to recover civil penalties accrued against an individual for the use or condition of land in violation of this chapter.

(3) *Other equitable remedies.* This chapter may be enforced by any other equitable remedy which a court of competent jurisdiction deems just and proper.

(4) *Delinquent accounts.* Section 50.07(F) of this chapter provides the payment of a tipping fee by users of the landfill. The Solid Waste Department shall have the authority to set up accounts with regular users of the landfill, to be billed on a monthly basis. When any account becomes more than 60 days past due, the Solid Waste Director shall be authorized to discontinue service to the holder of the delinquent account until such time as the account is paid in full.

Further, the Solid Waste Director shall be authorized to use any means that a private citizen could use to collect a debt including but not limited to, the institution of a civil action to collect monies owed. (Ord. passed 7-2-1996)

#### § 50.10 APPEALS.

An individual may appeal the imposition of any

penalty against him or her pursuant to § 50.99(B) or § 50.09(C) of this chapter.

(A) *Commencement of appeal.* Such appeal shall be commenced by the submission, in writing, of a notice of appeal delivered to the Solid Waste Director within ten days from the date the appellant has received notification of the imposition of any penalty. Any civil penalties which are imposed shall be held in abeyance until the appeal has been determined.

(B) *Solid Waste Appeals Committee.* All appeals will be decided in a hearing held by the Solid Waste Appeals Committee. This committee shall be a three member committee comprised of the County Manager, or his or her designee, one member from the Solid Waste Advisory Committee (SWAG), and a citizen of Macon County.

(1) *Appointment term.* The committee members, other than the County Manager, shall be appointed by the Board of Commissioners for terms of two years, provided, however, that the terms shall be staggered and the initial committee shall have one member appointed for a term of one year, and a second member appointed for a term of two years.

(2) *Bylaws.* The Solid Waste Appeals Committee shall adopt a set of bylaws to govern its procedures. These bylaws shall be approved by the Board of Commissioners before becoming effective.

(C) *Meeting date.* The Solid Waste Appeals Committee shall meet as necessary to hear any appeals which have arisen since the previous meeting. The committee shall establish the date, place and time of the meeting and shall give written notice thereof to all appellants. Each appeal shall be heard within 90 days of notice thereof having been given.

(D) *Written decision.* The Solid Waste Appeals Committee shall issue a written decision within 15 days of the hearing. Any written decision of the hearing committee shall notify the appellant that his or her further appeal rights will be to a court of competent jurisdiction, which shall be filed in writing with the committee, within 30 days of the date on the written decision.

(Ord. passed 7-2-1996)

## **§ 50.11 ADDRESSEE RESPONSIBLE; COMMERCIAL LOGOS.**

(A) If any object of refuse is discovered upon any lands or waters in any areas of the county, other than an approved sanitary landfill or convenience center, and it bears the name, address or other means of identification of a person or persons, the person so identified shall be presumed to have disposed of said refuse in violation of this chapter.

(B) Bags, boxes, bins, cartons and other containers used to carry food, clothing and other goods and printed matter purchased, rented or otherwise obtained from a restaurant, supermarket, store or other place of business or organization, which containers or printed matter bear the logo, name address or other means of identification of the place from which the goods were obtained, shall not be considered as a means of identification for the purposes of this section.

(Ord. passed 7-2-1996)

## **§ 50.12 ASSISTANCE FOR CLEANUP AVAILABLE.**

On receipt of a notice of a violation, a person may request the aid of the Solid Waste Department in correcting the violation, and shall pay to the Solid Waste Department any costs incurred by the Solid Waste Department in removing or otherwise correcting the violation. (Ord. passed 7-2-1996)

## **§ 50.99 PENALTY.**

(A) *Criminal penalties.* Violations of this chapter shall constitute a misdemeanor punishable by a fine not to exceed \$500 or imprisonment for not more than 30 days or both. Each day's violation shall be treated as a separate offense.

(1) *Warning ticket.* Upon the initial violation of a particular provision of this chapter an individual shall be issued a warning ticket. Such warning ticket shall identify the particular practice which is in violation of this chapter and shall state the time, date and place of the violation. Such warning ticket shall further state that if the individual commits similar violations within six months following the



date of the warning ticket the Solid Waste Director shall cause a warrant to be issued for the subsequent violation.

(2) *Warrant.* If an individual violates this chapter within the six months following the issuance of a warning ticket in a manner that is similar to the violation specified in the warning ticket, the Solid Waste Director shall cause a warrant to be issued for the arrest of the individual.

(B) *Civil penalties.* Any individual who is found in violation of this chapter may be subject to a civil penalty of \$50 as provided in G.S. § 153A-123. Each day's violation shall be treated as a separate offense.

(1) *Initial notification.* Before any civil penalty may be imposed, the Solid Waste Director shall identify the circumstances giving rise to the violation, including the times, dates, and places of the violation and shall notify the offender thereof in writing. Such notification shall state that if the violation is not abated within a reasonable time not to exceed 15 days the individual will be subjected to a civil penalty. If circumstances exist such that the violation may not be abated within 15 days, the Solid Waste Director may, upon written request, grant an extension of time commensurate with the magnitude of the violation. The amount of the civil penalty to be imposed shall be stated. Such notification shall inform the individual of his or her rights to appeal the determination that the individual is in violation of this chapter by submitting a notice of appeal to the Solid Waste Director within ten days of the date of the receipt of initial notification above.

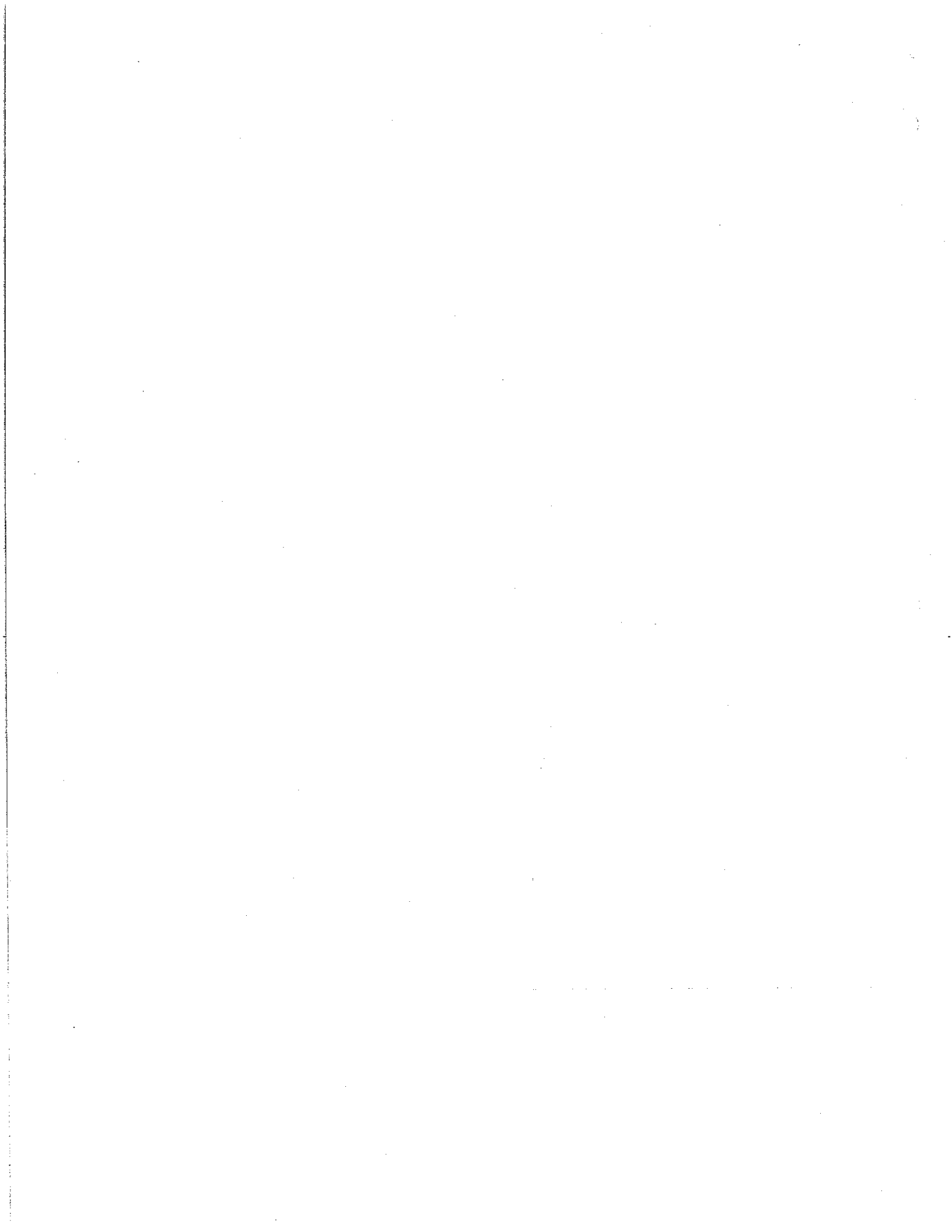
(2) *Imposition of penalty; second notification.* If after 15 days, or the end of any extension granted by the Solid Waste Director, the violation has not been abated the Solid Waste Director shall send to the violator a second notification. Such notification shall assess against the violator a civil penalty in accordance with division (B)(1) above. Such notification shall further inform the violator of his or her right to appeal the determination that he or she is still in violation of this chapter.

(3) *Further penalties/accrual.* If after three more days the violation has not been abated, the Solid Waste Director may assess the second civil

penalty in accordance with division (B)(2) above. Such assessment shall include a notification that further civil penalties may be assessed every three days until either the violation is abated or until the Solid Waste Director decides that enough fines have accrued to warrant civil action to collect the accrued fines.

(4) *Civil action.* When necessary to collect any civil penalty or accrued civil penalties, the Solid Waste Director shall cause a civil action to be instituted against an individual for the collection of all accrued fines.

(Ord. passed 7-2-1996)



## CHAPTER 51: SOLID WASTE USER FEES

### Section

- 51.01 Short title
- 51.02 Purpose
- 51.03 Establishment of fees
- 51.04 Amount of fees
- 51.05 Use of fees
- 51.06 Properties upon which fees shall be assessed
- 51.07 Supplemental assessments and exemptions
- 51.08 Method of billing and collection of solid waste fees
- Appendix A: Annual landfill availability fees
- Appendix B: Landfill use (tipping) fees
- Appendix C: Availability charge exemptions

### § 51.01 SHORT TITLE.

This chapter shall be known as the *Macon County Solid Waste User and Availability Fee Ordinance* and shall be codified as Chapter 51 of the Macon County Code.  
(Ord. passed 11-1-1999)

### § 51.02 PURPOSE.

In the public interest and for the promotion of the public health, safety, welfare and convenience of its citizens and pursuant to statutory authority contained in *The Solid Waste Management Act of 1989*, as amended, and in G.S. § 130A-309.08(d), G.S. § 130A-309.09A, G.S. § 153A-277, G.S. § 153A-292 and G.S. § 153A-293 and other applicable laws, the following rules are adopted, which rules set forth the amounts of solid waste user fees, the amounts of solid

waste availability fees, the manner of assessment thereof, and the manner of collection thereof, within the county; all of said fees being assessed and utilized for the purpose of recovering all or a part of the cost of disposal of solid waste in the county.  
(Ord. passed 11-1-1999)

### § 51.03 ESTABLISHMENT OF FEES.

There is hereby imposed a landfill use fee which shall not exceed the cost of operating landfill facilities in the county and a landfill availability fee which shall not exceed the cost of providing the landfill facilities, such fees to be used to recover all or a portion of the cost of locating, acquiring and preparing sites, and the cost of operating, maintaining and closing of sufficient facilities to provide for the solid waste sorting, reduction and disposal in the county. These fees shall be imposed county wide, upon persons who use the landfill facilities and upon all improved property in the county that benefits from the availability of the facility, whether inside or outside incorporated areas within the county, which fees shall be applied uniformly throughout the county.  
(Ord. passed 11-1-1999)

### § 51.04 AMOUNT OF FEES.

The amount of the landfill use fee, and the amount of the landfill availability fee to be charged shall be established from time to time by the Board of Commissioners, in accordance with the provisions of G.S. § 130A-309.08, G.S. § 153A-277(a) and the provisions of G.S. § 153A-292(b). The initial fees

appear on the fee schedules following this chapter as Appendices A, B and C. The fees as so established may be changed from time to time by Resolutions adopted by the Board of Commissioners, which changes shall be amendments to this chapter.

(Ord. passed 11-1-1999)

#### **§ 51.05 USE OF FEES.**

The total revenue derived from the landfill use fees shall be utilized to defray the cost of operating the landfill facilities in the county. The total revenue derived from the landfill availability fees shall be utilized to defray the cost of providing the landfill facilities in the county, including the cost of closing old solid waste disposal sites, the locating, acquiring and preparing of sites, and the cost of opening new solid waste disposal sites, and the maintenance of all solid waste disposal sites. A separate budget category shall be established to reflect the assessment, collection and disbursement of solid waste user and solid waste availability fees.

(Ord. passed 11-1-1999)

#### **§ 51.06 PROPERTIES UPON WHICH FEES SHALL BE ASSESSED.**

(A) The landfill availability fee hereinabove imposed shall be assessed, in the amounts set forth in the schedule hereto attached, upon the owners of the following properties:

- (1) All residential dwelling units, including but not limited to houses, apartments, duplexes, townhouses, condominium and mobile homes located within the county.
- (2) All improved business sites within the county.
- (3) The owners of all other improved properties within the county.

(B) The landfill use fees hereinabove imposed shall be assessed, in the amounts set forth in the schedule hereto attached, upon all users of the county solid waste disposal facilities.

(Ord. passed 11-1-1999)

#### **§ 51.07 SUPPLEMENTAL ASSESSMENTS AND EXEMPTIONS.**

(A) The Board of Commissioners may from time to time establish supplemental solid waste tipping fees on selected large industrial waste producers and on commercial solid waste haulers and on any properties, the use of which produce large amounts of solid waste.

(B) The Board of Commissioners may from time to time establish categories of exemptions from the fees imposed by this chapter. The initial categories of exemptions appear on the schedule of exemptions set forth in the appendices following this chapter. The exemptions as so established may be amended from time to time by action of the Board of Commissioners, which changes shall be amendments to this chapter.

(Ord. passed 11-1-1999)

#### **§ 51.08 METHOD OF BILLING AND COLLECTION OF SOLID WASTE FEES.**

(A) The annual landfill availability fees hereinabove imposed shall be added, as a separate identified charge, on the ad valorem property tax statements produced with respect to those county taxpayers who are owners of property improved with residential units or businesses or other improved properties, the use of which produce solid waste, so that they will be billed with the property taxes and shall be payable in the same manner as property taxes, and in the case of nonpayment, may be collected in any manner by which delinquent personal or real property taxes can be collected. Such fee shall constitute a lien on the real property described on the bill that includes the fee and in the event of nonpayment, there shall be included as an additional

charge, interest, costs of collection including attorney fees and other costs as provided by G.S. § 105-374.

(B) The amount of the solid waste use (tipping) fees shall be determined at the landfill site, through a measurement system using either weight or volume, depending on the type of solid waste being disposed. The solid waste use (tipping) fees so determined shall be either collected at the site or invoiced to the user monthly by the county.

(Ord. passed 11-1-1999)



**APPENDIX A: ANNUAL LANDFILL AVAILABILITY FEES**

- CATEGORY 1:** Each residential dwelling unit, including but not limited to, house, apartments, duplexes, townhouses, condominiums and mobile homes within Macon County.  
Amount of Fee: \$60 per unit
- CATEGORY 2:** Commercial buildings.  
Amount of Fee: \$132 for each separate business unit which is in use or available for use
- CATEGORY 3:** Hospitals, nursing homes and residential schools.  
Amount of Fee: \$4 per bed
- CATEGORY 4:** Campgrounds (public and private).  
Amount of Fee: \$4 per individual hook-up
- CATEGORY 5:** Churches, community buildings, fire departments, rescue squads and other similar institutions.  
Amount of Fee: \$1
- CATEGORY 6:** Public (governmental) buildings.  
Amount of Fee: \$5 per separate unit
- CATEGORY 7:** Motels, hotels and short term rental units who are presently required to pay the occupancy tax imposed by Macon County.  
Amount of Fee: \$4 per room

(Ord. passed 11-1-1999)





**APPENDIX B: LANDFILL USE (TIPPING) FEES**

**CATEGORY 1:**

Yard Waste:

Amount of Fee: \$20 per ton delivered to a Macon County Landfill for disposal

**CATEGORY 2:**

Composting and other material useful to the facility:

Amount of Fee: \$5 per ton delivered to a Macon County Landfill for disposal

**CATEGORY 3:**

Amount of Fee: \$50 per ton of solid waste delivered to a Macon County landfill for disposal

(Ord. passed 6-25-2001)



**APPENDIX C: AVAILABILITY CHARGE EXEMPTIONS**

- CATEGORY 1:** There will be no availability fee charged against properties:
- A. Upon which the residence is valued at less than \$4,000 on the property tax card.
  - B. Upon which the mobile home value is assessed at less than \$2,000 on the property tax card.
- CATEGORY 2:** White goods as defined by G.S. § 130A-291(a)(44) are exempt pursuant to State Statute.
- CATEGORY 3:** So as to conserve administrative costs, no statement shall be mailed for any fee hereby imposed in an amount of \$5 or less, and each such fee is hereby remitted.
- CATEGORY 4:** Vehicles and tires are exempt pursuant to State Statute.

(Ord. passed 11-1-1999)

